



THE SECRETARY OF THE INTERIOR
WASHINGTON

ORDER NO. 3409

Subject: Establishment of the Orphaned Wells Program Office

Sec. 1 Purpose. This Order establishes a Departmental office to be specifically responsible for carrying out the Secretary's responsibilities under Section 40601 of the Infrastructure Investment and Jobs Act (P.L. 117-58), commonly known as the "Bipartisan Infrastructure Law (BIL)," signed into law on November 15, 2021. Section 40601 provides funding to plug, remediate, and reclaim orphaned oil and gas wells on Federal, State, Tribal, and private lands.

Sec. 2 Authority. This Order is issued in accordance with the authority provided by section 2 of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), as amended, and the Energy Policy Act of 2005 (42 U.S.C. 15907), as amended.

Sec. 3 Background. Congress enacted Section 40601 in BIL Title VI, *Methane Reduction Infrastructure*, marking a historic effort to confront the potent atmospheric pollution that orphaned oil and gas wells emit, while also accounting for the legacy impact that orphaned wells have on the environment around them. Under this Section, a total of \$4.7 billion is provided for Federal, State, and Tribal orphaned well activities. The most substantial amount of this funding (\$4.275B) is set aside for State Programs, which is made available to the Secretary to provide to States as Initial, Formula, and Performance grants.

Upon enactment of the BIL, the Department immediately began to take steps to comply with several short-term deadlines covering this funding. These deadlines included a requirement to receive Formula grant applications within 45 days and to publish the amount each applicant State is eligible to receive within 75 days, as well a requirement to issue Initial grants to States within 180 days of BIL enactment. These deadlines required prompt Departmental action and necessitated the use of existing program staff and capacity to carry out the Congressional direction.

While the Department successfully met the Formula grant deadlines, awarded the Initial grants to States, and funded the first round of projects on federal public lands, national parks, national wildlife refuges, and national forests, the need for significant additional work remains. This work includes reviewing and awarding Tribal grants, developing guidelines for the Formula grant programs and establishing an application process, as well as the same tasks for the Performance grants. Once established, these programs will then require longer term grant administration activities, including coordination with States, the Secretary of Energy, and the Interstate Oil and

Gas Compact Commission. Based on this experience and recognizing the immense scope of the State assistance program, the effective, accountable, and efficient implementation of the State and Tribal assistance programs and the federal program is best accomplished by creation of a separate office to be fully responsible for the programs, as reflected herein.

Sec. 4 Establishment of the Orphaned Wells Program Office. There is hereby established the Orphaned Wells Program Office in the Office of the Assistant Secretary – Policy, Management, and Budget (AS-PMB) and reporting to the Deputy Assistant Secretary – Policy and Environmental Management (DAS-PEM).

Sec. 5 Delegation of Authority. The Director is hereby delegated, through the AS-PMB and the DAS-PEM, all program and administrative authority necessary to carry out the responsibilities of the Office. This authority may be further delegated.

Sec. 6 Implementation. The Assistant Secretary - Policy, Management and Budget is responsible for ensuring implementation of this Order, including the appropriate transfer of personnel, funds, programs, records, and property.

Sec. 7 Expiration Date. This Order is effective immediately and will remain in effect until its provisions are converted to the Departmental Manual or until it is amended, superseded or revoked, whichever occurs first.

A handwritten signature in blue ink, appearing to read "D. DeHaven", is centered on the page.

Secretary of the Interior

Date: **JANUARY 10, 2023**