Environmental Protection Agency

(c) Each owner of a Class I hazardous waste injection well, and the owner of the surface or subsurface property on or in which a Class I hazardous waste injection well is located, must record a notation on the deed to the facility property or on some other instrument which is normally examined during title search that will in perpetuity provide any potential purchaser of the property the following information:

1. The fact that land has been used to manage hazardous waste;
2. The name of the State agency or local authority with which the plat was filed, as well as the address of the Regional Environmental Protection Agency Office to which it was submitted;
3. The type and volume of waste injected, the injection interval or intervals into which it was injected, and the period over which injection occurred.

§ 146.73 Financial responsibility for post-closure care.

The owner or operator shall demonstrate and maintain financial responsibility for post-closure by using a trust fund, surety bond, letter of credit, financial test, insurance or corporate guarantee that meets the specifications for the mechanisms and instruments revised as appropriate to cover closure and post-closure care in 40 CFR part 144, subpart F. The amount of the funds available shall be no less than the amount identified in §146.72(a)(4)(vi). The obligation to maintain financial responsibility for post-closure care survives the termination of a permit or the cessation of injection. The requirement to maintain financial responsibility is enforceable regardless of whether the requirement is a condition of the permit.

PART 147—STATE UNDERGROUND INJECTION CONTROL PROGRAMS

Subpart A—General Provisions

Sec.
147.1 Purpose and scope.
147.2 Severability of provisions.

Subpart B—Alabama

147.50 State-administered program—Class II wells.

147.51 State-administered program—Class I, III, IV, and V wells.
147.52 State-administered program—Hydraulic Fracturing of Coal Beds.
147.60 EPA-administered program—Indian lands.

Subpart C—Alaska

147.100 State-administered program—Class II wells.
147.101 EPA-administered program.
147.102 Aquifer exemptions.
147.103 Existing Class I, II (except enhanced recovery and hydrocarbon storage) and III wells authorized by rule.
147.104 Existing Class II enhanced recovery and hydrocarbon storage wells authorized by rule.

Subpart D—Arizona

147.200 State-administered program—Class I, III, IV, and V wells.
147.201 State-administered program—Class II wells. [Reserved]
147.205 EPA-administered program—Indian lands.

Subpart E—Arkansas

147.250 State-administered program—Class II wells.
147.251 EPA-administered program—Class I, III, IV, and V wells and Indian lands.
147.252 Aquifer exemptions. [Reserved]
147.253 Existing Class I, II (except enhanced recovery and hydrocarbon storage) and III wells authorized by rule.

Subpart F—California

147.300 State-administered program—Class II wells.
147.301 EPA-administered program—Class I, III, IV, V wells and Indian lands.
147.302 Aquifer exemptions.
147.303 Existing Class I, II (except enhanced recovery and hydrocarbon storage) and III wells authorized by rule.
147.304 Existing Class II enhanced recovery and hydrocarbon storage wells authorized by rule.
147.305 Requirements for all wells.

Subpart G—Colorado

147.350 State-administered program—Class II wells.
147.351-147.352 [Reserved]
147.353 EPA-administered program—Indian lands.

Subpart H—Connecticut

147.355 State-administered program.
147.355-147.356 [Reserved]
<table>
<thead>
<tr>
<th>Subpart I—Delaware</th>
<th>147.354-147.359 [Reserved]</th>
</tr>
</thead>
<tbody>
<tr>
<td>147.400 State-administered program.</td>
<td></td>
</tr>
<tr>
<td>147.401-147.402 [Reserved]</td>
<td></td>
</tr>
<tr>
<td>147.403 EPA-administered program—Indian lands.</td>
<td></td>
</tr>
<tr>
<td>147.404-147.409 [Reserved]</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Subpart J—District of Columbia</th>
<th>147.400 State-administered program. [Reserved]</th>
</tr>
</thead>
<tbody>
<tr>
<td>147.401 EPA-administered program.</td>
<td></td>
</tr>
<tr>
<td>147.402 Aquifer exemptions. [Reserved]</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Subpart K—Florida</th>
<th>147.500 State-administered program—Class I, III, IV, and V wells.</th>
</tr>
</thead>
<tbody>
<tr>
<td>147.501 EPA-administered program—Class II wells and Indian lands.</td>
<td></td>
</tr>
<tr>
<td>147.502 Aquifer exemptions. [Reserved]</td>
<td></td>
</tr>
<tr>
<td>147.503 Existing Class II (except enhanced recovery and hydrocarbon storage) wells authorized by rule.</td>
<td></td>
</tr>
<tr>
<td>147.504 Existing Class II enhanced recovery and hydrocarbon storage wells authorized by rule.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Subpart L—Georgia</th>
<th>147.550 State-administered program.</th>
</tr>
</thead>
<tbody>
<tr>
<td>147.551-147.552 [Reserved]</td>
<td></td>
</tr>
<tr>
<td>147.553 EPA-administered program—Indian lands.</td>
<td></td>
</tr>
<tr>
<td>147.554-147.559 [Reserved]</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Subpart M—Hawaii</th>
<th>147.600 State-administered program. [Reserved]</th>
</tr>
</thead>
<tbody>
<tr>
<td>147.601 EPA-administered program.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Subpart N—Idaho</th>
<th>147.650 State-administrative program—Class I, II, III, IV, and V wells.</th>
</tr>
</thead>
<tbody>
<tr>
<td>147.651 EPA-administered program—Indian lands.</td>
<td></td>
</tr>
<tr>
<td>147.652 Aquifer exemptions. [Reserved]</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Subpart O—Illinois</th>
<th>147.700 State-administered program—Class I, III, IV, and V wells.</th>
</tr>
</thead>
<tbody>
<tr>
<td>147.701 State-administered program—Class II wells.</td>
<td></td>
</tr>
<tr>
<td>147.702 EPA-administered program—Indian lands.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Subpart P—Indiana</th>
<th>147.750 State-administered program—Class II wells.</th>
</tr>
</thead>
<tbody>
<tr>
<td>147.751 EPA-administered program.</td>
<td></td>
</tr>
<tr>
<td>147.752 Aquifer exemptions. [Reserved]</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Subpart Q—Iowa</th>
<th>147.800 State-administered program. [Reserved]</th>
</tr>
</thead>
<tbody>
<tr>
<td>147.801 EPA-administered program.</td>
<td></td>
</tr>
<tr>
<td>147.802 Aquifer exemptions. [Reserved]</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Subpart R—Kansas</th>
<th>147.850 State-administered program—Class I, III, IV and V wells.</th>
</tr>
</thead>
<tbody>
<tr>
<td>147.851 State-administered program—Class II wells.</td>
<td></td>
</tr>
<tr>
<td>147.852-147.859 [Reserved]</td>
<td></td>
</tr>
<tr>
<td>147.860 EPA-administered program—Indian lands.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Subpart S—Kentucky</th>
<th>147.900 State-administered program. [Reserved]</th>
</tr>
</thead>
<tbody>
<tr>
<td>147.901 EPA-administered program.</td>
<td></td>
</tr>
<tr>
<td>147.902 Aquifer exemptions. [Reserved]</td>
<td></td>
</tr>
<tr>
<td>147.903 Existing Class I, II (except enhanced recovery and hydrocarbon storage) and III wells authorized by rule.</td>
<td></td>
</tr>
<tr>
<td>147.904 Existing Class II enhanced recovery and hydrocarbon storage wells authorized by rule.</td>
<td></td>
</tr>
<tr>
<td>147.905 Requirements for all wells—area of review.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Subpart T—Louisiana</th>
<th>147.950 State-administered program.</th>
</tr>
</thead>
<tbody>
<tr>
<td>147.951 EPA-administered program—Indian lands.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Subpart U—Maine</th>
<th>147.1000 State-administered program.</th>
</tr>
</thead>
<tbody>
<tr>
<td>147.1001 EPA-administered program—Indian lands.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Subpart V—Maryland</th>
<th>147.1050 State-administered program—Class I, II, III, IV, and V wells.</th>
</tr>
</thead>
<tbody>
<tr>
<td>147.1051-147.1052 [Reserved]</td>
<td></td>
</tr>
<tr>
<td>147.1053 EPA-administered program—Indian lands.</td>
<td></td>
</tr>
<tr>
<td>147.1054-147.1059 [Reserved]</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Subpart W—Massachusetts</th>
<th>147.1100 State-administered program.</th>
</tr>
</thead>
<tbody>
<tr>
<td>147.1101 EPA-administered program—Indian lands.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Subpart X—Michigan</th>
<th>147.1150 State-administered program. [Reserved]</th>
</tr>
</thead>
<tbody>
<tr>
<td>147.1151 EPA-administered program.</td>
<td></td>
</tr>
<tr>
<td>147.1152 Aquifer exemptions. [Reserved]</td>
<td></td>
</tr>
</tbody>
</table>
Environmental Protection Agency

147.1153 Existing Class I, II (except enhanced recovery and hydrocarbon storage) and III wells authorized by rule.
147.1154 Existing Class II enhanced recovery and hydrocarbon storage wells authorized by rule.
147.1155 Requirements for all wells.

Subpart Y—Minnesota
147.1200 State-administered program. [Reserved]
147.1201 EPA-administered program.
147.1202 Aquifer exemptions. [Reserved]
147.1210 Requirements for Indian lands.

Subpart Z—Mississippi
147.1250 State-administered program—Class I, III, IV, and V wells.
147.1251 State-administered program—Class II wells.
147.1252 EPA-administered program—Indian lands.

Subpart AA—Missouri
147.1300 State-administered program.
147.1301 State-administered program—Class I, III, IV, and V wells.
147.1302 Aquifer exemptions. [Reserved]
147.1303 EPA-administered program—Indian lands.

Subpart BB—Montana
147.1350 State-administered programs—Class II wells
147.1351 EPA-administered program.
147.1352 Aquifer exemptions.
147.1353 Existing Class I, II (except enhanced recovery and hydrocarbon storage) and III wells authorized by rule.
147.1354 Existing Class II enhanced recovery and hydrocarbon storage wells authorized by rule.
147.1355 Requirements for all wells.

APPENDIX A TO SUBPART BB OF PART 147—State Requirements Incorporated by Reference in Subpart BB of Part 147 of the Code of Federal Regulations.

Subpart CC—Nebraska
147.1400 State-administered program—Class II wells.
147.1401 State-administered program—Class I, III, IV, and V wells.
147.1402 Aquifer exemptions. [Reserved]
147.1403 EPA-administered program—Indian lands.

Subpart DD—Nevada
147.1450 State-administered program.
147.1451 EPA-administered program—Indian lands.
147.1452 Aquifer exemptions. [Reserved]

Subpart EE—New Hampshire
147.1500 State-administered program.
147.1501 EPA-administered program—Indian lands.

Subpart FF—New Jersey
147.1550 State-administered program.
147.1551 EPA-administered program—Indian lands.

Subpart GG—New Mexico
147.1600 State-administered program—Class II wells.
147.1601 State-administered program—Class I, III, IV and V wells.
147.1603 EPA-administered program—Indian lands.

Subpart HH—New York
147.1650 State-administered program. [Reserved]
147.1651 EPA-administered program.
147.1652 Aquifer exemptions.
147.1653 Existing Class I, II (except enhanced recovery and hydrocarbon storage) and III wells authorized by rule.
147.1654 Existing Class II enhanced recovery and hydrocarbon storage wells authorized by rule.
147.1655 Requirements for wells authorized by permit.

Subpart II—North Carolina
147.1700 State-administered program.
147.1701–147.1702 [Reserved]
147.1703 EPA-administered program—Indian lands.
147.1704–147.1749 [Reserved]

Subpart JJ—North Dakota
147.1750 State-administered program—Class II wells.
147.1751 State-administered program—Class I, III, IV and V wells.
147.1752 EPA-administered program—Indian lands.

Subpart KK—Ohio
147.1800 State-administered program—Class II wells.
147.1801 State-administered program—Class I, III, IV and V wells.
147.1802 Aquifer exemptions. [Reserved]
147.1803 Existing Class I and III wells authorized by rule—maximum injection pressure.
147.1805 EPA-administered program—Indian lands.

**Subpart LL—Oklahoma**

147.1850 State-administered program—Class I, III, IV and V wells.
147.1851 State-administered program—Class II wells.
147.1852 EPA-administered program—Indian lands.

**Subpart MM—Oregon**

147.1900 State-administered program.
147.1901 EPA-administered program—Indian lands.

**Subpart NN—Pennsylvania**

147.1950 State-administered program. [Reserved]
147.1951 EPA-administered program.
147.1952 Aquifer exemptions.
147.1953 Existing Class I, II (except enhanced recovery and hydrocarbon storage) and III wells authorized by rule.
147.1954 Existing Class II enhanced recovery and hydrocarbon storage wells authorized by rule.
147.1955 Requirements for wells authorized by permit.

**Subpart OO—Rhode Island**

147.2001 EPA-administered program—Indian lands.

**Subpart PP—South Carolina**

147.2050 State-administered program.
147.2051 EPA-administered program—Indian lands.

**Subpart QQ—South Dakota**

147.2100 State-administered program—Class II wells.
147.2101 EPA-administered program—Class I, III, IV and V wells and all wells on Indian lands.
147.2102 Aquifer exemptions.
147.2103 Existing Class II enhanced recovery and hydrocarbon storage wells authorized by rule.
147.2104 Requirements for all wells.

**Subpart RR—Tennessee**

147.2150 State-administered program. [Reserved]
147.2151 EPA-administered program.
147.2152 Aquifer exemptions. [Reserved]

147.2153 Existing Class I, II (except enhanced recovery and hydrocarbon storage) and III wells authorized by rule.
147.2154 Existing Class II enhanced recovery and hydrocarbon storage wells authorized by rule.
147.2155 Requirements for all wells—area of review.

**Subpart SS—Texas**

147.2200 State-administered program—Class I, III, IV, and V wells.
147.2201 State-administered program—Class II wells.
147.2205 EPA-administered program—Indian lands.

**Subpart TT—Utah**

147.2250 State-administered program—Class I, III, IV, and V wells.
147.2251 State-administered program—Class II wells.
147.2253 EPA-administered program—Indian lands.

**Subpart UU—Vermont**

147.2300 State-administered program.
147.2301–147.2302 [Reserved]
147.2303 EPA-administered program—Indian lands.
147.2304–147.2349 [Reserved]

**Subpart VV—Virginia**

147.2350 State-administered program. [Reserved]
147.2351 EPA-administered program.
147.2352 Aquifer exemptions. [Reserved]

**Subpart WW—Washington**

147.2400 State-administered program—Class I, II, III, IV, and V wells.
147.2403 EPA-administered program—Indian lands.
147.2404 EPA-administered program—Colville Reservation.

**Subpart XX—West Virginia**

147.2450–147.2452 [Reserved]
147.2453 EPA-administered program—Indian lands.
147.2454–147.2499 [Reserved]

**Subpart YY—Wisconsin**

147.2500 State-administered program.
147.2510 EPA-administered program—Indian lands.

**Subpart ZZ—Wyoming**

147.2550 State-administered program—Class I, III, IV, and V wells.
Environmental Protection Agency

147.2551 State-administered program—Class II wells.
147.2553 EPA-administered program—Indian lands.
147.2554 Aquifer exemptions.
147.2555 Aquifer exemptions since January 1, 1999.

Subpart AAA—Guam

147.2600 State-administered program.
147.2601 EPA-administered program—Indian lands.

Subpart BBB—Puerto Rico

147.2650 State-administered program—Class I, II, III, IV, and V wells.
147.2651 EPA-administered program—Indian lands.

Subpart CCC—Virgin Islands

147.2700 State-administered program. [Reserved]
147.2701 EPA-administered program.

Subpart DDD—American Samoa

147.2750 State administered program. [Reserved]
147.2751 EPA-administered program.
147.2752 Aquifer exemptions. [Reserved]

Subpart EEE—Commonwealth of the Northern Mariana Islands

147.2800 State-administered program—Class I, II, III, IV, and V wells.
147.2801 EPA-administered program.
147.2802 Aquifer exemptions. [Reserved]

Subpart FFF—Trust Territory of the Pacific Islands

147.2850 State-administered program. [Reserved]
147.2851 EPA-administered program.
147.2852 Aquifer exemptions. [Reserved]

Subpart GGG—Osage Mineral Reserve—Class II Wells

147.2901 Applicability and scope.
147.2902 Definitions.
147.2903 Prohibition of unauthorized injection.
147.2904 Area of review.
147.2905 Plugging and abandonment.
147.2906 Emergency permits.
147.2907 Confidentiality of information.
147.2908 Aquifer exemptions.
147.2909 Authorization of existing wells by rule.
147.2910 Duration of authorization by rule.
147.2911 Construction requirements for wells authorized by rule.
147.2912 Operating requirements for wells authorized by rule.
147.2913 Monitoring and reporting requirements for wells authorized by rule.
147.2914 Corrective action for wells authorized by rule.
147.2915 Requiring a permit for wells authorized by rule.
147.2916 Coverage of permitting requirements.
147.2917 Duration of permits.
147.2918 Permit application information.
147.2919 Construction requirements for wells authorized by permit.
147.2920 Operating requirements for wells authorized by permit.
147.2921 Schedule of compliance.
147.2922 Monitoring and reporting requirements for wells authorized by permit.
147.2923 Corrective action for wells authorized by permit.
147.2924 Area permits.
147.2925 Standard permit conditions.
147.2926 Permit transfers.
147.2927 Permit modification.
147.2928 Permit termination.
147.2929 Administrative permitting procedures.

Subpart HHH—Lands of the Navajo, Ute Mountain Ute, and All Other New Mexico Tribes

147.3000 EPA-administered program.
147.3001 Definition.
147.3002 Public notice of permit actions.
147.3003 Aquifer exemptions.
147.3004 Duration of rule authorization for existing Class I and III wells.
147.3005 Radioactive waste injection wells.
147.3006 Injection pressure for existing Class II wells authorized by rule.
147.3007 Application for a permit.
147.3008 Criteria for aquifer exemptions.
147.3009 Area of review.
147.3010 Mechanical integrity tests.
147.3011 Plugging and abandonment of Class III wells.
147.3012 Construction requirements for Class I wells.
147.3013 Information to be considered for Class I wells.
147.3014 Construction requirements for Class III wells.
147.3015 Information to be considered for Class III wells.
147.3016 Criteria and standards applicable to Class V wells.

APPENDIX A TO SUBPART HHH OF PART 147—EXEMPTED AQUIFERS IN NEW MEXICO.

Subpart III—Lands of Certain Oklahoma Indian Tribes

147.3100 EPA-administered program.
147.3101 Public notice of permit actions.
147.3102 Plugging and abandonment plans.
§ 147.1 Purpose and scope.

(a) This part sets forth the applicable Underground Injection Control (UIC) programs for each of the states, territories, and possessions identified pursuant to the Safe Drinking Water Act (SDWA) as needing a UIC program.

(b) The applicable UIC program for a State is either a State-administered program approved by EPA, or a federally-administered program promulgated by EPA. In some cases, the UIC program may consist of a State-administered program applicable to some classes of wells and a federally-administered program applicable to other classes of wells. Approval of a State program is based upon a determination by the Administrator that the program meets the requirements of section 1422 of the SDWA and the applicable provisions of parts 124, 144, and 146 of this chapter. A federally-administered program is promulgated in those instances where the state has failed to submit a program for approval or where the submitted program does not meet the minimum statutory and regulatory requirements.

(c) In the case of State programs approved by EPA pursuant to section 1422 of the SDWA, each State subpart describes the major elements of such programs, including State statutes and regulations, Statement of Legal Authority, Memorandum of Agreement, and Program Description. State statutes and regulations that contain standards, requirements, and procedures applicable to owners or operators have been incorporated by reference pursuant to regulations of the Office of the Federal Register. Material incorporated by reference is available for inspection in the appropriate EPA Regional Office, in EPA Headquarters, and at the Office of the Federal Register Information Center, Room 800, 800 North Capitol Street, NW., suite 700, Washington, DC. Other State statutes and regulations containing standards and procedures that constitute elements of the State program but do not apply directly to owners or operators have been listed but have not been incorporated by reference.

(d) In the case of State programs promulgated under section 1422 that are to be administered by EPA, the State subpart makes applicable the provisions of parts 124, 144, and 146, and provides additional requirements pertinent to the specific State program.

(e) Regulatory provisions incorporated by reference (in the case of approved State programs) or promulgated by EPA (in the case of EPA-administered programs), and all permit conditions or permit denials issued pursuant to such regulations, are enforceable by the Administrator pursuant to section 1423 of the SDWA.

(f) The information requirements located in the following sections have been cleared by the Office of Management and Budget: Sections 147.104, 147.304, 147.754, 147.904, 147.1154, 147.1354, 147.1454, 147.1654, 147.1954, and 147.2154.

The OMB clearance number is No. 2040–0042.

§ 147.2 Severability of provisions.

The provisions in this part and the various applications thereof are distinct and severable. If any provision of this part or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or application of such provision to other persons or circumstances which can be given effect without the invalid provision or application.

Subpart B—Alabama

§ 147.50 State-administered program—Class II wells.

The UIC program for Class II wells in the State of Alabama, except those on Indian lands, is the program administered by the State Oil and Gas Board of
§ 147.51 State-administered program—Class I, III, IV, and V wells.

The UIC program for Class I, III, IV, and V wells in the State of Alabama, except those on Indian lands, is the program administered by the Alabama Department of Environmental Management, approved by EPA pursuant to section 1422 of the SDWA. Notice of this approval was published in the Federal Register on August 2, 1982 (47 FR 33268); the effective date of this program is August 2, 1982. This program consists of the following elements, as submitted to EPA in the State’s program application:

(a) Incorporation by reference. The requirements set forth in the State statutes and regulations cited in this paragraph are hereby incorporated by reference and made a part of the applicable UIC program under the SDWA for the State of Alabama. This incorporation by reference was approved by the Director of the Federal Register on June 25, 1984.

2. State Oil and Gas Board of Alabama Administrative Code, Oil and Gas Report 1 (supplemented through May 1989), Rules and Regulations Governing the Conservation of Oil and Gas in Alabama, and Oil and Gas Statutes of Alabama with Oil and Gas Board Forms, § 400–1–2 and § 400–1–5–04.
3. The Memorandum of Agreement between EPA Region IV and the Alabama Oil and Gas Board, signed by the EPA Regional Administrator on June 15, 1982.
5. The Program Description and any other materials submitted as part of the application or as supplements thereto.

§ 147.52 State-administered program—Hydraulic Fracturing of Coal Beds.

The UIC program for hydraulic fracturing of coal beds in the State of Alabama, except those on Indian lands, is the program administered by the State Oil and Gas Board of Alabama, approved by EPA pursuant to Section 1425 of the SDWA on December 22, 1999 and effective on January 19, 2000. The Alabama program consists of the following elements, as submitted to EPA in the State’s program application:

(a) Incorporation by reference. The requirements set forth in State Oil and Gas Board of Alabama Rule 400-4-1-.02, Definitions, and Rule 400-4-5-.04, Protection of Underground Sources of Drinking Water during the Hydraulic Fracturing of Coal Beds, are hereby incorporated by reference and made a part of the applicable UIC program under the SDWA for the State of Alabama. This incorporation by reference was approved by the Director of the Federal Register on January 19, 2000 in accordance with 5 U.S.C. 552(a) and 1 CFR Part 51. Copies may be obtained at the State Oil and Gas Board of Alabama, 420 Hackberry Lane, Tuscaloosa, AL 35489-9780. Copies may be inspected at the Environmental Protection Agency, Region 4, Water Management Division, Ground Water/Drinking Water Branch, Ground Water & UIC Section, Sam Nunn Atlanta Federal Center, 61 Forsyth Street, S.W., Room15-T53, Atlanta, GA 30303-8960, or at the Office of the Federal Register, 800 N. Capitol Street NW, Suite 700, Washington, DC.

(b) Addendum One, Underground Injection Control Program, Memorandum of Agreement Between the State of Alabama and the USEPA Region 4, signed by the Supervisor, State Oil and Gas Board of Alabama on December 10, 1999, and the Regional Administrator, U.S. Environmental Protection Agency Region 4, on December 13, 1999.

(c) Statement of Legal Authority. ‘‘I hereby certify, pursuant to my authority as Attorney General for the State of Alabama, that in my opinion, the laws of the State of Alabama provide the State Oil and Gas Board (hereinafter referred to as ‘‘the Board’’) adequate authority to carry out an Underground Injection Program for the control of underground injection activity related to the hydraulic fracturing of coal beds.’’ Opinion by Alabama’s Attorney General Office, extracted from Letter from R. Craig Kneisel, Chief, Environmental Division, Office of the Attorney General, dated October 8, 1999, to Dr. Donald F. Oltz, Supervisor, State Oil and Gas Board of Alabama, Subject: Attorney General’s Statement for Final Authorization of Alabama Class II Underground Injection Control Program.

(d) The Program Description for the Regulation of Hydraulic Fracturing of Coal Beds As required by 40 CFR 145.23—State Oil and Gas Board of Alabama, including Appendices A through F.

§ 147.60 EPA-administered program—Indian lands.

(a) Contents. The UIC program for all classes of wells on Indian lands in Alabama is administered by EPA. This program consists of the UIC program requirements of 40 CFR parts 124, 144, 146, 148 and any additional requirements set forth in the remainder of this subpart. Injection well owners and operators, and EPA shall comply with these requirements.

(b) Effective date. The effective date of the UIC program for Indian lands in Alabama is November 25, 1988.

Subpart C—Alaska

§ 147.100 State-administered program—Class II wells.

The UIC program for Class II wells in the State of Alaska, other than those on Indian lands, is the program administered by the Alaska Oil and Gas Conservation Commission approved by EPA pursuant to section 1425 of the SDWA. Notice of this approval was published in the Federal Register [May 6, 1986]; the effective date of this program is June 19, 1986. This program
consists of the following elements, as submitted to EPA in the State’s program application.

(a) Incorporation by reference. The requirements set forth in the State statutes and regulations cited in this paragraph are hereby incorporated by reference and made a part of the applicable UIC program under the SDWA for the State of Alaska. This incorporation by reference was approved by the Director of the Federal Register effective June 19, 1986.

(1) Alaska Statutes, Alaska Oil and Gas Conservation Act, Title 31, §§31.05.005 through 31.30.010 (1979 and Cum. Supp. 1984);

(2) Alaska Statutes, Administrative Procedures Act, Title 44, §§44.62.010 through 44.62.650 (1984);


(c) Statement of Legal Authority. Statement from the Attorney General of the State of Alaska, signed by the Assistant Attorney General on December 10, 1985.

(d) The Program Description and any other materials submitted as part of the original application or as supplements thereto.

[51 FR 16684, May 6, 1986, as amended at 56 FR 9411, Mar. 6, 1991]

§ 147.103 EPA-administered program.

(a) Contents. The UIC program in the State of Alaska for Class I, III, IV, and V wells, and for all classes of wells on Indian lands, is administered by EPA. This program consists of the UIC program requirements of 40 CFR parts 124, 144, 146, 148, and any additional requirements set forth in the remainder of this subpart. Injection well owners and operators, and EPA shall comply with these requirements.

(b) Effective dates. The effective date of the UIC program for all non-Class II wells in Alaska and for all wells on Indian lands, is June 25, 1984.

[52 FR 17680, May 11, 1987, as amended at 56 FR 9412, Mar. 6, 1991]

§ 147.102 Aquifer exemptions.

(a) This section identifies any aquifers or their portions exempted in accordance with §§144.7(b) and 146.4 of this chapter at the time of program promulgation. EPA may in the future exempt other aquifers or portions, according to applicable procedures, without codifying such exemptions in this section. An updated list of exemptions will be maintained in the Regional office.

(b) The following aquifers are exempted in accordance with the provisions of §§144.7(b) and 146.4 of this chapter for Class II injection activities only:

(1) The portions of aquifers in the Kenai Peninsula, greater than the indicated depths below the ground surface, and described by a 1\(\frac{1}{4}\) mile area beyond and lying directly below the following oil and gas producing fields:

(i) Swanson River Field—1700 feet.

(ii) Beaver Creek Field—1650 feet.

(iii) Kenai Gas Field—1300 feet.

(2) The portion of aquifers beneath Cook Inlet described by a 1\(\frac{1}{4}\) mile area beyond and lying directly below the following oil and gas producing fields:

(i) Granite Point.

(ii) McArthur River Field.

(iii) Middle Ground Shoal Field.

(iv) Trading Bay Field.

(3) The portions of aquifers on the North Slope described by a 1\(\frac{1}{4}\) mile area beyond and lying directly below the Kuparuk River Unit oil and gas producing field.

§ 147.103 Existing Class I, II (except enhanced recovery and hydrocarbon storage) and III wells authorized by rule.

Maximum injection pressure. The owner or operator shall limit injection pressure to the lesser of:

(a) A value which will not exceed the operating requirements of §144.28(f)(3)(i) or (ii) as applicable; or

(b) A value for well head pressure calculated by using the following formula:

\[ P_m = (0.733 - 0.433 S_g) d \]

where:

\( P_m \) is the maximum injection pressure in pounds per square inch (psi),

\( S_g \) is the specific gravity of the fluid, and

\( d \) is the depth below the ground surface.
§ 147.104 Existing Class II enhanced recovery and hydrocarbon storage wells authorized by rule.

(a) Maximum injection pressure. (1) To meet the operating requirements of §144.28(f)(3)(ii) (A) and (B) of this chapter, the owner or operator:

(i) Shall use an injection pressure no greater than the pressure established by the Regional Administrator for the field or formation in which the well is located. The Regional Administrator shall establish maximum injection pressures after notice, opportunity for comment, and opportunity for a public hearing, according to the provisions of part 124, subpart A of this chapter, and will inform owners and operators in writing of the applicable maximum pressure; or

(ii) May inject at pressures greater than those specified in paragraph (a)(1)(i) of this section for the field or formation in which he is operating provided he submits a request in writing to the Regional Administrator, and demonstrates to the satisfaction of the Regional Administrator that such injection pressure will not violate the requirements of §144.28(f)(3)(ii) (A) and (B). The Regional Administrator may grant such a request after notice, opportunity for comment, and opportunity for a public hearing, according to the provisions of part 124, subpart A of this chapter.

(2) Prior to such time as the Regional Administrator establishes rules for maximum injection pressure based on data provided pursuant to paragraph (a)(2)(i) of this section the owner or operator shall:

(i) Limit injection pressure to a value which will not exceed the operating requirements of §144.28(f)(3)(ii); and

(ii) Submit data acceptable to the Regional Administrator which defines the fracture pressure of the formation in which injection is taking place. A single test may be submitted on behalf of two or more operators conducting operations in the same formation, if the Regional Administrator approves such submission. The data shall be submitted to the Regional Administrator within 1 year of the effective date of this program.

(b) Casing and cementing. Where the Regional Administrator determines that the owner or operator of an existing enhanced recovery or hydrocarbon storage well may not be in compliance with the requirements of §§144.28(e) and 146.22, the owner or operator shall comply with paragraphs (b)(1) through (4) of this section, when required by the Regional Administrator:

(1) Protect USDWs by:

(i) Cementing surface casing by recirculating the cement to the surface from a point 50 feet below the lowermost USDW; or

(ii) Isolating all USDWs by placing cement between the outermost casing and the well bore; and

(2) Isolate any injection zones by placing sufficient cement to fill the calculated space between the casing and the well bore to a point 250 feet above the injection zone; and

(3) Use cement:

(i) Of sufficient quantity and quality to withstand the maximum operating pressure;

(ii) Which is resistant to deterioration from formation and injection fluids; and

(iii) In a quantity no less than 120% of the calculated volume necessary to cement off a zone.

(4) The Regional Administrator may specify other requirements in addition to or in lieu of the requirements set forth in paragraphs (b)(1) through (3) as needed to protect USDWs.

Subpart D—Arizona

§ 147.150 State-administered program. [Reserved]

§ 147.151 EPA-administered program.

(a) Contents. The UIC program that applies to all injection activities in Arizona, including those on Indian lands, is administered by EPA. The UIC program for Navajo Indian lands consists of the UIC program requirements of 40 CFR parts 407–409.
§ 147.200 State-administered program—Class I, III, IV, and V wells.

The UIC program for Class I, III, IV and V wells in the State of Arkansas, except those wells on Indian lands, is the program administered by the Arkansas Department of Pollution Control and Ecology approved by EPA pursuant to section 1422 of the SDWA. Notice of this approval was published in the FEDERAL REGISTER on July 6, 1982 (47 FR 29236); the effective date of this program is July 6, 1982. This program consists of the following elements, as submitted to EPA in the State's program application.

(a) Incorporation by reference. The requirements set forth in the State statutes and regulations cited in this paragraph are hereby incorporated by reference and made a part of the applicable UIC program under the SDWA for the State of Arkansas. This incorporation by reference was approved by the Director of the Federal Register on June 25, 1984.

(1) Arkansas Water and Air Pollution Control Act, Act 472 of 1949 as amended, Arkansas Statutes Annotated sections 82–1901 through 82–1943 (1976);
(3) Arkansas Underground Injection Control Code, Department of Pollution Control and Ecology, promulgated January 22, 1982;
(4) General Rule and Regulations, Arkansas Oil and Gas Commission (Order No. 2–39, revised July 1972);
(5) Arkansas Hazardous Waste Management Code, Department of Pollution Control and Ecology, promulgated August 21, 1981.

(b) The Memorandum of Agreement and Addendum No. 1 to the Memorandum of Agreement, between EPA Region VI and the Arkansas Department of Pollution Control and Ecology and the Arkansas Oil and Gas Commission, signed by the EPA Regional Administrator on May 25, 1982.

(c) Statement of legal authority. (1) Letter from Chief Attorney, Arkansas Department of Pollution Control and Ecology, to Acting Regional Administrator, EPA Region VI, “Re: Legal Authority of the Department of Pollution Control and Ecology of the State of Arkansas to Administer an Underground Injection Control Program,” July 29, 1981;
(2) Letter from Chief Attorney, Arkansas Department of Pollution Control and Ecology, to Acting Regional Counsel, EPA Region VI, “Re: Addendum to Legal Statement—Underground Injection Control Program,” October 13, 1981;
(3) Letter from General Counsel, Arkansas Oil and Gas Commission, to Acting Regional Counsel, EPA Region VI, “Re: Supplemental Addendum to Legal Statement—Underground Injection Control Program,” October 20, 1981;
(4) Letter from Chief Attorney, Arkansas Department of Pollution Control and Ecology, to Attorney, Office of Regional Counsel, EPA Region VI (re: status as independent legal counsel), December 31, 1981;
(5) Letter from General Counsel, Arkansas Oil and Gas Commission, to Acting Regional Counsel, EPA Region VI, “Re: Supplemental Addendum to Legal Statement—Underground Injection Control Program,” January 13, 1982;
(6) Letter from Chief Counsel, Arkansas Department of Pollution Control and Ecology, to Acting Regional Counsel, EPA Region VI, “Re: Addendum to Legal Statement—Underground Injection Control Program,” February 15, 1982;
§ 147.201 State-administered program—Class II wells. [Reserved]

§ 147.205 EPA-administered program—Indian lands.

(a) Contents. The UIC program for all classes of wells on Indian lands in Arkansas is administered by EPA. This program consists of the UIC program requirements of 40 CFR parts 124, 144, 146, 148 and any additional requirements set forth in this subpart. Injection well owners and operators, and EPA shall comply with these requirements.

(b) Effective date. The effective date of the UIC program for Indian lands in Arkansas is November 25, 1988.

§ 147.250 State-administered program—Class II wells.

The UIC program for Class II wells in the State of California, except those on Indian lands, is the program administered by the California Division of Oil and Gas, approved by EPA pursuant to SDWA section 1425.

(a) Incorporation by reference. The requirements set forth in the State statutes and regulations cited in this paragraph are hereby incorporated by reference and made a part of the applicable UIC program under the SDWA for the State of California. This incorporation by reference was approved by the Director of the Federal Register on June 25, 1984.


(2) California Administrative Code, title 14, §§1710 to 1724.10 (May 28, 1988).

(b) The Memorandum of Agreement between EPA Region IX and the California Division of Oil and Gas, signed by the EPA Regional Administrator on September 29, 1982.

(c) Statement of legal authority. (1) Letter from California Deputy Attorney General to the Administrator of EPA, “Re: Legal Authority of California Division of Oil and Gas to Carry Out Class II Injection Well Program,” April 1, 1981;


(d) The Program Description and any other materials submitted as part of the application or as supplements thereto.

§ 147.251 EPA-administered program—Class I, III, IV and V wells and Indian lands.

(a) Contents. The UIC program in the State of California for Class I, III, IV and V wells, and for all classes of wells on Indian lands, is administered by EPA. The program consists of the UIC program requirements of 40 CFR parts 124, 144, 146, 148, and any additional requirements set forth in the remainder of this subpart. Injection well owners and operators, and EPA shall comply with these requirements.

(b) Effective dates. The effective date for the UIC program for all lands in California, including Indian lands, is June 25, 1984.

§ 147.252 Aquifer exemptions. [Reserved]

§ 147.253 Existing Class I, II (except enhanced recovery and hydrocarbon storage) and III wells authorized by rule.

Maximum injection pressure. The owner or operator shall limit injection pressure to the lesser of:
(a) A value which will not exceed the operating requirements of §144.28(f)(3)(i) or (ii) as applicable; or
(b) A value for well head pressure calculated by using the following formula:

\[ P_m = (0.733 - 0.433 S_g) d \]

where:
- \( P_m \) = injection pressure at the well head in pounds per square inch
- \( S_g \) = specific gravity of inject fluid (unitless)
- \( d \) = injection depth in feet.

Subpart G — Colorado

§ 147.300 State-administered program — Class II wells.

The UIC program for Class II wells in the State of Colorado, except those wells on Indian Lands, is the program administered by the Colorado Oil and Gas Commission approved by EPA pursuant to section 1225 of the SDWA. Notice of this approval was published in the FR on April 2, 1984 (49 FR 13040); the effective date of this program is April 2, 1984. This program consists of the following elements, as submitted to EPA in the State’s program application:

(a) Incorporation by reference. The requirements set forth in the State statutes and regulations cited in this paragraph are hereby incorporated by reference and made a part of the applicable UIC program under the SDWA for the State of Colorado. This incorporation by reference was approved by the Director of the OFR in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained at the State of Colorado Oil and Gas Conservation Commission, Department of Natural Resources, Suite 380 Logan Tower Building, 1580 Logan Street, Denver, Colorado, 80203. Copies may be inspected at the Environmental Protection Agency, Region VIII, 999 18th Street, Suite 500, Denver, Colorado, 80202-2405, or at the Office of the Federal Register, 800 North Capitol Street NW., suite 700, Washington, DC.

(1) Colorado Revised Statutes, 1989 replacement volume, Section 34-60-100 through 34-60-123;
(2) Colorado Revised Statutes, 1989 replacement volume, Section 25-8-101 through 25-8-612;
(3) Rules and Regulations, Rules of Practice and Procedure, and Oil and Gas Conservation Act (As Amended) Department of Natural Resources, Oil and Gas Conservation Commission of the State of Colorado (revised July 1989);
(4) Oil and Gas Conservation Commission Revised Rules and Regulations in the 300, 400, 500, and 600 series, effective March 20, 1989.

(b) Memorandum of agreement. The Memorandum of Agreement between EPA Region VIII and the Colorado Oil and Gas Conservation Commission, signed by the EPA Regional Administrator on March 3, 1984 and amended on August 30, 1989.

(c) Statement of legal authority. (1) Letter from Colorado Assistant Attorney General to the Acting Regional Counsel, EPA Region VIII, “Re: Class II Well Underground Injection Control Program of Colorado Oil and Gas Conservation Commission”, March 15, 1983;
(2) Letter from Colorado Assistant Attorney General to the Acting Regional Counsel, EPA Region VIII, “Re: Class II Well Injection Control Program of Colorado Oil and Gas Conservation Commission”, April 29, 1983;
(4) Letter from Colorado Assistant Attorney General to the Acting Regional Counsel, EPA Region VIII, “Re: Class II Well Underground Injection Control Program of Colorado Oil and Gas Conservation Commission”, February 17, 1984;
(5) Memorandum from Colorado Assistant Attorney General to the Acting Regional Counsel, EPA Region VIII, “Re: Authority to set and enforce maximum pressure for injecting fluids into Class II wells with existing permits”, March 7, 1984.

(d) Program description. The Program Description and any other materials submitted as part of the application or as supplements thereto:

(1) Application and accompanying materials for approval of Colorado’s UIC program for Class II wells submitted by the Director of the Colorado Oil and Gas Conservation Commission.

733
to the Regional Administrator, May 3, 1983;
(2) Supplemental amendment to Colorado’s application for primacy for the UIC program for Class II wells describing the process through which the State will ensure enforceable limits for maximum injection pressure, describing the Commission’s plan of administration for Class II wells, and describing Mechanical Integrity Test procedures for Class II wells, March 7, 1984;
(3) Official correspondence concerning various program issues between the Colorado Oil and Gas Conservation Commission and EPA Region VIII, for the period from March 7, 1984 to May 8, 1989.
[56 FR 9412, Mar. 6, 1991]

§ 147.301 EPA-administered program—Class I, III, IV, V wells and Indian lands.

(a) Contents. The UIC program for Class I, III, IV and V wells on all lands in Colorado, including Indian lands, and for Class II wells on Indian lands, is administered by EPA. The program for all EPA-administered wells in Colorado other than Class II wells on the lands of the Ute Mountain Ute consists of the UIC program requirements of 40 CFR parts 124, 144, 146, 148, and any additional requirements set forth in the remainder of this subpart. Injection well owners and operators, and EPA shall comply with these requirements.

(b) Effective dates. The effective date for the UIC program on all lands in Colorado, including Indian lands, except for Class II wells on lands of the Ute Mountain Ute, is June 25, 1984.

[52 FR 17681, May 11, 1987, as amended at 56 FR 9413, Mar. 6, 1991]

§ 147.302 Aquifer exemptions.

(a) This section identifies any aquifers of their portions exempted in accordance with §§144.7(b) and 146.4 of this chapter at the time of program promulgation. EPA may in the future exempt other aquifers or portions according to applicable procedures without codifying such exemptions in this section. An updated list of exemptions will be maintained in the Regional office.

(b) For all aquifers into which existing Class II wells are injecting, those portions within a ¼ mile radius of the well are exempted for the purpose of Class II injection activities only.

§ 147.303 Existing Class I, II (except enhanced recovery and hydrocarbon storage) and III wells authorized by rule.

Maximum injection pressure. The owner or operator shall limit injection pressure to the lesser of:

(a) A value which will not exceed the operating requirements of §144.28(f)(3) (i) or (ii) as applicable; or

(b) A value for wellhead pressure calculated by using the following formula;

\[ P_m = (0.733 - 0.433 \times S_g) \times d \]

where:

- \( P_m \) = injection pressure at the wellhead in pounds per square inch
- \( S_g \) = specific gravity of injected fluid (unitless)
- \( d \) = injection depth in feet.

§ 147.304 Existing Class II enhanced recovery and hydrocarbon storage wells authorized by rule.

(a) Maximum injection pressure. (1) To meet the operating requirements of §144.28(f)(3)(ii) (A) and (B) of this chapter, the owner or operator:

(i) Shall use an injection pressure no greater than the pressure established by the Regional Administrator for the field or formation in which the well is located. The Regional Administrator shall establish such a maximum pressure after notice, opportunity for comment, and opportunity for a public hearing, according to the provisions of part 124, subpart A of this chapter, and will inform owners and operators in writing of the applicable maximum pressure; or

(ii) May inject at pressures greater than those specified in paragraph (a)(1)(i) of this section for the field or formation in which he is operating provided he submits a request in writing to the Regional Administrator and demonstrates to the satisfaction of the Regional Administrator that such injection pressure will not violate the requirements of §144.28(f)(3)(ii) (A) and (B). The Regional Administrator may
grant such a request after notice, opportunity for comment, and opportunity for a public hearing, according to the provisions of part 124, subpart A of this chapter.

(2) Prior to such time as the Regional Administrator establishes rules for maximum injection pressures based on data provided pursuant to paragraph (a)(2)(ii) of this section the owner or operator shall:

(i) Limit injection pressure to a value which will not exceed the operating requirements of §144.28(f)(3)(ii); and

(ii) Submit data acceptable to the Regional Administrator which defines the fracture pressure of the formation in which injection is taking place. A single test may be submitted on behalf of two or more operators conducting operations in the same formation, if the Regional Administrator approves such submission. The data shall be submitted to the Regional Administrator within one year of the effective date of this program.

(b) Casing and cementing. Where the Regional Administrator determines that the owner or operator of an existing enhanced recovery or hydrocarbon storage well may not be in compliance with the requirements of §§144.28(e) and 146.22, the owner or operator shall comply with paragraphs (b) (1) through (4) of this section, when required by the Regional Administrator:

(1) Protect USDWs by:

(i) Cementing surface casing by recirculating the cement to the surface from a point 50 feet below the lowermost USDW; or

(ii) Isolating all USDWs by placing cement between the outermost casing and the well bore; and

(2) Isolate any injection zones by placing sufficient cement to fill the calculated space between the casing and the well bore to a point 250 feet above the injection zone; and

(3) Use cement:

(i) Of sufficient quantity and quality to withstand the maximum operating pressure;

(ii) Which is resistant to deterioration from formation and injection fluids; and

(iii) In quantity no less than 120% of the calculated volume necessary to cement off a zone.

(4) The Regional Administrator may specify other requirements in addition to or in lieu of the requirements set forth in paragraphs (b) (1) through (3) as needed to protect USDWs.

§147.305 Requirements for all wells.

(a) The owner or operator converting an existing well to an injection well shall check the condition of the casing with one of the following logging tools:

(1) A Pipe analysis log; or

(2) A Caliper log.

(b) The owner or operator of a new injection well cased with plastic (PVC, ABS, and others) casings shall:

(1) Not construct a well deeper than 500 feet;

(2) Use cement and additives compatible with such casing material;

(3) Cement the annular space above the injection interval from the bottom of the blank casing to the surface.

(c) The owner or operator of a newly drilled well shall install centralizers as directed by the Regional Administrator.

(d) The owner or operator shall as required by the Regional Administrator:

(1) Protect USDWs by:

(i) Setting surface casing 50 feet below the base of the lowermost USDW;

(ii) Cementing surface casing by recirculating the cement to the surface from a point 50 feet below the lowermost USDW; or

(iii) Isolating all USDWs by placing cement between the outermost casing and the well bore; and

(2) Isolate any injection zones by placing sufficient cement to fill the calculated space between the casing and the well bore to a point 250 feet above the injection zone; and

(3) Use cement:

(i) Of sufficient quantity and quality to withstand the maximum operating pressure;

(ii) Which is resistant to deterioration from formation and injection fluids; and

(iii) In a quantity no less than 120% of the calculated volume necessary to cement off a zone.
§ 147.350 40 CFR Ch. I (7–1–01 Edition)

(4) The Regional Administrator may approve alternate casing and cementing practices provided that the owner or operator demonstrates that such practices will adequately protect USDWs.

(e) Area of review. Notwithstanding the alternatives presented in §146.6 of this chapter, the area of review shall be a fixed radius as described in §146.6(b) of this chapter.

(f) The applicant must give separate notice of intent to apply for a permit to each owner or tenant of the land within one-quarter mile of the site. The addresses of those to whom notice is given, and a description of how notice is given, shall be submitted with the permit application. The notice shall include:

(1) Name and address of applicant;
(2) A brief description of the planned injection activities, including well location, name and depth of the injection zone, maximum injection pressure and volume, and fluid to be injected;
(3) EPA contact person; and
(4) A statement that opportunity to comment will be announced after EPA prepares a draft permit. This requirement may be waived by the Regional Administrator when he determines that individual notice to all land owners and tenants would be impractical.

Subpart H—Connecticut

§ 147.350 State-administered program.

The UIC program for all classes of wells in the State of Connecticut, except those wells on Indian lands, is the program administered by the Connecticut Department of Environmental Protection approved by EPA pursuant to section 1422 of the SDWA. Notice of this approval was published in the FR on March 26, 1984 (49 FR 11179); the effective date of this program is March 26, 1984. This program consists of the following elements, as submitted to EPA in the State’s program application:

(a) Incorporation by reference. The requirements set forth in the State statutes and regulations cited in this paragraph are hereby incorporated by reference and made part of the applicable UIC program under the SDWA for the State of Connecticut. This incorporation by reference was approved by the Director of the OFR in accordance with 5 U.S.C. 552(a) and CFR part 51. Copies may be obtained at the State of Connecticut, Department of Environmental Protection, State Office Building, 105 Capitol Avenue, Hartford, Connecticut, 06106. Copies may be inspected at the Environmental Protection Agency, Region I, John F. Kennedy Federal Building, room 2203, Boston, Massachusetts, 02203, or at the Office of the Federal Register, 800 North Capitol Street NW., suite 700, Washington, DC.

(1) Connecticut General Statutes Annotated, title 22a (Environmental Protection), chapter 439, sections 22a-1 through 22a-27 (1985 and Cumm. Supp. 1990);

(b) Memorandum of Agreement. The Memorandum of Agreement between EPA Region I and the Connecticut Department of Environmental Protection, signed by the EPA Regional Administrator on August 9, 1983.

(c) Statement of legal authority. (1) Statement from the Attorney General of the State of Connecticut, signed by the Attorney General on May 8, 1981;

(d) Program Description. The Program Description and any other materials submitted as part of the application or as supplements thereto.

[56 FR 9413, Mar. 6, 1991]

§§ 147.351-147.352 [Reserved]

§ 147.353 EPA-administered program—Indian lands.

(a) Contents. The UIC program for all classes of wells on Indian lands in Connecticut is administered by EPA. This program consists of the UIC program requirements of 40 CFR parts 124, 144, 146, 148, and any additional requirements set forth in the remainder of this subpart. Injection well owners and operators, and EPA shall comply with these requirements.
Environmental Protection Agency

§ 147.451

(b) Effective date. The effective date of the UIC program for Indian lands in Connecticut is November 25, 1988.

[53 FR 43086, Oct. 25, 1988, as amended at 56 FR 9413, Mar. 6, 1991]

§§ 147.354–147.359 [Reserved]

Subpart I—Delaware

§ 147.400 State-administered program.

The UIC program for all classes of wells in the State of Delaware, except those wells on Indian lands, is the program administered by the Delaware Department of Natural Resources and Environmental Control approved by EPA pursuant to section 1422 of the SDWA. Notice of this approval was published in the FR on April 5, 1984 (49 FR 13525); the effective date of this program is May 7, 1984. This program consists of the following elements, as submitted to EPA in the State’s program application:

(a) Incorporation by reference. The requirements set forth in the State statutes and regulations cited in this paragraph are hereby incorporated by reference and made a part of the applicable UIC program under the SDWA for the State of Delaware. This incorporation by reference was approved by the Director of the OFR in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained at the Delaware Department of Natural Resources and Environmental Control, 89 Kings Highway, P.O. Box 1401, Dover, Delaware, 19903. Copies may be inspected at the Environmental Protection Agency, Region III, 841 Chestnut Street, Philadelphia, Pennsylvania, 19107, or at the Office of the Federal Register, 800 North Capitol Street NW., suite 700, Washington, DC.

(1) Delaware Environmental Protection Act, (Environmental Control) 7 Delaware Code Annotated, Chapter 60, Sections 6001–6060 (Revised 1974 and Cumm. Supp. 1988);

(2) State of Delaware Regulations Governing Underground Injection Control, parts 122, 124 and 146 (Department of Natural Resources and Environmental Control), effective August 15, 1983.

(b) Memorandum of agreement. The Memorandum of Agreement between EPA Region III and the Delaware Department of Natural Resources and Environmental Control, signed by the EPA Regional Administrator on March 28, 1984.


(d) Program Description. The Program Description and any other materials submitted as part of the application (August 10, 1983), or as supplements thereto (October 14, 1983).

[56 FR 9413, Mar. 6, 1991]

§§ 147.401–147.402 [Reserved]

§ 147.403 EPA-administered program—Indian lands.

(a) Contents. The UIC program for all classes of wells on Indian lands in Delaware is administered by EPA. This program consists of the UIC program requirements of 40 CFR parts 124, 144, 146, 148, and any additional requirements set forth in the remainder of this subpart. Injection well owners and operators and EPA shall comply with these requirements.

(b) Effective date. The effective date of the UIC program for Indian lands in Delaware is November 25, 1988.

[53 FR 43086, Oct. 25, 1988, as amended at 56 FR 9413, Mar. 6, 1991]

§§ 147.404–147.449 [Reserved]

Subpart J—District of Columbia

§ 147.450 State-administered program.

[Reserved]

§ 147.451 EPA-administered program.

(a) Contents. The UIC program for the District of Columbia, including any Indian lands in the District, is administered by EPA. This program consists of the UIC program requirements of 40 CFR parts 124, 144, 146, 148, and any additional requirements set forth in the remainder of this subpart. Injection well owners and operators, and EPA shall comply with these requirements.

(b) Effective date. The effective date of the UIC program for Indian lands in the District of Columbia is November 25, 1988. The effective date for the UIC
§ 147.452 Aquifer exemptions. [Reserved]

Subpart K—Florida

§ 147.500 State-administered program—Class I, III, IV, and V wells.

The UIC program for Class I, III, IV, and V wells in the State of Florida, except for those on Indian lands is administered by the Florida Department of Environmental Regulations, approved by EPA pursuant to section 1422 of the SDWA. Notice of this approval was published in the FEDERAL REGISTER on February 7, 1983 (48 FR 5556); the effective date of this program is March 9, 1983. This program consists of the following elements, as submitted to EPA in the State’s program application:

(a) Incorporation by reference. The requirements set forth in the State statutes and regulations cited in this paragraph are hereby incorporated by reference and made a part of the applicable UIC program under the SDWA for the State of Florida. This incorporation by reference was approved by the Director of the Federal Register on June 25, 1984.

1. Florida Air and Water Pollution Control Act, Florida Statutes Annotated sections 403.011 through 403.90 (1973 and Supp. 1983);

(b) Other laws. The following statutes and regulations although not incorporated by reference, also are part of the approved State-administered program:

1. Administrative Procedures Act, Florida Statutes Chapter 120;
2. Florida Administrative Code, Chapter 17–1 (1982) (Administrative Procedures Act);
3. Florida Administrative Code, Chapter 17–3 (1982) (Water Quality Standards);
4. Florida Administrative Code, Chapter 17–4 (1982) (Permits);
5. Florida Administrative Code, Chapter 28–5 (1982) (Decisions Determining Substantial Interests);
6. Florida Administrative Code, Chapter 28–6 (1982) (Licensing);
7. The Memorandum of Agreement between EPA Region IV and the Florida Department of Environmental Regulation, signed by the EPA Regional Administrator on March 31, 1983.
8. Statement of legal authority. (1) “Statement of Legal Authority for Implementation of Underground Injection Control Program” and accompanying certifications, signed by General Counsel for the Florida Department of Environmental Regulation, January 14, 1982;
(2) “Addendum to Statement of Legal Authority for Implementation of Underground Injection Control Program” and accompanying certifications, signed by Acting General Counsel for the Florida Department of Environmental Regulation, September 20, 1982.
(e) The Program Description and any other materials submitted as part of the original application or as supplements thereto.

§ 147.501 EPA-administered program—Class II wells and Indian lands.

(a) Contents. The UIC program for all classes of wells on Indian lands and for Class II wells on non-Indian lands in the State of Florida is administered by EPA. This program consists of the UIC program requirements of 40 CFR parts 124, 144, 146, 148, and any additional requirements set forth in the remainder of this subpart. Injection well owners and operators, and EPA shall comply with these requirements.

(b) Effective dates. The effective date of the UIC program for Indian lands in Florida is November 25, 1988. The effective date for Class II wells on non-Indian lands is December 30, 1984.

[53 FR 43087, Oct. 25, 1988, as amended at 56 FR 9414, Mar. 6, 1991]
Environmental Protection Agency

§ 147.502 Aquifer exemptions. [Reserved]

§ 147.503 Existing Class II (except enhanced recovery and hydrocarbon storage) wells authorized by rule.

Maximum injection pressure. To meet the operating requirements of §144.28(f)(3)(i) of this chapter, the owner or operator shall use an injection pressure at the well head no greater than the pressure calculated using the following formula:

\[ P_m = (0.733 - 0.433 S_g) d \]

where:
- \( P_m \) = injection pressure at the well head in pounds per square inch (unitless)
- \( S_g \) = specific gravity of injected fluid (unitless)
- \( d \) = injection depth in feet.

[49 FR 45306, Nov. 15, 1984]

§ 147.504 Existing Class II enhanced recovery and hydrocarbon storage wells authorized by rule.

(a) Maximum injection pressure. (1) To meet the operating requirements of §144.28(f)(3)(ii) (A) and (B) of this chapter, the owner or operator:

(i) Shall use an injection pressure no greater than the pressure established by the Regional Administrator for the field or formation in which the well is located. The Regional Administrator shall establish such a maximum pressure after notice, opportunity for comment and opportunity for a public hearing, according to the provisions of part 124, subpart A of this chapter, and will inform owners and operators in writing of the applicable maximum pressure; or

(ii) May inject at pressure greater than those specified in paragraph (a)(1)(i) of this section for the field or formation in which he is operating provided he submits a request in writing to the Regional Administrator, and demonstrates to the satisfaction of the Regional Administrator that such injection pressure will not violate the requirement of §144.28(f)(3)(ii) (A) and (B). The Regional Administrator may grant such a request after notice, opportunity for comment, and opportunity for a public hearing, according to the provisions of part 124, subpart A of this chapter.

(2) Prior to such time as the Regional Administrator establishes rules for maximum injection pressure based on data provided pursuant to paragraph (a)(2)(ii) of this section the owner or operator shall:

(i) Limit injection pressure to a value which will not exceed the operating requirements of §144.28(f)(3)(i); and

(ii) Submit data acceptable to the Regional Administrator which defines the fracture pressure of the formation in which injection is taking place. A single test may be submitted on behalf of two or more operators conducting operations in the same formation, if the Regional Administrator approves such submission. The data shall be submitted to the Regional Administrator within 1 year of the effective date of this program.

(b) Casing and cementing. Where the Regional Administrator determines that the owner or operator of an existing enhanced recovery or hydrocarbon storage well may not be in compliance with the requirements of §§144.28(e) and 146.22, the owner or operator shall, when required by the Regional Administrator:

(1) Protect USDWs by:

(i) Cementing surface casing by recirculating the cement to the surface from a point 50 feet below the lowermost USDW; or

(ii) Isolating all USDWs by placing cement between the outermost casing and the well bore; and

(2) Isolate any injection zones by placing sufficient cement to fill the calculated space between the casing and the well bore to a point 250 feet above the injection zone; and

(3) Use cement:

(i) Of sufficient quantity and quality to withstand the maximum operating pressure;

(ii) Which is resistant to deterioration from formation and injection fluids; and

(iii) In a quantity no less than 120% of the calculated volume necessary to cement off a zone.

(4) Comply with other requirements which the Regional Administrator may specify either in addition to or in lieu
§ 147.550 of the requirements set forth in paragraphs (b)(1) through (3) of this section as needed to protect USDWs.

(c) Area of review. Notwithstanding the alternatives presented in §146.06 of this chapter, the area of review shall be a minimum fixed radius as described in §146.06(b) of this chapter.

(The information collection requirements contained in paragraph (a)(2)(ii) were approved by the Office of Management and Budget under control number 2060-0042)

[49 FR 45306, Nov. 15, 1984]

Subpart L—Georgia

§ 147.550 State-administered program.

The UIC program for all classes of wells in the State of Georgia, except those wells on Indian lands, is the program administered by the Georgia Department of Natural Resources, Environmental Protection Division approved by EPA pursuant to section 1422 of the SDWA. Notice of this approval was published in the FEDERAL REGISTER on April 19, 1984 (49 FR 15553); the effective date of this program is May 21, 1984. This program consists of the following elements, as submitted to EPA in the State’s program application:

(a) Incorporation by reference. The requirements set forth in the State statutes and regulations cited in this paragraph are hereby incorporated by reference and made a part of the applicable UIC program under the SDWA for the State of Georgia. This incorporation by reference was approved by the Director of the OFR in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained at the Georgia Department of Natural Resources, Environmental Protection Division, 270 Washington Street, SW., Atlanta, Georgia, 30334. Copies may be inspected at the Environmental Protection Agency, Region IV, 345 Courtland Street, NE., Atlanta, Georgia, 30365, or at the Office of the Federal Register, 800 North Capitol Street NW., suite 700, Washington, DC.

(1) Oil and Gas and Deep Drilling Act of 1975, Official Code of Georgia Annotated (O.C.G.A.) §§12-4-40 through 12-4-53 (1988);

(2) Ground Water Use Act of 1972, O.C.G.A. §§12-5-90 through 12-5-107 (1988);

(3) Water Well Standards Act of 1985, O.C.G.A. §§12-5-120, through 12-5-138 (1988);


(6) Georgia Hazardous Waste Management Act, O.C.G.A. §§12–8–60 through 12–8–83 (1988);


(b) Memorandum of Agreement. The Memorandum of Agreement between EPA Region IV and the State of Georgia, signed March 1, 1984.


(2) Underground Injection Control Program, Attorney General’s Statement, February 4, 1982;

(3) Amended Attorney General’s Statement Relating to Authority of the State of Georgia to Implement an Underground Injection Control Program, April 22, 1983;


(d) Program Description. The Program Description and any other materials submitted as part of the application or as supplements thereto.

[56 FR 9414, Mar. 6, 1991; 56 FR 14150, Apr. 5, 1991]

§§ 147.551–147.552 [Reserved]

§ 147.553 EPA-administered program—Indian lands.

(a) Contents. The UIC program for all classes of wells on Indian lands in the State of Georgia is administered by EPA. This program consists of the UIC
Environmental Protection Agency

§ 147.650

program requirements of 40 CFR parts 124, 144, 146, 148, and any additional requirements set forth in the remainder of this subpart. Injection well owners and operators, and EPA shall comply with these requirements.

(b) Effective date. The effective date of the UIC program for Indian lands in Georgia is November 25, 1988.

[53 FR 43087, Oct. 25, 1988, as amended at 56 FR 9414, Mar. 6, 1991]

§§ 147.554–147.559 [Reserved]

Subpart M—Hawaii

§ 147.600 State-administered program.

[Reserved]

§ 147.601 EPA-administered program.

(a) Contents. The UIC program for the State of Hawaii, including all Indian lands, is administered by EPA. This program consists of the UIC program requirements of 40 CFR parts 124, 144, 146, 148, and any additional requirements set forth in the remainder of this subpart. Injection well owners and operators, and EPA shall comply with these requirements.

(b) Effective date. The effective date of the UIC program for Indian lands in Hawaii is November 25, 1988. The effective date for the UIC program for all other lands in Hawaii is December 30, 1984.

[53 FR 43087, Oct. 25, 1988, as amended at 56 FR 9414, Mar. 6, 1991]

Subpart N—Idaho

§ 147.650 State-administrative program—Class I, II, III, IV, and V wells.

The UIC program for Class I, II, III, IV, and V wells in the State of Idaho, other than those on Indian lands, is the program administered by the Idaho Department of Water Resources, approved by EPA pursuant to section 1422 of the SDWA. Notice of this approval was published in the Federal Register on June 7, 1985; the effective date of this program is July 22, 1985. This program consists of the following elements, as submitted to EPA in the State’s program application.

(a) Incorporation by reference. The requirements set forth in the State statutes and regulations cited in this paragraph are hereby incorporated by reference and made a part of the applicable UIC program under the SDWA for the State of Idaho. This incorporation by reference was approved by the Director of the Federal Register effective July 22, 1985.

(1) Public Writings, Title 9, Chapter 3, Idaho Code, sections 9–301 through 9–302 (Bobbs-Merrill 1979);

(2) Crimes and Punishments, Title 18, Chapter 1, Idaho Code, sections 18–113 through 18–114 (Bobbs-Merrill 1979 and Supp. 1984);

(3) Department of Health and Welfare, Title 39, Chapter 1, Idaho Code, Chapter 39–108 (Bobbs-Merrill 1977);

(4) Drainage-Water Rights and Reclamation, Title 42, Chapter 2, Idaho Code sections 42–237(e); section 42–238 (Bobbs-Merrill 1977 and Supp. 1984);


(6) Director of Department of Water Resources, Title 42, Chapter 18, Idaho Code, sections 42–1801 through 42–1805 (Bobbs-Merrill 1977);


(8) Idaho Trade Secrets Act, Title 48, Chapter 8, Idaho Code, sections 48–801 through 48–807 (Bobbs-Merrill 1977 and Supp. 1984);

(9) Administrative Procedure, Title 67, Chapter 32, Idaho Code, sections 67–5201 through 67–5218 (Bobbs-Merrill 1980 and Supp. 1984);

(10) Idaho Radiation Control Regulations (IRCR section 1–9002.70; sections 1–9100 through 1–9110, Department of Health and Welfare (May 1981);

(11) Rules and Regulations: Construction and Use of Injection Wells, Idaho Department of Water Resources, Rules 1 through 14 (August 1984);


(b) The Memorandum of Agreement between EPA and Region X and the Idaho Department of Water Resources
signed by the EPA Regional Administrator on February 11, 1985.


(2) Letter from David J. Barber, Deputy Attorney General, Idaho Department of Water Resources to Harold Scott, EPA, Region 10, revising the Attorney General’s Statement, February 14, 1985.

(d) The Program Description and any other materials submitted as part of the application or as supplements thereto.

§ 147.652 Aquifer exemptions. [Reserved]

Subpart O—Illinois

§ 147.700 State-administered program—Class I, III, IV, and V wells.

The UIC program for Class I, III, IV and V wells in the State of Illinois, except those on Indian lands, is the program administered by the Illinois Environmental Protection Agency, approved by EPA pursuant to section 1422 of the SDWA. Notice of the approval was published in the Federal Register on February 1, 1984 (49 FR 3991); the effective date of this program is March 3, 1984. This program consists of the following elements, as submitted to EPA in the State’s program application:

(a) Incorporation by reference. The requirements set forth in the state statutes and regulations cited in this paragraph are hereby incorporated by reference and made a part of the applicable UIC program under the SDWA for the State of Illinois. This incorporation by reference was approved by the Director of the Federal Register on June 25, 1984.

(1) Illinois Environmental Protection Act, Illinois ch. 111 1/2, sections 1001 to 1061 (Smith-Hurd 1977 Revised Statutes and Supp. 1983), as amended by Public Act No. 83–431, 1983 Illinois Legislative Service, pages 2910 to 2916 (West);

(2) Illinois Pollution Control Board Rules and Regulations at Title 35, Illinois Administrative Code, Chapter I, Part 700, Outline of Waste Disposal Regulations; Part 702, RCRA and UIC Permit Programs; Part 704, UIC Permit Program; Part 705, Procedures for Permit Issuance and Part 730, Underground Injection Control Operating Requirements as amended by IPCB Order No. R–83039 on December 15, 1983.


(d) The Program Description and any other materials submitted as part of the application or as supplements thereto.

Environmental Protection Agency

§ 147.750 State-administered program—Class II wells.

The UIC program for Class II injection wells in the State of Indiana on non-Indian lands is the program administered by the Indiana Department of Natural Resources (INDR) approved by the EPA pursuant to section 1425 of the SDWA. Notice of this approval was published in the FR on August 19, 1991; the effective date of this program is August 19, 1991. This program consists of the following elements, as submitted to EPA in the State’s program application:

(a) Incorporation by reference. The requirements set forth in the State statutes and regulations cited in this paragraph are hereby incorporated by reference and made a part of the applicable UIC program under the SDWA for the State of Indiana. This incorporation by reference was approved by the Director of the FR in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained at the Indiana Department of Natural Resources, Division of Oil and Gas, 402 West Washington Street, room 203, Indianapolis, Indiana, 46204. Copies may be inspected at the Environmental Protection Agency, Region V, 77 West Jackson Boulevard, Chicago, Illinois, 60604, or at the Office of the Federal Register, 800 North Capitol Street NW., suite 700, Washington, DC.

(1) Indiana Code, title 4, article 21.5, chapters 1 through 6 (1988).


(b) Memorandum of agreement. The Memorandum of Agreement between EPA Region V and the Indiana Department of Natural Resources signed by the EPA Regional Administrator on August 19, 1991.

§ 147.703 EPA-administered program—Indian lands.

(a) Contents. The UIC program for all classes of wells on Indian lands in the State of Illinois is administered by EPA. This program consists of the UIC program requirements of 40 CFR parts 124, 144, 146, 148, and any additional requirements set forth in the remainder of this subpart. Injection well owners and operators, and EPA shall comply with these requirements.

(b) Effective dates. The effective date for the UIC program for Indian lands is November 25, 1988.

[53 FR 43087, Oct. 25, 1988, as amended at 56 FR 9414, Mar. 6, 1991]
§ 147.751 EPA-administered program.

(a) Contents. The UIC program for all classes of wells on Indian lands, and for Class I, III, IV, and V wells on non-Indian lands in the State of Indiana is administered by the EPA. The program consists of the UIC program requirements of 40 CFR parts 124, 144, 146, and 148 and the additional requirements set forth in the remainder of this subpart. Injection well owners and operators, and EPA shall comply with these requirements.

(b) Effective dates. The effective date for the UIC program on Indian lands is November 25, 1988. The effective date of the UIC program for the rest of Indiana is June 25, 1984.

[53 FR 43087, Oct. 25, 1988, as amended at 56 FR 9415, Mar. 6, 1991]

§ 147.752 Aquifer exemptions. [Reserved]

§ 147.753 Existing Class I and III wells authorized by rule.

Maximum injection pressure. The owner or operator shall limit injection pressure to the lessor of:

(a) A value which will not exceed the operating requirements of §144.28(f)(3)(i) or (ii) as applicable; or

(b) A value for well head pressure calculated by using the following formula:

$$P_m = (0.800 - 0.433 S_g) d$$

where:

- $P_m$ = injection pressure at the wellhead in pounds per square inch
- $S_g$ = specific gravity of injected fluid (unitless)
- $d$ = injection depth in feet.

Environmental Protection Agency

§ 147.901

at the Environmental Protection Agency, Region VII, 726 Minnesota Avenue, Kansas City, Kansas, 66101, or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.


(2) Chapter 28, Article 43, Construction, operation, monitoring and abandonment of salt solution mining wells, Kansas Administrative Regulations §§28–43–1 through 28–43–10 (1986);


(b) Other laws. The following statutes and regulations, although not incorporated by reference except for the select sections identified in paragraph (a) of this section, are also part of the approved State-administered program:


(c) Memorandum of Agreement. (1) The Memorandum of Agreement between EPA Region VII and the Kansas Department of Health and Environment, signed by the EPA Regional Administrator on July 29, 1983;

(2) Addendum No. 1 of the Memorandum of Agreement, signed by the EPA Regional Administrator on August 29, 1983.


(2) “Supplemental Statement of Attorney General”, signed by the Attorney General of the State of Kansas, undated (one page).

(e) Program description. The program description and any other materials submitted as part of the application or supplements thereto.

§ 147.901 State-administered program—Class II wells.

The UIC program for Class II wells in the State of Kansas, except those on Indian lands as described in §147.860, is the program administered by the Kansas Department of Health and Environment, approved by EPA pursuant to section 1425 of the SDWA. Notice of this approval was published in the Federal Register on February 8, 1984 (49 FR 4735); the effective date of this program is February 8, 1984. This program consists of the following elements, as submitted to EPA in the State’s program application.

[49 FR 45306, Nov. 15, 1984]

§§147.852–147.859 [Reserved]

§147.860 EPA-administered program—Indian lands.

(a) Contents. The UIC program for all classes of wells on Indian lands in the State of Kansas is administered by EPA. This program consists of the UIC program requirements of 40 CFR parts 124, 144, 146, 148, and any additional requirements set forth in the remainder of this subpart. Injection well owners and operators, and EPA shall comply with these requirements.

(b) Effective date. The effective date of the UIC program for Indian lands in Kansas is December 30, 1984.

[49 FR 45307, Nov. 15, 1984, as amended at 56 FR 9415, Mar. 6, 1991]

Subpart S—Kentucky

§ 147.900 State-administered program. [Reserved]

§ 147.901 EPA-administered program.

(a) Contents. The UIC program for the Commonwealth of Kentucky, including all Indian lands, is administered by EPA. This program consists of the UIC program requirements of 40 CFR parts 124, 144, 146, 148, and any additional requirements set forth in the remainder of this subpart. Injection well owners and operators, and EPA shall comply with these requirements.

(b) Effective dates. The effective date for the UIC program on Indian lands is November 25, 1988. The effective date for the UIC program in the remainder of Kentucky is June 25, 1984.

[53 FR 43087, Oct. 25, 1988, as amended at 56 FR 9415, Mar. 6, 1991]
§ 147.902 Aquifer exemptions. [Reserved]

§ 147.903 Existing Class I, II (except enhanced recovery and hydrocarbon storage) and III wells authorized by rule.

Maximum injection pressure. The owner or operator shall limit injection pressure to the lesser of:

(a) A value which will not exceed the operating requirements of §144.28(f)(3) (i) or (ii) as applicable or;

(b) A value for well head pressure calculated by using the following formula:

\[ Pm = (0.733 - 0.433 \times Sg) \times d \]

where:

\( Pm \) = injection pressure at the well head in pounds per square inch

\( Sg \) = specific gravity of inject fluid (unitless)

\( d \) = injection depth in feet.

§ 147.904 Existing Class II enhanced recovery and hydrocarbon storage wells authorized by rule.

(a) Maximum injection pressure. (1) To meet the operating requirements of §144.28(f)(3)(ii) (A) and (B) of this chapter, the owner or operator:

(i) Shall use an injection pressure no greater than the pressure established by the Regional Administrator for the field or formation in which the well is located. The Regional Administrator shall establish such a maximum pressure after notice, opportunity for comment, and opportunity for a public hearing, according to the provisions of part 124, subpart A of this chapter, and will inform owners and operators in writing of the applicable maximum pressure; or

(ii) May inject at pressures greater than those specified in paragraph (a)(1)(i) of this section for the field or formation in which he is operating provided he submits a request in writing to the Regional Administrator, and demonstrates to the satisfaction of the Regional Administrator that such injection pressure will not violate the requirement of §144.28(f)(3)(ii) (A) and (B). The Regional Administrator may grant such a request after notice, opportunity for comment, and opportunity for a public hearing, according to the provisions of part 124, subpart A of this chapter.

(2) Prior to such time as the Regional Administrator establishes rules for maximum injection pressure based on data provided pursuant to paragraph (a)(2)(ii) of this section the owner or operator shall:

(i) Limit injection pressure to a value which will not exceed the operating requirements of §144.28(f)(3)(ii); and

(ii) Submit data acceptable to the Regional Administrator which defines the fracture pressure of the formation in which injection is taking place. A single test may be submitted on behalf of two or more operators conducting operations in the same formation, if the Regional Administrator approves such submission. The data shall be submitted to the Regional Administrator within 1 year of the effective date of this program.

(b) Casing and Cementing. Where the Regional Administrator determines that the owner or operator of an existing enhanced recovery or hydrocarbon storage well may not be in compliance with the requirements of §§144.28(e) and 146.22, the owner or operator shall comply with paragraphs (b) (1) through (4) of this section, when required by the Regional Administrator:

(1) Protect USDWs by:

(i) Cementing surface casing by recirculating the cement to the surface from a point 50 feet below the lowermost USDW; or

(ii) Isolating all USDWs by placing cement between the outermost casing and the well bore; and

(2) Isolate any injection zones by placing sufficient cement to fill the calculated space between and the casing the well bore to a point 250 feet above the injection zone; and

(3) Use cement:

(i) Of sufficient quantity and quality to withstand the maximum operating pressure;

(ii) Which is resistant to deterioration from formation and injection fluids; and

(iii) In a quantity no less than 120% of the calculated volume necessary to cement off a zone.

(4) The Regional Administrator may specify other requirements in addition to or in lieu of the requirements set forth in paragraphs (b) (1) through (3)
of this section, as needed to protect USDWs.

§ 147.905 Requirements for all wells—area of review.

Notwithstanding the alternatives presented in §146.6 of this chapter, the area of review shall be a minimum fixed radius as described in §146.6(b) of this chapter.

Subpart T—Louisiana

§ 147.950 State-administered program.

The UIC program for Class I, II, III, IV, and V wells in the State of Louisiana, except those wells on Indian lands, is the program administered by the Louisiana Department of Natural Resources approved by EPA pursuant to sections 1422 and 1425 of the SDWA. Notice of this approval was published in the Federal Register on April 23, 1982 (47 FR 17487); the effective date of this program is March 23, 1982. This program consists of the following elements, as submitted to EPA in the State’s program application:

(a) Incorporation by reference. The requirements set forth in the State statutes and regulations cited in this paragraph are hereby incorporated by reference and made a part of the applicable UIC program under the SDWA for the State of Louisiana. This incorporation by reference was approved by the Director of the Federal Register on June 25, 1984.

(1) Louisiana Revised Statutes Annotated sections 30:1–30:24 (1975 and Supp. 1982);

(2) Underground Injection Control Program Regulations for Class I, III, IV, and V wells, Statewide Order No. 29-N-1 (February 20, 1982), as amended June 1, 1985 and January 20, 1986;

(3)(i) Statewide Order Governing the Drilling for and Producing of Oil and Gas in the State of Louisiana, Statewide Order No. 29-B (August 26, 1974) (Composite Order Incorporating Amendments through March 1, 1974);

(ii) Amendments to Statewide Order No. 29-B (Off-site Disposal of Drilling Mud and Salt Water Generated from Drilling and Production of Oil and Gas Wells) (effective July 20, 1980);

(iii) Amendment to Statewide Order No. 29-B (Amendment concerning the use of Tables 5A and 6A, etc.) (December 15, 1980, effective January 1, 1981);

(iv) Amendment to Statewide Order No. 29-B (Amendment concerning the underground injection control of saltwater disposal wells, enhanced recovery injection wells, and liquid hydrocarbon storage wells) (effective February 20, 1982);

(v) Amendment to Statewide Order No. 29-B (Amendment concerning the offsite disposal of drilling mud and saltwater) (effective May 20, 1983);

(vi) Amendment to Statewide Order No. 29-B (Amendment concerning disposal of nonhazardous oilfield waste) (March 20, 1984, effective May 20, 1984);

(vii) Amendment to Statewide Order No. 29-B (Amendment concerning the administrative approval of injectivity tests and pilot projects in order to determine the feasibility of proposed enhanced recovery projects) (June 20, 1985, effective July 1, 1985).

(4) (i) Statewide Order adopting rules and regulations pertaining to the use of salt dome cavities (i.e., storage chambers) for storage of liquid and/or gaseous hydrocarbons, etc., Statewide Order No. 29-M (July 6, 1977, effective July 20, 1977);

(ii) Supplement to Statewide Order No. 29-M (October 2, 1978);

(iii) Second Supplement to Statewide Order No. 29-M (June 8, 1979).

(b)(1) The Memorandum of Agreement (Class I, III, IV, and V wells) between EPA Region VI and the Louisiana Department of Natural Resources, Office of Conservation, signed by the EPA Regional Administrator on March 17, 1982 and amended by Addendum 1 and Addendum 2 on November 3, 1989;

(2) The Memorandum of Agreement (Class II wells) between EPA Region VI and the Louisiana Department of Natural Resources, Office of Conservation, signed by the EPA Regional Administrator on March 17, 1982.

(c) Statement of legal authority. (1) Letter from Attorney General of Louisiana to EPA, “Re: Louisiana Underground Injection Control Program Authorization for State of Louisiana” (Class I, III, IV and V Wells), January 13, 1982, (10 pages);
§ 147.951
EPA-administered program—Indian lands.

(a) Contents. The UIC program for all classes of wells on Indian lands in the State of Louisiana is administered by EPA. This program consists of the UIC program requirements of 40 CFR parts 124, 144, 146, 148, and any additional requirements set forth in the remainder of this subpart. Injection well owners and operators and EPA shall comply with these requirements.

(b) Effective dates. The effective date of the UIC program for Indian lands in Louisiana is November 25, 1988.

[50 FR 20197, May 11, 1984, as amended at 56 FR 9415, Mar. 6, 1991]

Subpart U—Maine

§ 147.1000 State-administered program.

The UIC program for all classes of wells in the State of Maine, except those on Indian lands, is the program administered by the Maine Department of Environmental Protection approved by EPA pursuant to section 1422 of the SDWA. Notice of this approval was published in the Federal Register on August 25, 1983 (48 FR 38641); the effective date of this program is September 26, 1983. This program consists of the following elements, as submitted to EPA in the State’s program application.

(a) Incorporation by reference. The requirements set forth in the State statutes and regulations cited in this paragraph are hereby incorporated by reference and made part of the applicable UIC program under the SDWA for the State of Maine. This incorporation by reference was approved by the Director of the OFR on June 25, 1984.


(b) The Memorandum of Agreement between EPA Region I and the Maine Department of Environmental Protection, signed by the EPA Regional Administrator on May 16, 1983.


(d) The Program Description and any other materials submitted as part of the application or as supplements thereto.


Subpart V—Maryland

§ 147.1050 State-administered program—Class I, II, III, IV, and V wells.

The UIC program for Class I, II, III, IV, and V wells in the State of Maryland, except those wells on Indian
Environmental Protection Agency

§ 147.1100

lands, is the program administered by the Maryland Department of the Environment approved by EPA pursuant to section 1422 of the SDWA. Notice of this approval was published in the FR on April 19, 1984 (49 FR 15553); the effective date of this program is June 4, 1984. This program consists of the following elements, as submitted to EPA in the State’s program application:

(a) **Incorporation by reference.** The requirements set forth in the State statutes and regulations cited in this paragraph are hereby incorporated by reference and made a part of the applicable UIC program under the SDWA for the State of Maryland. This incorporation by reference was approved by the Director of the OFR in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained at the Maryland Department of the Environment, 2500 Broening Highway, Baltimore, Maryland, 21224. Copies may be inspected at the Environmental Protection Agency, Region III, 841 Chestnut Street, Philadelphia, Pennsylvania, 19107, or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(1) Code of Maryland Regulations, Title 26, Subtitle 08, Chapter 07 promulgated and effective as of March 1, 1989;

(2) Code of Maryland Regulations, Title 26, Subtitle 08, Chapter 01, promulgated and effective as of March 1, 1989;

(3) Code of Maryland Regulations, Title 26, Subtitle 08, Chapter 02, promulgated and effective as of March 1, 1989;

(4) Code of Maryland Regulations, Title 26, Subtitle 08, Chapter 03, promulgated and effective as of March 1, 1989;

(b) **Effective date.** The effective date of the UIC program for Indian lands in Maryland is November 25, 1988.

§§ 147.1054–147.1099 [Reserved]

Subpart W—Massachusetts

§ 147.1100 **State-administered program.**

The UIC program for all classes of wells in the State of Massachusetts, except those on Indian lands, is the program administered by the Massachusetts Department of Environmental Protection, approved by EPA pursuant to section 1422 of the SDWA. Notice of this approval was published in the Federal Register on November 23, 1982 (47
§ 147.1101 EPA-administered program—Indian lands.

(a) Contents. The UIC program for all classes of wells on Indian lands in the State of Massachusetts is administered by EPA. This program consists of the UIC program requirements of 40 CFR parts 124, 144, 146, 148, and any additional requirements set forth in the remainder of this subpart. Injection well owners and operators, and EPA shall comply with these requirements.

(b) Effective date. The effective date of the UIC program for Indian lands in Massachusetts is November 25, 1988.

§ 147.1150 State-administered program. [Reserved]

§ 147.1151 EPA-administered program. [Reserved]

§ 147.1152 Aquifer exemptions. [Reserved]

§ 147.1153 Existing Class I, II (except enhanced recovery and hydrocarbon storage) and III wells authorized by rule.

Maximum injection pressure. The owner or operator shall limit injection pressure to the lesser of:

(a) A value which will not exceed the operating requirements of §144.28(f)(3)(i) or (ii) as applicable; or

(b) A value for well head pressure calculated by using the following formula:

\[ P_m = (0.800 - 0.433 \times S_g) \times d \]

where:

- \( P_m \) = injection pressure at the well head in pounds per square inch
- \( S_g \) = specific gravity of injected fluid (unitless)
- \( d \) = injection depth in feet.

§ 147.1154 Existing Class II enhanced recovery and hydrocarbon storage wells authorized by rule.

(a) Maximum injection pressure. (1) To meet the operating requirements of §144.28(f)(3)(ii) (A) and (B) of this chapter, the owner or operator:

(i) Shall use an injection pressure no greater than the pressure established by the Regional Administrator for the field or formation in which the well is located. The Regional Administrator
shall establish such a maximum pressure after notice, opportunity for comment, and opportunity for a public hearing, according to the provisions of part 124, subpart A of this chapter, and will inform owners and operators in writing of the applicable maximum pressure; or

(ii) May inject at pressures greater than those specified in paragraph (a)(1)(i) of this section for the field or formation in which he is operating provided he submits a request in writing to the Regional Administrator, and demonstrates to the satisfaction of the Regional Administrator that such injection pressure will not violate the requirement of §144.28(f)(3)(ii) (A) and (B). The Regional Administrator may grant such a request after notice, opportunity for comment, and opportunity for a public hearing, according to the provisions of part 124, subpart A of this chapter.

(2) Prior to such time as the Regional Administrator establishes field rules for maximum injection pressure based on data provided pursuant to paragraph (a)(2)(ii) of this section the owner or operator shall:

(i) Limit injection pressure to a value which will not exceed the operating requirements of §144.28(f)(3)(ii); and

(ii) Submit data acceptable to the Regional Administrator which defines the fracture pressure of the formation in which injection is taking place. A single test may be submitted on behalf of two or more operators conducting operations in the same formation, if the Regional Administrator approves such submission. The data shall be submitted to the Regional Administrator within 1 year following the effective date of this program.

(b) Casing and cementing. Where the Regional Administrator determines that the owner or operator of an existing enhanced recovery or hydrocarbon storage will not be in compliance with the requirements of §§144.28(e) and 146.22, the owner or operator shall comply with paragraphs (b) (1) through (4) of this section, when required by the Regional Administrator:

(1) Protect USDWs by:

(i) Casing surface casing by recirculating the cement to the surface from a point 50 feet below the lowermost USDW; or

(ii) Isolating all USDWs by placing cement between the outermost casing and the well bore; and

(2) Isolate any injection zones by placing sufficient cement to fill the calculated space between the casing and the well bore to a point 250 feet above the injection zone; and

(3) Use cement:

(i) Of sufficient quantity and quality to withstand the maximum operating pressure;

(ii) Which is resistant to deterioration from formation and injection fluids; and

(iii) In a quantity no less than 120% of the calculated volume necessary to cement off a zone.

(4) The Regional Administrator may specify other requirements in addition to or in lieu of the requirements set forth in paragraphs (b) (1) through (3) of this section, as needed to protect USDWs.

§147.1155 Requirements for all wells.

(a) Area of review. Notwithstanding the alternatives presented in §146.6 of this chapter, the area of review for Class II wells shall be a fixed radius as described in §146.6(b) of this chapter.

(b) Tubing and packer. The owner or operator of an injection well injecting salt water for disposal shall inject through tubing and packer. The owner of an existing well must comply with this requirement within one year of the effective date of this program.

§147.1200 State-administered program. [Reserved]

§147.1201 EPA-administered program.

(a) Contents. The UIC program for the State of Minnesota is administered by EPA. This program consists of the UIC program requirements of 40 CFR parts 124, 144, 146, 148, and any additional requirements set forth in the remainder of this subpart. Injection well owners and operators, and EPA shall comply with these requirements.
§ 147.1202 Effective date. The effective date of the UIC program for Minnesota is: June 11, 1984.
[49 FR 20197, May 11, 1984, as amended at 56 FR 9416, Mar. 6, 1991]

§ 147.1202 Aquifer exemptions. [Reserved]

§ 147.1210 Requirements for Indian lands.

(a) Purpose and scope. This section sets forth additional requirements that apply to injection activities on Indian lands in Minnesota.

(b) Requirements. Notwithstanding the other requirements of this subpart, for Indian lands described in paragraph (a) of this section, no owner or operator shall construct, operate, maintain, or convert any Class I, II, III, or IV well. The UIC program for Class V wells on such Indian Lands is administered by EPA, and consists of the applicable requirements of 40 CFR parts 124, 144, and 146. In addition, no owner or operator shall abandon a well without the approval of the Regional Administrator.

(c) Effective date. The effective date of the UIC program requirements for Indian lands in Minnesota is December 30, 1984.
[49 FR 45307, Nov. 15, 1984]

Subpart Z—Mississippi

§ 147.1250 State-administered program—Class I, III, IV, and V wells.

The UIC program for Class I, III, IV and V wells in the State of Mississippi, except those on Indian lands, is the program administered by the Mississippi Department of Natural Resources approved by EPA pursuant to section 1422 of the SDWA. Notice of this approval was published in the Federal Register on August 25, 1983 (48 FR 38641); the effective date of this program is September 26, 1983. This program consists of the following elements, as submitted to EPA in the State’s program application:

(a) Incorporation by reference. The requirements set forth in the State statutes and regulations cited in this paragraph are hereby incorporated by reference and made a part of the applicable UIC program under the SDWA for the State of Mississippi. This incorporation by reference was approved by the Director of the Federal Register on June 25, 1984.

(1) Mississippi Air and Water Pollution Control Law, Mississippi Code Annotated sections 49–17–1 through 49–17–29 (1972) and Supp. 1983;

(2) Mississippi Department of Natural Resources, Bureau of Pollution Control, Underground Injection Control Program Regulations (adopted February 11, 1982);

(3) Mississippi Department of Natural Resources, Bureau of Pollution Control, State of Mississippi Wastewater Permit Regulations for National Pollutant Discharge Elimination System (NPDES), Underground Injection Control (UIC), and State Operating Permits (adopted May 1, 1974; amended February 11, 1982).

(b) The Memorandum of Agreement between EPA Region IV and the Mississippi Department of Natural Resources, signed by the EPA Regional Administrator on February 8, 1983.

(c) Statement of legal authority. (1) Letter from Attorney General of Mississippi (by Special Assistant Attorney General) to Executive Director, Mississippi Department of Natural Resources, “Re: Mississippi Department of Natural Resources, Bureau of Pollution Control, State Underground Injection Control (UIC) Program; Statement of the Attorney General of the State of Mississippi,” December 3, 1981;

(2) Letter from Attorney General of Mississippi (by Special Assistant Attorney General) to Executive Director, Mississippi Department of Natural Resources, “Re: Authority to Regulate and Take Samples from Underground Injection Systems,” October 18, 1982;


(d) The Program Description and any other materials submitted as part of the application or supplements thereto.
The UIC program for Class II wells in the State of Mississippi, other than those on Indian lands, is the program administered by the State Oil and Gas Board of Mississippi approved by EPA pursuant to section 1425 of the SDWA. Notice of this approval was published in the FEDERAL REGISTER on March 2, 1989; the effective date of this program is March 2, 1989. This program consists of the following elements, as submitted to EPA in the State’s program application:

(a) Incorporation by reference. The requirements set forth in the State statutes and regulations cited in this paragraph are hereby incorporated by reference and made a part of the applicable UIC program under the SDWA for the State of Mississippi. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a).


(b) The Memorandum of Agreement between EPA Region IV and the State Oil and Gas Board of Mississippi signed by the Regional Administrator on October 31, 1988.

(c) Statement of legal authority. Statement from the Attorney General signed on October 1, 1987 with amendments to the Statement signed August 5, 1988 and September 15, 1988 by the Special Assistant Attorney General.

(d) The Program Description and any other materials submitted as part of the original application or as supplements thereto.

Subpart AA—Missouri

147.1300 State-administered program.

The UIC program for all classes of wells in the State of Missouri, except those on Indian lands, is administered by the Missouri Department of Natural Resources, approved by EPA pursuant to section 1422 and 1425 of the SDWA. Notice of this approval was published in the FEDERAL REGISTER on December 2, 1983 (48 FR 54349); the effective date of this program is December 2, 1983. This program consists of the following elements, as submitted to EPA in the State’s program application:

(a) Incorporation by reference. The requirements set forth in the State statutes and regulations cited in this paragraph are hereby incorporated by reference and made a part of the applicable UIC program under the SDWA for the State of Missouri. This incorporation by reference was approved by the Director of the Federal Register on June 25, 1984.

(1) Vernon’s Annotated Missouri Statutes sections 259.010 to 259.240 (Supp. 1984);

(2) Missouri Code of State Regulations, title 10, division 50, chapters 1 and 2 (June 1984);


(b) The Memorandum of Agreement between EPA Region VII and the Missouri Department of Oil and Gas,
§ 147.1301 State-administered program—Class I, III, IV, and V wells. 

The UIC program for Class I, III, IV, and V wells in the State of Missouri, other than those on Indian lands, is the program administered by the Missouri Department of Natural Resources, approved by EPA pursuant to section 1422 of the SDWA. Notice of this approval was published in the Federal Register on November 2, 1984; the effective date of this program is July 31, 1985. This program consists of the following elements, as submitted to EPA in the State’s program application.

(a) Incorporation by reference. The requirements set forth in the State statutes and regulations cited in this paragraph are hereby incorporated by reference and made a part of the applicable UIC program under the SDWA for the State of Missouri. This incorporation by reference was approved by the Director of the Federal Register effective July 31, 1985.


(b) Other laws. The following statutes and regulations, although not incorporated by reference except for select sections identified in paragraph (a) of this section, are also part of the approved State-administered program.

(1) Revised Statutes of the State of Missouri, chapters 204, 260, 536, 557, 558 and 560; sections 640.130.1 and 1.020 (1978 and Cumm. Supp. 1984);

(2) Rule 52.12 Vernon’s Annotated Missouri Rules (1978);

(3) Missouri Code of State Regulations, title 10, division 20, Chapters 1 through 7 (1977, amended 1984).

(c) The Memorandum of Agreement between EPA Region VII and the Missouri Department of Natural Resources, signed by the EPA Regional Administrator on October 10, 1984.


(e) The Program Description and any other materials submitted as part of the application or as supplements thereto.


§ 147.1302 Aquifer exemptions. [Reserved]

§ 147.1303 EPA-administered program—Indian lands.

(a) Contents. The UIC program for all classes of wells on Indian lands in the State of Missouri is administered by EPA. This program consists of the UIC program requirements of 40 CFR parts 124, 144, 145, 146, 148, and any additional requirements set forth in the remainder of this subpart. Injection well owners and operators, and EPA shall comply with these requirements.

(b) Effective date. The effective date for the UIC program for Indian lands is November 25, 1988.

[53 FR 43088, Oct. 25, 1988, as amended at 56 FR 9417, Mar. 6, 1991]

Subpart BB—Montana

§ 147.1350 State-administered programs—Class II wells.

The UIC program for Class II injection wells in the State of Montana, except for those in Indian Country, is the program administered by the Montana Board of Oil and Gas Conservation.
(MBOGC) approved by the EPA pursuant to Section 1425 of the SDWA. Notice of this approval was published in the Federal Register on November 19, 1996; the effective date of this program is November 19, 1996. This program consists of the following elements as submitted to EPA in the State’s program application:

(a) Incorporation by reference. The requirements set forth in the State statutes and regulations cited in this paragraph are hereby incorporated by reference and made part of the applicable UIC program under the SDWA for the State of Montana. This incorporation by reference was approved by the Director of the FR in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained at the Montana Board of Oil and Gas Conservation, 2535 St. Johns Avenue, Billings, Montana, 59102. Copies may be inspected at the Environmental Protection Agency, Region VIII, 999 18th Street, Suite 500, Denver, Colorado, 80202-2466, or at the Office of the Federal Register, 800 North Capitol Street, NW, Suite 700, Washington, D.C.

(b) Memorandum of Agreement (MOA).

(1) The MOA between EPA Region VIII and the MBOGC signed by the Acting EPA Regional Administrator on June 9, 1996.

(2) Letter dated May 24, 1996, from the Administrator of the MBOGC and the attached addendum (Addendum No. 1–96) to the MOA between MBOGC and EPA Region VIII, signed by the Acting EPA Regional Administrator on August 14, 1996.

(c) Statement of legal authority. (1) Letter from the Montana Attorney General to the Regional Administrator dated August 1, 1995.

(2) MBOGC independent counsel’s certification of Montana’s UIC program for Class II wells dated July 24, 1995.

(3) Letter dated March 8, 1996, from MBOGC independent counsel to USEPA, Region VIII; “Re: EPA comments of November 29, 1995, on Montana Class II primacy application.”

(4) Letter dated March 8, 1996, from the Administrator of the MBOGC and the attached proposed replacement language for the MOA; “Re: Responses to EPA comments on Montana Class II Primacy Application.”

(d) Program Description. The Program Description and any other materials submitted as part of the application or as supplemented thereto:

(1) Application and accompanying materials for approval of Montana’s UIC program for Class II wells submitted by the Governor of Montana, August 3, 1995.

(2) [Reserved]

§ 147.1351 EPA-administered program.

(a) Contents. The UIC program in the State of Montana for Class I, III, IV, and V wells, and for all Classes of wells in Indian Country is administered by EPA. This program consists of the UIC program requirements of 40 CFR parts 124, 144, 146, 148, and any additional requirements set forth in the remainder of this subpart. Injection well owners and operators, and EPA shall comply with these requirements.

(b) Effective dates. The effective date for the UIC program on all lands in Montana, including all Indian lands, is June 25, 1984.


§ 147.1352 Aquifer exemptions.

Those portions of aquifers within one-quarter mile of existing Class II wells are exempted for the purpose of Class II injection activities only.

Note: A complete listing of the exemptions and their location is available for review in the EPA Regional Office, 1860 Lincoln Street, Denver, Colorado. An updated list of exemptions will be maintained in the Regional Office.

§ 147.1353 Existing Class I, II (except enhanced recovery and hydrocarbon storage) and III wells authorized by rule.

Maximum injection pressure. The owner or operator shall limit injection pressure to the lesser of:

755
§ 147.1354 Existing Class II enhanced recovery and hydrocarbon storage wells authorized by rule.

(a) Maximum injection pressure. (1) To meet the operating requirements of §144.28(f)(3)(ii) (A) and (B) of this chapter, the owner or operator:
   (i) Shall use an injection pressure no greater than the pressure established by the Regional Administrator for the field or formation in which the well is located. The Regional Administrator shall establish such a maximum pressure after notice, opportunity for comment, and opportunity for a public hearing, according to the provisions of part 124, subpart A of this chapter, and will inform owners and operators in writing of the applicable maximum pressure; or
   (ii) May inject at pressures greater than those specified in paragraph (a)(1)(i) of this section for the field or formation in which he is operating provided he submits a request in writing to the Regional Administrator, and demonstrates to the satisfaction of the Regional Administrator that such injection pressure will not violate the requirement of §144.28(f)(3)(ii) (A) and (B). The Regional Administrator may grant such a request after notice, opportunity for comment, and opportunity for a public hearing, according to the provisions of part 124, subpart A of this chapter.

(2) Prior to such time as the Regional Administrator established rules for maximum injection pressure based on data provided pursuant to paragraph (ii) below the owner or operator shall:
   (i) Limit injection pressure to a value which will not exceed the operating requirements of §144.28(f)(3)(ii); and
   (ii) Submit data acceptable to the Regional Administrator which defines the fracture pressure of the formation in which injection is taking place. A single test may be submitted on behalf of two or more operators conducting operations in the same formation, if the Regional Administrator approves such submission. The data shall be submitted to the Regional Administrator within 1 year of the effective date of this program.

(b) Casing and cementing. Where the Regional Administrator determines that the owner or operator of an existing enhanced recovery or hydrocarbon storage well may not be in compliance with the requirements of §§144.28(e) and 146.22, the owner or operator shall when required by the Regional Administrator:

   (1) Isolate all USDWs by placing cement between the outermost casing and the well bore as follows:
      (i) If the injection well is east of the 108th meridian, cement the outermost casing from a point 50 feet into a major shale formation underlying the uppermost USDW to the surface. For the purpose of this paragraph, major shale formations are defined as the Bearpaw, Clagget, and Colorado formations.
      (ii) If the injection well is west of the 108th meridian, cement the outermost casing to a depth of 1,000 feet, or to the base of the lowermost USDW in use as a source of drinking water whichever is deeper. The Regional Administrator may allow an owner or operator to cement to a lesser depth if he can demonstrate to the satisfaction of the Regional Administrator that no USDW will be affected by the injection facilities.
   (2) Isolate any injection zones by placing sufficient cement to fill the calculated space between the casing and the well bore to a point 250 feet above the injection zone; and
   (3) Use cement:
      (i) Of sufficient quantity and quality to withstand the maximum operating pressure;
      (ii) Which is resistant to deterioration from formation and injection fluids; and
      (iii) In a quantity no less than 120% of the calculated volume necessary to cement off a zone.

(4) The Regional Administrator may specify other requirements in addition
§ 147.1355 Requirements for all wells.

(a) Area of review. Notwithstanding the alternatives presented in §146.6 of this chapter, the area of review shall be a fixed radius as described in §146.06(b) of this chapter.

(b) The applicant must give separate notice of intent to apply for a permit to each owner or tenant of the land within one-quarter mile of the site. This requirement may be waived by the Regional Administrator where individual notice to all land owners and tenants would be impractical. The addresses of those to whom notice is given, and a description of how notice was given, shall be submitted with the permit application. The notice shall include:

(1) Name and address of applicant;
(2) A brief description of the planned injection activities, including well location, name and depth of the injection zone, maximum injection pressure and volume, and fluid to be injected;
(3) EPA contact person; and
(4) A statement that opportunity to comment will be announced after EPA prepares a draft permit.

(c) Owners and operators on or within one-half mile of Indian lands shall provide notice as specified in paragraph (b) of this section, except that such notice shall be provided within a one-half mile radius of the site.

APPENDIX A TO SUBPART BB OF PART 147—STATE REQUIREMENTS INCORPORATED BY REFERENCE IN SUBPART BB OF PART 147 OF THE CODE OF FEDERAL REGULATIONS

The following is an informational listing of state requirements incorporated by reference in Subpart BB of part 147 of the Code of Federal Regulations:

Subpart BB—Montana

(a) The statutory provisions include:
(1) Montana Code annotated, 1995, Title 2, Chapter 15:
   Section 2-15-121. Allocation for administrative purposes only.

(b) Montana Code annotated, 1995, Title 82, Chapter 10:
   Section 82-10-102. Remedy not exclusive.
   Section 82-10-103. Obligation to pay royalties as essence of contract-interest.
   Section 82-10-104. Payment of royalties-form of record required.
   Section 82-10-105 through 82-10-109 reserved.
   Section 82-10-110. Division order-definition-effect.

(c) Montana Code annotated, 1995, Title 82, Chapter 10:
   Section 82-10-201. Authorization for lease and terms-land not subject to leasing.
   Section 82-10-202. Acreage pooling.
   Section 82-10-203. Interference with normal use of land prohibited.
   Section 82-10-204. Lease of acquired oil and gas interests.
   Section 82-10-301. Definitions.
   Section 82-10-302. Policy.
   Section 82-10-303. Use of eminent domain to acquire underground reservoirs.
   Section 82-10-304. Certificate of board required prior to use of eminent domain.
   Section 82-10-305. Proceedings.

(d) Montana Code annotated, 1995, Title 82, Chapter 10:
   Section 82-10-401. Notice required before abandonment of well-owner’s option.
   Section 82-10-402. Inventory of abandoned wells and seismic operations-reclamation procedures.

(e) Montana Code annotated, 1995, Title 82, Chapter 10:
   Section 82-10-501. Purpose-legislative findings.
   Section 82-10-502. Definitions.
   Section 82-10-503. Notice of drilling operations.
   Section 82-10-504. Surface damage and disruption payments-penalty for late payment.
   Section 82-10-505. Liability for damages to property.
   Section 82-10-506. Notification of injury.
   Section 82-10-507. Agreement-offer of settlement.
   Section 82-10-508. Rejection—legal action.
   Section 82-10-509 and 82-10-510. Reserved.
   Section 82-10-511. Remedies cumulative.

(f) Montana Code annotated, 1995, Title 82, Chapter 11:
   Section 82-11-101. Definitions.
   Section 82-11-102. Oil or gas wells not public utilities.
   Section 82-11-103. Lands subject to law.
   Section 82-11-104. Construction-no conflict with board of land commissioners’ authority.
   Section 82-11-105 through 82-11-110 reserved.
   Section 82-11-111. Powers and duties of board.
   Section 82-11-112. Intergovernmental cooperation.
   Section 82-11-113. Role of board in implementation of national gas policy.
Section 82-11-114. Appointment of examiners.
Section 82-11-115. Procedure to make determinations.
Section 82-11-116. Public access.
Section 82-11-117. Confidentiality of records.
Section 82-11-118. Fees for processing applications.
Section 82-11-119 through 82-11-120 reserved.
Section 82-11-121. Oil and gas waste prohibited.
Section 82-11-122. Notice of intention to drill or conduct seismic operations-notice to surface owner.
Section 82-11-123. Requirements for oil and gas operations.
Section 82-11-124. Requirement relating to waste prevention.
Section 82-11-125. Availability of cores or chips, cuttings, and bottom-hole temperatures to board.
Section 82-11-126. Availability of facilities to bureau of mines.
Section 82-11-127. Prohibited activity.
Section 82-11-128 through 82-11-130 reserved.
Section 82-11-131. Privilege and license tax.
Section 82-11-132. Statements to treasurer and payment of tax.
Section 82-11-133. Penalty for late payment.
Section 82-11-134. Permit fees.
Section 82-11-135. Money earmarked for board expenses.
Section 82-11-136. Expenditure of funds from bonds for plugging wells.
Section 82-11-137. Class II injection well operating fee.
Section 82-11-138 through 82-11-140 reserved.
Section 82-11-141. Administrative procedure.
Section 82-11-142. Subpoena power-civil actions.
Section 82-11-143. Rehearing.
Section 82-11-144. Court review.
Section 82-11-145. Injunction or restraining order.
Section 82-11-146. Appeal.
Section 82-11-147. Violations.
Section 82-11-148. Criminal penalties.
Section 82-11-149. Civil penalties.
Section 82-11-150. Legal assistance.
Section 82-11-151. Emergency-notices and hearing.
Section 82-11-152 through 82-11-160 reserved.
Section 82-11-161. Oil and gas production damage mitigation account-statutory appropriation.
Section 82-11-162. Release of producing oil or gas well from drilling bond-fee.
Section 82-11-163. Landowner’s bond on noncommercial well.
Section 82-11-164. Lien created.
Environmental Protection Agency

Rule 36.22.401. Office and Duties of Petroleum Engineer.
Rule 36.22.402. Office and Duties of Administrator.
Rule 36.22.403. Office and Duties of Geologist.
Rule 36.22.501. Shot Location Limitations.
Rule 36.22.503. Notification.
Rule 36.22.504. Identification.
Rule 36.22.601. Notice of Intention and Permit to Drill.
Rule 36.22.602. Notice of Intention to Drill and Application for Permit to Drill.
Rule 36.22.603. Permit Fees.
Rule 36.22.605. Transfer of Permits.
Rule 36.22.607. Drilling Permits Pending Special Field Rules.
Rule 36.22.701. Spacing Units - General.
Rule 36.22.702. Spacing of Wells.
Rule 36.22.703. Horizontal Wells.
Rule 36.22.1002. Cable Drilling Procedure.
Rule 36.22.1003. Vertical Drilling Required Deviation.
Rule 36.22.1004. Dual Completion of Wells.
Rules 36.22.1006 through 36.22.1010. Reserved.
Rule 36.22.1011. Well Completion and Recompletion Reports.
Rule 36.22.1012. Samples of Cores and Cuttings.
Rule 36.22.1013. Filing of Completion Reports, Well Logs, Analyses, Reports, and Surveys.
Rule 36.22.1102. Fire Walls Required.
Rule 36.22.1104. Control and Cleanup.
Rule 36.22.1105. Solid Waste.
Rule 36.22.1202. Identification.
Rule 36.22.1203. Chokes Required.
Rule 36.22.1204. Separators Required.
Rule 36.22.1206. Tubing Required.
Rule 36.22.1207. Earthen Pits and Open Vessels.
Rule 36.22.1208. Producing from Different Pools Through the Same Casing.
Rules 36.22.1209 through 36.22.1212. Reserved.
Rule 36.22.1213. Reservoir or Pool Surveys.
Rule 36.22.1214. Subsurface Pressure Tests.
Rule 36.22.1215. Stabilized Production Test.
Rule 36.22.1218. Gas to be Metered.
Rule 36.22.1223. Fencing, Screening, and Netting of Pits.
Rules 36.22.1224 and 36.22.1425. Reserved.
Rule 36.22.1227. Earthen Pits and Ponds.
Rule 36.22.1228. Disposal by Injection.
Rule 36.22.1229. Water Injection and Gas Repressuring.
Rule 36.22.1230. Application Contents and Requirements.
Rule 36.22.1231. Notice of Application Objections.
Rule 36.22.1233. Notice of Commencement or Discontinuance—Plugging of Abandoned Wells.
Rule 36.22.1234. Record Required.
Rules 36.22.1235 through 36.22.1239. Reserved.
Rule 36.22.1241. Service Company Reports.
Rule 36.22.1242. Reports by Producers.
Rule 36.22.1243. Reports from Transporters, Refiners, and Gasoline or Extraction Plants.
Rule 36.22.1245. Illegal Production.
Rule 36.22.1301. Notice and Approval of Intention to Abandon Report.
Rule 36.22.1303. Well Plugging Requirement.
Rule 36.22.1304. Plugging Methods and Procedure.
Rule 36.22.1305. Exception for Fresh Water Wells.
Rule 36.22.1306. Approval for Pulling Casing and Reentering Wells.
Rule 36.22.1307. Restoration of Surface.
Rule 36.22.1308. Plugging and Restoration Bond.
Rule 36.22.1401. Definitions.
Rule 36.22.1403. Application Contents and Requirements Rules.
Rule 36.22.1404 and 36.22.1405. Reserved.
Rule 36.22.1407. Signing the Application.
Rule 36.22.1409. Hearings.
Rules 36.22.1412 and 36.22.1413. Reserved.
Rule 36.22.1414. Notice of Commencement or Discontinuance—Plugging of Abandoned Wells.
Rule 36.22.1415. Records Required.
Rule 36.22.1416. Mechanical Integrity.
Rule 36.22.1417. Notification of Tests—Reporting Results.
Rule 36.22.1418. Exempt Aquifers.
Rule 36.22.1419. Tubingless Completions.
Rules 36.22.1420 and 36.22.1421. Reserved.
Rule 36.22.1422. Permit Conditions.
Rule 36.22.1423. Injection Fee—Well Classification.
Rule 36.22.1601. Who May Apply for Determination.
Rule 36.22.1602. Application Requirements and Contents.
Rule 36.22.1603. Documents and Technical Data Supporting Application.
Rule 36.22.1606. Objections to Applications.
Rule 36.22.1607. Deadlines for Action Determinations.
Rule 36.22.1608. Deficient Applications.
Rule 36.22.1609. Board Action on Applications.
Rule 36.22.1610. Special Findings and Determinations New Onshore Production Wells Under Section 103.
Rule 36.22.1611. Special Findings and Determinations Stripper Well Production.

Subpart CC—Nebraska

§ 147.1400 State-administered program—Class II wells.

The UIC program for Class II wells in the State of Nebraska, except those on Indian lands, is the program administered by the Nebraska Oil and Gas Conservation Commission, approved by EPA pursuant to section 1425 of the SDWA.

(a) Incorporation by reference. The requirements set forth in the State statutes and regulations cited in this paragraph are hereby incorporated by reference and made a part of the applicable UIC program under the SDWA for the State of Nebraska. This incorporation by reference was approved by the Director of the Federal Register on June 25, 1984.

(1) Rules and Regulations of the Nebraska Oil and Gas Conservation Commission, Rules 1 through 6 (as published by the Commission, May 1981);
(2) Revised Statutes of Nebraska, sections 57–903 and 57–906 (Reissue 1988).

(b) Other laws. The following statutes and regulations, although not incorporated by reference except for select sections identified in paragraph (a) of this section, are also part of the approved state-administered program:

(1) Chapter 57, Oil and Gas Conservation, Revised Statutes of Nebraska sections 57–901 through 57–922 (Reissue 1985).

(c) The Memorandum of Agreement between EPA Region VII and the Nebraska Oil and Gas Conservation Commission, signed by the EPA Regional Administrator on July 12, 1982.

(d) Statement of legal authority. (1) “Nebraska Underground Injection Control Program, Attorney General’s Statement for Class II Wells,” signed by Assistant Attorney General for Attorney General of Nebraska, as submitted with “State of Nebraska Request for Administration of UIC Program,” January 23, 1982;
(2) “Re: Nebraska Underground Injection Control Program, Addendum to Attorney General’s Statement for Class II Wells,” signed by Assistant Attorney General for Attorney General of Nebraska, undated.

(e) The Program Description and any other materials submitted as part of the application or as supplements thereto.


§ 147.1401 State administered program—Class I, III, IV and V wells.

The UIC program for Class I, III, IV, and V wells in the State of Nebraska, except those on Indian lands, is the program administered by the Nebraska Department of Environmental Control, approved by EPA pursuant to section 1422 of the SDWA.

(a) Incorporation by reference. The requirements set forth in the State statutes and regulations cited in this paragraph are hereby incorporated by reference and made a part of the applicable UIC program under the SDWA for the State of Nebraska. This incorporation by reference was approved by the Director of the Federal Register effective June 26, 1984.

(1) Nebraska Environmental Protection Act, Revised Statutes of Nebraska
Environmental Protection Agency

§ 147.1450

Aquifer exemptions. [Reserved]

§ 147.1403 EPA-administered program—Indian lands.

(a) Contents. The UIC program for all classes of wells on Indian lands in the State of Nebraska is administered by EPA. This program consists of the UIC program requirements of 40 CFR parts 124, 144, 146, 148, and any additional requirements set forth in the remainder of this subpart. Injection well owners and operators, and EPA shall comply with these requirements.

(b) Effective date. The effective date of the UIC program for Indian Lands in Nebraska is June 25, 1984.

§ 147.1450 State-administered program.

The UIC program for all classes of underground injection wells in the State of Nevada, other than those on Indian lands, is the program administered by the Nevada Division of Environmental Protection approved by EPA pursuant to section 1422 of the SDWA. Notice of this approval was published in the FEDERAL REGISTER on February 18, 1988; the effective date of this program is October 5, 1988. This program consists of the following elements, as submitted to EPA in the State’s program application.

(a) Incorporation by reference. The requirements set forth in the State statutes and regulations cited in this paragraph are hereby incorporated by reference and made a part of the applicable UIC program under the SDWA for the State of Nevada. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR.
§ 147.1451 EPA administered program—Indian lands.

(a) Contents. The UIC program for all classes of wells on Indian lands in the State of Nevada is administered by EPA. This program consists of the UIC program requirements of 40 CFR parts 124, 144, 146, 148, and any additional requirements set forth in the remainder of this subpart. Injection well owners and operators, and EPA shall comply with these requirements.

(b) Effective dates. The effective date of the UIC program for Indian lands in Nevada is June 25, 1984.

§ 147.1452 Aquifer exemptions. [Reserved]

§ 147.1453 Existing Class I, II (except enhanced recovery and hydrocarbon storage) and III wells authorized by rule.

(a) Maximum injection pressure. The owner or operator shall limit injection pressure to the lesser of:

(1) A value which will not exceed the operating requirements of §144.28(f)(3)(i) or (ii) as applicable; or

(2) A value for well head pressure calculated by using the formula:

\[ P_m = \left( 0.733 - 0.433 S_g \right) d \]

where:

- \( P_m \) = injection pressure at the wellhead in pounds per square inch
- \( S_g \) = specific gravity of injected fluid (unitless)
- \( d \) = injection depth in feet.

§ 147.1454 Existing Class II enhanced recovery and hydrocarbon storage wells authorized by rule.

(a) Maximum injection pressure. (1) To meet the operating requirements of §144.28(f)(3)(ii) (A) and (B) of this chapter, the owner or operator:

(i) Shall use an injection pressure no greater than the pressure established by the Regional Administrator for the field or formation in which the well is located. The Regional Administrator shall establish such a maximum pressure after notice, opportunity for comment, and opportunity for a public hearing, according to the provisions of part 124, subpart A of this chapter, and will inform owners and operators in

[53 FR 39089, Oct. 5, 1988]
writing of the applicable maximum pressure; or
(ii) May inject at pressures greater than those specified in paragraph (a)(1)(i) of this section for the field or formation in which he is operating provided he submits a request in writing to the Regional Administrator, and demonstrates to the satisfaction of the Regional Administrator that such injection pressure will not violate the requirement of §144.28(f)(3)(ii) (A) and (B). The Regional Administrator may grant such a request after notice, opportunity for comment, and opportunity for public hearing, according to the provisions of part 124, subpart A of this chapter.

(2) Prior to such time as the Regional Administrator establishes field rules for maximum injection pressure based on data provided pursuant to paragraph (a)(2)(ii) of this section the owner or operator shall:
(i) Limit injection pressure to a value which will not exceed the operating requirements of §144.28(f)(3)(ii); and
(ii) Submit data acceptable to the Regional Administrator which defines the fracture pressure of the formation in which injection is taking place. A single test may be submitted on behalf of two or more operators conducting operations in the same formation, if the Regional Administrator approves such submission. The data shall be submitted to the Regional Administrator within one year following the effective date of this program.

(b) Casing and cementing. Where the Regional Administrator determines that the owner or operator of an existing enhanced recovery or hydrocarbon storage well may not be in compliance with the requirements of §§144.28(e) and 146.22, the owner or operator shall comply with paragraphs (b) (1) through (4) of this section, when required by the Regional Administrator:
(1) Protect USDWs by:
(i) Cementing surface casing by recirculating the cement to the surface from a point 50 feet below the lowermost USDW; or
(ii) Isolating all USDWs by placing cement between the outermost casing and the well bore; and
(2) Isolate any injection zones by placing sufficient cement to fill the calculated space between the casing and the well bore to a point 250 feet above the injection zone; and
(3) Use cement:
(i) Of sufficient quantity and quality to withstand the maximum operating pressure;
(ii) Which is resistant to deterioration from formation and injection fluids; and
(iii) In a quantity no less than 120% of the calculated volume necessary to cement off a zone.
(4) The Regional Administrator may specify other requirements in addition to or in lieu of the requirements set forth in paragraphs (b) (1) through (3) of this section, as needed to protect USDWs.

Subpart EE—New Hampshire

§147.1500 State-administered program.

The UIC program for all classes of wells in the State of New Hampshire, except those wells on Indian lands, is the program administered by the New Hampshire Department of Environmental Services, approved by the EPA pursuant to section 1422 of the SDWA.

(1) The Memorandum of Agreement between EPA Region I and the New Hampshire Water Supply and Pollution Control Commission, signed by
§ 147.1501 EPA-administered program—Indian lands.

(a) Contents. The UIC program for all classes of wells on Indian lands in the State of New Hampshire is administered by EPA. This program consists of the UIC program requirements of 40 CFR parts 124, 144, 146, 148, and any additional requirements set forth in the remainder of this subpart. Injection well owners and operators, and EPA shall comply with these requirements.

(b) Effective date. The effective date of the UIC program for Indian lands in New Hampshire is November 25, 1988.

Subpart FF—New Jersey

§ 147.1550 State-administered program.

The UIC program for all classes of wells in the State of New Jersey, except those on Indian lands, is the program administered by the New Jersey Department of Environmental Protection, approved by EPA pursuant to section 1422 of the SDWA. Notice of this approval was published in the Federal Register on July 15, 1983 (48 FR 32343); the effective date of this program is August 15, 1983. This program consists of the following elements, as submitted to EPA in the State’s program application.

(a) Incorporation by reference. The requirements set forth in the State statutes and regulations cited in this paragraph are hereby incorporated by reference and made a part of the applicable UIC program under the SDWA for the State of New Jersey. This incorporation by reference was approved by the Director of the Federal Register on June 25, 1984.

(1) Water Pollution Control Act, New Jersey Statutes Annotated sections 58:10A–1 through 58:10A–20 (West 1982 and Supp. 1990);


(b)(1) The Memorandum Agreement between EPA Region II and the New Jersey Department of Environmental Protection, signed by the EPA Regional Administrator on September 9, 1982;

(2) Letter from Commissioner, New Jersey Department of Environmental Protection, to Regional Administrator, EPA Region II, March 21, 1983.

(c) Statement of legal authority. (1) Letter from Attorney General of New Jersey (by Deputy Attorney General) to Commissioner, Department of Environmental Protection, “Re: New Jersey Pollutant Discharge Elimination System—Underground Injection Control,” February 9, 1982;

(2) Letter from Attorney General of New Jersey (by Deputy Attorney General) to Commissioner, Department of Environmental Protection, “Re: New Jersey Pollutant Discharge Elimination System—Underground Injection Control,” April 15, 1983 (six pages);

(3) Letter from Attorney General of New Jersey (by Assistant Attorney General) to Commissioner, Department of Environmental Protection, “Re: New Jersey Pollutant Discharge Elimination System—Underground Injection Control,” April 15, 1983 (two pages);

(d) The Program Description and any other materials submitted as part of
Environmental Protection Agency

§ 147.1601 State-administered program—Class I, III, IV and V wells.

The UIC program for Class I, III, IV and V injection wells in the State of New Mexico, except for those on Indian lands, is the program administered by the New Mexico Water Quality Control Commission, the Environmental Improvement Division, and the Oil Conservation Division, approved by EPA pursuant to section 1422 of the SDWA. Notice of this approval was published in the Federal Register on July 11, 1983 (48 FR 31640); the effective date of this program is August 10, 1983. This program consists of the following elements, as submitted to EPA in the State’s program application:

(a) Incorporation by reference. The requirements set forth in the State statutes and regulations cited in this paragraph are hereby incorporated by reference and made a part of the applicable UIC program under the SDWA for the State of New Mexico. This incorporation by reference was approved by the Director of the Federal Register on June 25, 1984.

(1) Oil and Gas Act, New Mexico Statutes Annotated sections 70–2–1 through –36 (1978);


(b)(1) The Memorandum of Agreement between EPA Region VI and the New Mexico Energy and Minerals Department, Oil Conservation Division, signed by the EPA Regional Administrator on December 10, 1981;

(2) Addendum No. 1 to the Memorandum of Agreement, signed by the EPA Regional Administrator on June 28, 1982;

(3) Addendum No. 2 to the Memorandum of Agreement, signed by the EPA Regional Administrator on November 18, 1982;

(4) Letter from Director, Oil Conservation Division, New Mexico Energy and Minerals Department, and Assistant Attorney General of New Mexico, to Regional Administrator, EPA Region VI, November 6, 1981.

(c) Statement of legal authority.

“Statement of Legal Authority of the State of New Mexico by and through its Oil Conservation Division of the Energy and Mines Department to conduct an Underground Injection Control Program,” signed by Assistant Attorney General and General Counsel to the Oil Conservation Division.

(d) The Program Description and any other materials submitted as part of the application or as supplements thereto.

(a) **Incorporation by reference.** The requirements set forth in the State statutes and regulations cited in this paragraph are hereby incorporated by reference and made a part of the applicable UIC program under the SDWA for the State of New Mexico. This incorporation by reference was approved by the Director of the Federal Register on June 23, 1984.

(1) New Mexico Water Quality Control Commission Regulations (WQCC 82–1) sections 1–100 through 5–300 (September 20, 1982).

(b) **Other laws.** The following statutes and regulations, although not incorporated by reference, are also part of the approved State-administered UIC program:

(1) Water Quality Act, New Mexico Statutes Annotated sections 74–6–1 through 74–6–13 (1978 and Supp. 1982);

(2) Geothermal Resources Conservation Act, New Mexico Statutes Annotated sections 71–5–1 through 71–5–24 (1978 and Supp. 1982);


(c)(1) The Memorandum of Agreement between EPA Region VI and the New Mexico Water Quality Control Commission, the Environmental Improvement Division, and the Oil Conservation Division, signed by the EPA Regional Administrator on April 13, 1983;

(2) Letter from the Director, Environmental Improvement Division and the Director, Oil Conservation Division, to Regional Administrator, EPA Region IV, “Re: New Mexico Underground Injection Control Program—Clarification,” February 10, 1983.

(d) **Statement of legal authority.** “Attorney General’s Statement,” signed by the Assistant Attorney General for the Environmental Improvement Division, the Assistant Attorney General for Oil Conservation Division, and the Deputy Attorney General, Civil Division, Counsel for the Mining and Minerals Division, undated, submitted December 8, 1982.

(e) The Program Description and any other materials submitted as part of the application or as supplements thereto.

§ 147.1603 EPA-administered program—Indian lands.

(a) **Contents.** The UIC program for all classes of wells on Indian lands in New Mexico is administered by EPA. The program consists of the requirements set forth at Subpart HHH of this part. Injection well owners and operators and EPA shall comply with these requirements.

(b) **Effective date.** The effective date for the UIC program on Indian lands in New Mexico is November 25, 1988.

§ 147.1650 State-administered program. [Reserved]

§ 147.1651 EPA-administered program.

(a) **Contents.** The UIC program for the State of New York, including all Indian lands, is administered by EPA. The program consists of the UIC program requirements of 40 CFR parts 124, 144, 146, 148, and any additional requirements set forth in the remainder of this subpart. Injection well owners and operators, and EPA shall comply with these requirements.

(b) **Effective dates.** The effective date of the UIC program for New York for all injection activities except those on lands of the Seneca Indian Tribe is June 25, 1984. The effective date for the UIC program for the lands of the Seneca Indian Tribe is November 25, 1988.

§ 147.1652 Aquifer exemptions.

(a) This section identifies any aquifer or their portions exempted in accordance with §§144.7(b) and 146.4 of this chapter at the time of program promulgation. EPA may in the future exempt other aquifers or portions, according to applicable procedures, without codifying such exemptions in this section. An updated list of exemptions will be maintained in the Regional office.
§ 147.1654 Existing Class II enhanced recovery and hydrocarbon storage wells authorized by rule.

(a) Maximum injection pressure. (1) To meet the operating requirements of §144.28(f)(3)(ii) (A) and (B) of this chapter, the owner or operator: 

(i) Shall use an injection pressure no greater than the pressure established by the Regional Administrator for the field or formation in which the well is located. The Regional Administrator shall establish such a maximum pressure after notice, opportunity for comment, and opportunity for a public hearing, according to the provisions of part 124, subpart A of this chapter.

(ii) May inject at pressures greater than those specified in paragraph (a)(1)(i) of this section for the field or formation in which he is operating provided he submits a request in writing to the Regional Administrator, and demonstrates to the satisfaction of the Regional Administrator that such injection pressure will not violate the requirement of §144.28(f)(3)(ii) (A) and (B). The Regional Administrator may grant such a request after notice, opportunity for comment, and opportunity for a public hearing, according to the provisions of part 124, subpart A of this chapter.

(2) Prior to such time as the Regional Administrator establishes rules for maximum injection pressure based on data provided pursuant to paragraph (a)(2)(ii) of this section the owner or operator shall:

(i) Limit injection pressure to a value which will not exceed the operating requirements of §144.28(f)(3)(ii); and

(ii) Submit data acceptable to the Regional Administrator which defines the fracture pressure of the formation in which injection is taking place. A single test may be submitted on behalf of two or more operators conducting operations in the same formation, if the Regional Administrator approves such submission. The data shall be submitted to the Regional Administrator within one year of the effective date of this program.

(b) Casing and cementing. Where the Regional Administrator determines that the owner or operator of an existing enhanced recovery or hydrocarbon storage well may not be in compliance with the requirements of §§144.28(e) and 146.22, the owner or operator shall comply with paragraphs (b) (1) through (4) of this section, when required by the Regional Administrator:

(1) Protect USDWs by:

(i) Cementing surface casing by recirculating the cement to the surface from a point 50 feet below the lowermost USDW; or

(ii) Isolating all USDWs by placing cement between the outermost casing and the well bore; and

(iii) For wells as described in §146.8(b)(3)(ii), installing a smaller diameter pipe inside the existing injection tubing and setting it on an appropriate packer; and

(2) Isolate any injection zones by placing sufficient cement to fill the calculated space between the casing and the well bore to a point 50 feet above the injection zone; and

(3) Use cement:
§ 147.1655 Requirements for wells authorized by permit.

(a) The owner or operator of a Class I well authorized by permit shall install or shall ensure that the well has:

(1) Surface casing present;

(2) Long string casing and tubing;

(b) The owner or operator of a new Class II well authorized by permit shall:

(1) Install surface casing from the surface to at least 50 feet below the base of the lowermost USDW.

(2) Cement the casing by recirculating the cement.

(3) For new enhanced recovery wells, install tubing or long string casing extending to the injection zone.

(4) For new salt water disposal wells, install long string casing and tubing extending to the injection zone.

(5) Isolate any injection zone by placing sufficient cement to fill the calculated volume to a point 50 feet above the injection zone.

(c) The Regional Administrator may specify casing and cementing requirements other than those listed in paragraphs (a) and (b) of this section on a case by case basis as conditions of the permit.

§ 147.1700 State-administered program.

The UIC program for all classes of wells in the State of North Carolina, except those wells on Indian lands, is the program administered by the North Carolina Department of Environment, Health and Natural Resources approved by EPA pursuant to section 1422 of the SDWA. Notice of this approval was published in the Federal Register on April 19, 1984 (49 FR 15553); the effective date of this program is April 19, 1984. This program consists of the following elements, as submitted to EPA in the State’s program application:

(a) Incorporation by reference. The requirements set forth in the State statutes and regulations cited in this paragraph are hereby incorporated by reference and made a part of the applicable UIC program under the SDWA for the State of North Carolina. This incorporation by reference was approved by the Director of the OFR in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained at the North Carolina Department of Environment, Health and Natural Resources, P.O. Box 27687, Raleigh, North Carolina 27611. Copies may be inspected at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC. 20401.


(4) Solid Waste Management, N.C. GEN. STAT. §§130A–290 through 130A–309.03 (1989);

(5) North Carolina Drinking Water Act, N.C. GEN. STAT. §§130A–311 through 130A–332 (1989);

(b) Other laws. The following rules and regulations, although not incorporated by reference, are also part of
the approved State-administered program:
  (1) N.C. ADMIN. CODE, Title 15, r. 02L.0100 et seq. Groundwater Classification and Standards: General Considerations (September 22, 1988);
  (2) N.C. ADMIN. CODE, Title 15, r. 02L.0100 et seq. Criteria and Standards Applicable to Injection Wells (September 22, 1988).
(c) Memorandum of Agreement. The Memorandum of Agreement between the State of North Carolina and EPA Region IV, signed March 1, 1984.
(d) Statement of legal authority.
  (1) Underground Injection Control Program, Attorney General’s Statement (June 15, 1982);
  (2) Amendment to Underground Injection Control Program, Attorney General’s Statement (February 9, 1984).
(e) Program Description. The Program Description and other materials submitted as part of the application or as supplements thereto.

§§ 147.1701–147.1702 [Reserved]
§ 147.1703 EPA-administered program—Indian lands.
(a) Contents. The UIC program for all classes of wells on Indian lands in the State of North Carolina is administered by EPA. This program consists of the UIC program requirements of 40 CFR parts 124, 144, 146, 148, and any additional requirements set forth in the remainder of this subpart. Injection well owners and operators, and EPA shall comply with these requirements.
(b) Effective date. The effective date of the UIC program for Indian lands in North Carolina is November 25, 1988.

§§ 147.1704–147.1749 [Reserved]

Subpart JJ—North Dakota
§ 147.1750 State-administered program—Class II wells.
The UIC program for Class II wells in the State of North Dakota, except those on Indian lands, is the program administered by the North Dakota Industrial Commission, approved by EPA pursuant to section 1425 of the SDWA. Notice of this approval was published in the FEDERAL REGISTER on August 23, 1983 (48 FR 38237); the effective date of this program is September 24, 1983. This program consists of the following elements, as submitted to EPA in the State’s program application.
(a) Incorporation by reference. The requirements set forth in the State statutes and regulations cited in this paragraph are hereby incorporated by reference and made a part of the applicable UIC program under the SDWA for the State of North Dakota. This incorporation by reference was approved by the Director of the Federal Register on June 25, 1984.
  (1) North Dakota Century Code, Chapter 38–08 (Control of Gas and Oil Resources, 1987 and Supp. 1989);
  (2) North Dakota Administrative Code, Chapter 43–02–05 (Underground Injection Control, as published in Statutes and Rules for the Conservation of Oil and Gas, North Dakota Industrial Commission, revised effective November 1, 1987);
  (3) North Dakota Administrative Code, Chapter 43–02–03 (General Rules, as published in Statutes and Rules for the Conservation of Oil and Gas, North Dakota Industrial Commission, revised effective November 1, 1987).
(b) The Memorandum of Agreement between EPA Region VIII and the North Dakota Industrial Commission, Oil and Gas Division, signed by the EPA Regional Administrator on June 16, 1983, as amended September 7, 1989.
(d) The Program Description and other materials submitted as part of the application or as supplements thereto.
§ 147.1751 State-administered program—Class I, III, IV and V wells.

The UIC program for Class I, III, IV, and V wells in the State of North Dakota, except those on Indian lands, is the program administered by the North Dakota Department of Health, approved by EPA pursuant to section 1422 of the SDWA. Notice of this approval was published in the Federal Register on September 21, 1984; the effective date of this program is October 5, 1984. This program consists of the following elements, as submitted to EPA in the State's program application:

(a) Incorporation by reference. The requirements set forth in the State statutes and regulations cited in this paragraph are hereby incorporated by reference and made a part of the applicable UIC program under the SDWA for the State of North Dakota. This incorporation by reference was approved by the Director of the Federal Register effective October 5, 1984.

1. North Dakota Century Code Sections 38–12–01, 38–12–03 (1980);
4. North Dakota Administrative Code, Chapter 43–02–02 (Subsurface Mineral Exploration and Development) (August 1986), and Chapter 43–02–02.1 (Underground Injection Control Program) (March 1, 1984);
6. Other laws. The following statutes and regulations, although not incorporated by reference, also are part of the approved State-administered program:
8. North Dakota Century Code, Ch. 38–12 (Regulation, Development, and Production of Subsurface Minerals) (1979);
9. North Dakota Century Code Chapter 61–26 (Control, Prevention and Abatement of Pollution of Surface Waters) (1989);
11. The Memorandum of Agreement between EPA Region VIII and the North Dakota Department of Health, signed by the EPA Regional Administrator on May 18, 1984.
12. The Program Description and any other materials submitted as part of the original application or as supplements thereto.

[49 FR 37066, Sept. 21, 1984, as amended at 56 FR 9418, Mar. 6, 1991]

§ 147.1752 EPA-administered program—Indian lands.

(a) Contents. The UIC program for all classes of wells on Indian lands in the State of North Dakota is administered by EPA. This program consists of the UIC program requirements of 40 CFR parts 124, 144, 146, 148, and any additional requirements set forth in the remainder of this subpart. Injection well owners and operators, and EPA shall comply with these requirements.

(b) Effective date. The effective date of the UIC program for Indian lands in North Dakota is November 25, 1986.

[53 FR 43099, Oct. 25, 1988, as amended at 56 FR 9418, Mar. 6, 1991]

Subpart KK—Ohio

§ 147.1800 State-administered program—Class II wells.

The UIC program for Class II wells in the State of Ohio, except for those on Indian lands, is the program administered by the Ohio Department of Natural Resources, approved by EPA pursuant to section 1425 of the SDWA. Notice of this approval was published in the Federal Register on August 23, 1983 (48 FR 39228); the effective date of this program is September 22, 1983. This program consists of the following elements, as submitted to EPA in the State's program application:

(a) Incorporation by reference. The requirements set forth in the State statutes and regulations cited in this paragraph are hereby incorporated by
§ 147.1801 State-administered program—Class I, III, IV and V wells.

The UIC program for Class I, III, IV, and V wells in the State of Ohio, other than those on Indian lands, is the program administered by the Ohio Department of Natural Resources and the Ohio Environmental Protection Agency, approved by EPA pursuant to section 1422 of the SDWA. Notice of this approval was published in the Federal Register on November 29, 1984; the effective date of this program is January 14, 1985. This program consists of the following elements, as submitted to EPA in the State’s program application.

(a) Incorporation by reference. The requirements set forth in the State statutes and regulations cited in this paragraph are hereby incorporated by reference and made a part of the applicable UIC program under the SDWA for the State of Ohio. This incorporation by reference was approved by the Director of the Federal Register effective January 14, 1985.

(1) Ohio Revised Code Annotated, sections 1509.01, 1509.03, 1509.22 (Supp. 1983);

(2) Rules of the Division of Oil and Gas, Ohio Administrative Code sections 1501.91-01, through 1501.9-13 (1983).

(b) The Memorandum of Agreement between EPA Region V and the Ohio Department of Natural Resources.


(d) The Program Description and any other materials submitted as part of the application or as supplements thereto.

[49 FR 46897, Nov. 29, 1984]

§ 147.1802 Aquifer exemptions. [Reserved]

§ 147.1803 Existing Class I and III wells authorized by rule—maximum injection pressure.

The owner or operator shall limit injection pressure to the lesser of:

(a) A value which will not exceed the operating requirements of §144.28(b)(3)(i); or

(b) A value for well head pressure calculated by using the following formula:

\[ P_m = (0.8 - 0.433 S_g) d \]

where:

- \( P_m \) is the maximum injection pressure,
- \( S_g \) is the formation water salinity in parts per thousand, and
- \( d \) is the depth of injection (feet).
§ 147.1805 EPA-administered program—Indian lands.

(a) Contents. The UIC program for all classes of wells on Indian lands in the State of Ohio is administered by EPA. This program consists of the UIC program requirements of 40 CFR parts 124, 144, 146, 148, and any additional requirements set forth in the remainder of this subpart. Injection well owners and operators, and EPA shall comply with these requirements.

(b) Effective date. The effective date of the UIC program for Indian lands in Ohio is November 25, 1988.

§ 147.1850 State-administered program—Class I, III, IV and V wells.

The UIC program for Class I, III, IV, and V wells in the State of Oklahoma, except those on Indian lands, is the program administered by the Oklahoma State Department of Health, approved by EPA pursuant to SDWA section 1422. Notice of this approval was published in the FEDERAL REGISTER on June 24, 1982 (47 FR 27273). The effective date of this program is July 24, 1982. This program consists of the following elements, as submitted to EPA in the State’s program application:

(a) Incorporation by reference. The requirements set forth in the State statutes and regulations cited in this paragraph are hereby incorporated by reference and made a part of the applicable UIC program under the SDWA for the State of Oklahoma. This incorporation by reference was approved by the Director of the Federal Register on June 25, 1984.

(1) Oklahoma Statutes title 63 sections 1–901, 1–903 (1981);


(b) Other laws. The following statutes and regulations, although not incorporated by reference except for select sections identified in paragraph (a) of this section, are also part of the approved State-administered UIC program:

(1) Oklahoma Open Meeting Act. Oklahoma Statutes title 25 sections 1–314 (Supp. 1978);


(3) Oklahoma Statutes Annotated title 75 sections 301 to 327 (West 1976 and Supp. 1982).

(c) (1) The Memorandum of Agreement between EPA Region VI and the Oklahoma State Department of Health, signed by the EPA Regional Administrator on April 13, 1982;

(2) Memorandum of Understanding between the Oklahoma State Department of Health and the Oklahoma Corporation Commission (OCC), signed by members of the OCC on February 12, 1982;

(3) Memorandum of Understanding between the Oklahoma State Department of Health and the Oklahoma Corporation Commission (OCC), signed by the Deputy Chief Mine Inspector, ODM, on February 15, 1982.


(e) The Program Description and any other materials submitted as part of the application or as supplements thereto.

§ 147.1851 State-administered program—Class II wells.

The UIC program for Class II wells in the State of Oklahoma, including the lands of the Five Civilized Tribes, but not including those on other Indian lands, is the program administered by the Oklahoma Corporation Commission approved by EPA pursuant to SDWA
section 1425. Notice of this approval was published in the FEDERAL REGISTER on December 2, 1981 (46 FR 58588). This program consists of the following elements, as submitted to EPA in the State’s program application:

(a) Incorporation by reference. [Reserved]

(b) Other laws. The following statutes and regulations, although not incorporated by reference, are also part of the approved State-administered UIC program:


(c) (1) The Memorandum of Agreement between EPA Region VI and the Oklahoma Corporation Commission, signed by the EPA Regional Administrator on April 13, 1981;

(2) Letter from the Manager, Underground Injection Control, Oklahoma Corporation Commission, to EPA, June 18, 1981.


(e) The Program Description and any other materials submitted as part of the application or as supplements thereto.

§ 147.1852 EPA-administered program—Indian lands.

(a) Contents. The UIC program for all wells on Indian lands in Oklahoma, except Class II wells on the lands of the Five Civilized Tribes, is administered by EPA. The UIC program for Class II wells on the Osage Mineral Reserve consists of the requirements set forth in subpart III of this part. The UIC program for all other wells on Indian lands consists of the requirements set forth in subpart III of this part. Injection well owners and operators and EPA shall comply with these requirements.

(b) Effective date. The effective date for UIC program for Class II wells on the Osage Mineral Reserve is December 30, 1984. The effective date for the UIC program for all other wells on Indian lands is November 25, 1988.

[53 FR 43090, Oct. 25, 1988]

§ 147.1900 State-administered program.

The UIC program for all classes of wells in the State of Oregon, except those on Indian lands, is administered by the Oregon Department of Environmental Quality, approved by EPA pursuant to section 1422 and section 1425 of the SDWA. Notice of this approval was published in the FEDERAL REGISTER on September 25, 1984; the effective date of this program is October 9, 1984. This program consists of the following elements, as submitted to EPA in the State’s program application.

(a) Incorporation by reference. The requirements set forth in the State statutes and regulations cited in this paragraph are hereby incorporated by reference and made a part of the applicable UIC program under the SDWA for the State of Oregon. This incorporation by reference was approved by the Director of the Federal Register effective October 9, 1981.

(1) Oregon Revised Statutes, Title 16, chapter 164, section 164.785; Title 36, chapter 632, sections 632.005, 632.055 to 632.070, 632.100 to 632.105, 632.170 to 632.175 (May 1984); 632.205, 632.225 to 632.227 (October 1983); 632.255, 632.270 to 632.275 (January 1990); 632.305, 632.320 to 632.325 (May 1986); 632.350, 632.370 to 632.375 (May 1984).


(b) Other laws. The following statutes and regulations, although not incorporated by reference, also are part of the approved State-administered program:

(1) Oregon Revised Statutes, Chapter 183 (1987); 192.420, 192.500, 459.460(3),
§ 147.1901 EPA-administered program—Indian lands.

(a) Contents. The UIC program for all classes of wells on Indian lands in the State of Oregon is administered by EPA. This program consists of the UIC program requirements of 40 CFR parts 124, 144, 146, 148, and any additional requirements set forth in the remainder of this subpart. Injection well owners and operators, and EPA shall comply with these requirements.

(b) Effective date. The effective date for the UIC program on Indian lands is November 25, 1988. The effective date for the UIC program for the rest of Pennsylvania is June 25, 1984.

§ 147.1950 State-administered program. [Reserved]

§ 147.1951 EPA-administered program.

(a) Contents. The UIC program for the State of Pennsylvania, including all Indian lands, is administered by EPA. This program consists of the UIC program requirements of 40 CFR parts 124, 144, 146, 148, and any additional requirements set forth in the remainder of this subpart. Injection well owners and operators, and EPA shall comply with these requirements.

(b) Effective dates. The effective date for the UIC program on Indian lands is November 25, 1988. The effective date for the UIC program for the rest of Pennsylvania is June 25, 1984.

§ 147.1952 Aquifer exemptions.

(a) This section identifies any aquifers or their portions exempted in accordance with §§144.7(b) and 146.4 of this chapter at the time of program promulgation. EPA may in the future exempt other aquifers or portions, according to applicable procedures, without codifying such exemptions in this section. An updated list of exemptions will be maintained in the Regional office.

(b) Those portions of the following oil bearing aquifers, which would otherwise meet the definition of a USDW, are exempted in accordance with the provisions of §§144.7(b) and 146.4 of this chapter for Class II enhanced recovery injection activities only.

(1) The Sugar Run and Bradford series of oil producing sands of the Bradford Field, in McKean County; including the Bradford, West Branch, Stack, Bennett Brook, Marilla Brook, Brooder Hollow, Cyclone, Minard Run, Minard Run School, and Sugar Run (or Watsonville) Pools.

(2) The Bradford Third oil producing sand of the Guffey Field in McKean County.

(3) The Bradford series of oil producing sands of the Lewis Run Field in McKean County.

(4) The Bradford series of oil producing sands of the Windfall Field and Kings Run Pool in McKean County.

(5) The Red Valley member of the Second Sand formation of the Venango Group of oil producing sands in the Foster-Reno Field in Venango County; including the Foster, Bully Hill, Victory, Bredisbury, Egypt Corners, Reno, Monarch Park and Seneca Pools.
(6) The Glade and Clarendon oil producing sands of the Morrison Run Field and Elk Run Pool in Warren County.

(7) The Clarendon and Glade oil producing sands of the Clarendon Field in Warren County.

(8) The Bradford Third oil producing sand in the Shinglehouse Field, including the Kings Run, Janders Run and Ceres Pools in Potter and McKean Counties.

§ 147.1953 Existing Class I, II (except enhanced recovery and hydrocarbon storage) and III wells authorized by rule.

Maximum injection pressure. The owner or operator shall limit injection pressure to the lesser of:

(a) A value which will not exceed the operating requirements of §144.28(f)(3) (i) or (ii) as applicable or

(b) A value for well head pressure calculated by using the following formula:

\[ P_m = (0.733 - 0.433 S_g) d \]

where:

- \( P_m \) = injection pressure at the well head in pounds per square inch
- \( S_g \) = specific gravity of injection fluid (unitless)
- \( d \) = injection depth in feet.

§ 147.1954 Existing Class II enhanced recovery and hydrocarbon storage wells authorized by rule.

(a) Maximum injection pressure. (1) To meet the operating requirements of §144.28(f)(3)(ii) (A) and (B) of this chapter, the owner or operator:

(i) Shall use an injection pressure no greater than the pressure established by the Regional Administrator for the field or formation in which the well is located. The Regional Administrator shall establish such a maximum pressure after notice, opportunity for comment, and opportunity for a public hearing, according to the provisions of part 124, subpart A of this chapter.

(ii) May inject at pressures greater than those specified in paragraph (a)(1)(i) of this section for the field or formation in which he is operating provided he submits a request in writing to the Regional Administrator, and demonstrates to the satisfaction of the Regional Administrator that such injection pressure will not violate the requirement of §144.28(f)(3)(ii) (A) and (B). The Regional Administrator may grant such a request after notice, opportunity for comment, and opportunity for a public hearing, according to the provisions of part 124, subpart A of this chapter.

(2) Prior to such time as the Regional Administrator establishes rules for maximum injection pressure based on data provided pursuant to paragraph (a)(2)(i) of this section the owner or operator shall:

(i) Limit injection pressure to a value which will not exceed the operating requirements of §144.28(f)(3)(ii); and

(ii) Submit data acceptable to the Regional Administrator which defines the fracture pressure of the formation in which injection is taking place. A single test may be submitted on behalf of two or more operators conducting operations in the same formation, if the Regional Administrator approves such submission. The information shall be submitted to the Regional Administrator within one year of the effective date of this regulation.

(b) Casing and cementing. Where the Regional Administrator determines that the owner or operator of an existing enhanced recovery or hydrocarbon storage well may not be in compliance with the requirements of §§144.28(e) and 146.22, the owner or operator shall comply with paragraphs (b)(1) through (4) of this section, when required by the Regional Administrator:

(1) Protect USDWs by:

(i) Cementing surface casing by recirculating the cement to the surface from a point 50 feet below the lowermost USDW; or

(ii) Isolating all USDWs by placing cement between the outermost casing and the well bore; and

(iii) For wells as described in §146.8(b)(3)(ii), installing a smaller diameter pipe inside the existing injection tubing and setting it on an appropriate packer; and

(2) Isolate any injection zones by placing sufficient cement to fill the calculated space between the casing and the well bore to a point 50 feet above the injection zone; and
§ 147.1955 Use cement:
(i) Of sufficient quantity and quality to withstand the maximum operating pressure;
(ii) Which is resistant to deterioration from formation and injection fluids; and
(iii) In a quantity no less than 120% of the calculated volume necessary to cement off a zone.

(4) The Regional Administrator may specify other requirements in addition to or in lieu of the requirements set forth in paragraphs (b) (1) through (3) of this section as needed to protect USDWs.

§ 147.1955 Requirements for wells authorized by permit.

(a) The owner or operator of a Class I well authorized by permit shall install or shall ensure that the well has:
(1) Surface casing present;
   (i) Extending from the surface to a depth at least 50 feet below the base of the lowermost USDW; and
   (ii) Cemented back to the surface by recirculating the cement; and
(2) Long string casing and tubing;
   (i) Extending to the injection zone; and
   (ii) Cemented back to 50 feet above the base of the next largest casing string.

(b) The owner or operator of a new Class II well authorized by permit shall:
(1) Install surface casing from the surface to at least 50 feet below the base of the lowermost USDW.
(2) Cement the casing by recirculating the surface or by using no less than 120% of the calculated annular volume.
(3) For new enhanced recovery wells, install tubing or long string casing extending to the injection zone.
(4) For new salt water disposal wells, install long string casing and tubing extending to the injection zone.
(5) Isolate any injection zone by placing sufficient cement to fill the calculated volume to a point 50 feet above the injection zone.

(c) The Regional Administrator may specify casing and cementing requirements other than those listed in paragraphs (a) and (b) of this section on a case by case basis as conditions of the permit.

Subpart OO—Rhode Island


The UIC program for all classes of wells in Rhode Island, except those on Indian lands, is the program administered by the Rhode Island Department of Environmental Management, approved by EPA pursuant to section 1422 of the SDWA. Notice of this approval was published in the FEDERAL REGISTER on August 1, 1984; the effective date of this program is August 15, 1984. This program consists of the following elements, as submitted to EPA in the State’s program application.

(a) Incorporation by reference. The requirements set forth in the State statutes and regulations cited in this paragraph are hereby incorporated by reference and made a part of the applicable UIC program under the SDWA for the State of Rhode Island. This incorporation by reference was approved by the Director of the Federal Register effective August 15, 1984.

(1) Rhode Island Gen. Laws sections 46–12–1, 46–12–5, and 46–12–28 (Supp. 1983);
(2) ‘‘Underground Injection Control Program Rules and Regulations.” State of Rhode Island and Providence Plantations Department of Environmental Management. Division of Water Resources (as received by the Secretary of State, May 21, 1984).

(b) Other laws. The following statutes and regulations although not incorporated by reference, also are part of the approved State-administered program:

(1) Rhode Island General Laws, Section 10–20–1 et seq., entitled “State Environmental Rights”;
(2) Rhode Island General Laws, Section 23–19.1–1 et seq., entitled “Hazardous Waste Management”;
(3) Rhode Island General Laws, Section 42–17.1 et seq., entitled “Department of Environmental Management”;
(4) Rhode Island General Laws, Section 42–35–1 et seq., entitled “Administrative Procedures”;

776
(5) Rhode Island General Laws, Section 46-12-1 et seq., entitled “Water Pollution”;
(6) Hazardous Waste Management Facility Operating Permit Rules and Regulations—Landfills, at last amended November 2, 1981 (hereinafter referred to as the “Hazardous Waste Regulation”);
(7) Water Quality Regulations for Water Pollution Control, effective November 19, 1981; and
(c) (1) The Memorandum of Agreement between EPA Region I and the Rhode Island Department of Environmental Management, signed by the EPA Regional Administrator on March 29, 1984;
(2) Letter from Director, Rhode Island Department of Environmental Management, to Regional Administrator, EPA Region I, amending Section III, C of the Memorandum of Agreement, April 25, 1984.
(e) The Program Description and any other materials submitted as part of the original application or as supplements thereto.

§ 147.2001 EPA-administered program—Indian lands.
(a) Contents. The UIC program for all classes of wells on Indian lands in the State of Rhode Island is administered by EPA. This program consists of the UIC program requirements of 40 CFR parts 124, 144, 146, 148, and any additional requirements set forth in the remainder of this subpart. Injection well owners and operators, and EPA shall comply with these requirements.
(b) Effective date. The effective date of the UIC program for Indian lands in Rhode Island is November 25, 1988.

§ 147.2050 State-administered program.
The UIC program for all classes of wells in the State of South Carolina, except for those on Indian lands, is the program administered by the South Carolina Department of Health and Environmental Control, approved by EPA pursuant to section 1422 of the SDWA. Notice of this approval was published in the FEDERAL REGISTER on July 10, 1984; the effective date of this program is July 24, 1984. This program consists of the following elements, as submitted to EPA in the State’s program application.
(a) Incorporation by reference. The requirements set forth in the State statutes and regulations cited in this paragraph are hereby incorporated by reference and made a part of the applicable UIC program under the SDWA for the State of South Carolina. This incorporation by reference was approved by the Director of the Federal Register effective July 24, 1984.
(2) South Carolina Department of Health and Environmental Control, Ground-Water Protection Division, Underground Injection Control Regulations, R–61–87, Effective Date: June 24, 1983 Published in South Carolina State Register, Volume 7, Issue 6; Amended Date: March 23, 1984, as amended by notice in South Carolina State Register, Volume 8, Issue 3.
(b) Other laws. The following statutes and regulations although not incorporated by reference, also are part of the approved State-Administered program:
§ 147.2051 EPA-administered program—Indian lands.

(a) Incorporation by reference. The requirements set forth in the State statutes and regulations cited in this paragraph are hereby incorporated by reference and made a part of the applicable UIC program under the SDWA for the State of South Dakota. This incorporation by reference was approved by the Director of the Federal Register effective December 7, 1984.


(b) Other laws. The following statutes and regulations, although not incorporated by reference, also are part of the approved State-administered program:


(c)(1) The Memorandum of Agreement between EPA Region VIII and the South Dakota Department of Water and Natural Resources, signed by the EPA Regional Administrator on July 18, 1984.


(e) The Program Description and any other materials submitted as part of the original application or as supplements thereto.

§ 147.2100 State-administered program—Class II wells.

The UIC program for Class II wells in the State of South Dakota, except those on Indian lands, is the program administered by the South Dakota Department of Water and Natural Resources, approved by EPA pursuant to section 1423 of the SDWA. Notice of this approval was published in the Federal Register on October 24, 1984; the effective date of this program is December 7, 1984. This program consists of the following elements, as submitted to EPA in the State's program application.

(a) Contents. The UIC program for all Class I, III, IV and V wells, including those on Indian lands, and for Class II wells on Indian lands in the state of South Dakota is administered by EPA. This program consists of the UIC program requirements of 40 CFR parts 124, 144, 146, 148, and any additional requirements set forth in the remainder of this subpart. Injection well owners and
operators, and EPA shall comply with these requirements.

(b) Effective date. The effective date of the UIC program for Class I, III, IV and V wells on all lands in South Dakota, including Indian lands, and for Class II wells on Indian lands only, is December 30, 1984.

[52 FR 17682, May 11, 1987, as amended at 56 FR 9419, Mar. 6, 1991]

§ 147.2102 Aquifer exemptions.

(a) This section identifies any aquifers or their portions exempted in accordance with §§144.7(b) and 146.4 of this chapter at the time of program promulgation. EPA may in the future exempt other aquifers or their portions, according to applicable procedures, without codifying such exemptions in this section. An updated list of exemptions will be maintained in the Regional office.

(b) Those portions of all aquifers located on Indian Lands, which meet the definition of USDW and into which existing Class II wells are injecting, are exempted within a 250-foot radius of the well for the purpose of Class II injection activities only.

[49 FR 45308, Nov. 15, 1984]

§ 147.2103 Existing Class II enhanced recovery and hydrocarbon storage wells authorized by rule.

(a) Maximum injection pressure. (1) To meet the operating requirements of §144.28(f)(3)(ii)(A) and (B) of this chapter, the owner or operator:

(i) Shall use an injection pressure no greater than the pressure established by the Regional Administrator for the field or formation in which the well is located. The Regional Administrator shall establish such a maximum pressure after notice, opportunity for comments, and opportunity for a public hearing, according to the provisions of part 124, subpart A of this chapter, and will inform owners and operators in writing of the applicable maximum pressure; or

(ii) May inject at a pressure greater than those specified in paragraph (a)(1)(i) of this section for the field or formation in which he is operating provided he submits a request in writing to the Regional Administrator, and demonstrates to the satisfaction of the Regional Administrator that such injection pressure will not violate the requirement of §144.28(f)(3)(ii)(A) and (B). The Regional Administrator may grant such a request after notice, opportunity for comment, and opportunity for a public hearing, according to the provisions of part 124, subpart A of this chapter.

(2) Prior to such time as the Regional Administrator establishes field rules for maximum injection pressure based on data provided pursuant to paragraph (a)(2)(ii) of this section the owner or operator shall:

(i) Limit injection pressure to a value which will not exceed the operating requirements of §144.28(f)(3)(ii); and

(ii) Submit to the Regional Administrator data acceptable to the Regional administrator which defines the fracture pressure of the formation in which injection is taking place. A single test may be submitted on behalf of two or more operators conducting operations in the same formation, if the Regional Administrator approves such submission.

(b) Casing and cementing. Where the Regional Administrator determines that the owner or operator of an existing enhanced recovery or hydrocarbon storage well may not be in compliance with the requirement of §§144.28(e), 146.22, the owner or operator shall when required by the Regional Administrator:

(1) Protect USDWs by:

(i) Cementing surface casing by recirculating the cement to the surface from a point 50 feet below the lowermost USDW; or

(ii) Isolating all USDWs by placing cement between the outermost casing and the well bore; and

(2) Isolate any injection zones by placing sufficient cement to fill the calculated space between the casing and the well bore to a point 250 feet above the injection zone; and

(3) Use cement:

(i) Of sufficient quantity and quality to withstand the maximum operation pressure;

(ii) Which is resistant to deterioration from formation and injection fluids; and
§ 147.2104 Requirements for all wells.

(a) The owner or operator converting an existing well to an injection well shall check the condition of the casing with one of the following logging tools:

(1) A pipe analysis log; or

(2) A caliper log.

(b) The owner or operator of a new injection well cased with plastic (PVC, ABS, or others) casings shall:

(1) Not construct a well deeper than 500 feet;

(2) Use cement and additives compatible with such casing material; and

(3) Cement the annular space above the injection internal from the bottom of the blind casing to the surface.

(c) The owner or operator of a newly drilled well shall install centralizers as directed by the Regional Administrator.

(d) The owner or operator shall as required by the Regional Administrator:

(1) Protect USDWs by:

(i) Setting surface casing 50 feet below the lowermost USDW;

(ii) Cementing surface casing by recirculating the cement to the surface from a point 50 feet below the lowermost USDW; or

(iii) Isolating all USDWs by placing cement between the outermost casing and the well bore; and

(2) Isolate any injection zones by placing sufficient cement to fill the calculated space between the casing and the well bore to a point 250 feet above the injection zone; and

(3) Use cement:

(i) Of sufficient quantity and quality to withstand the maximum operating pressure; and

(ii) Which is resistant to deterioration from formation and injection fluids; and

(iii) In a quantity no less than 120% of the calculated volume necessary to cement off a zone.

(4) The Regional Administrator may approve alternate casing and cementing practices provided that the owner or operator demonstrates that such practices will adequately protect USDWs.

(e) Area of review. Notwithstanding the alternatives presented in §146.6 of this chapter, the area of review shall be a fixed radius as described in §146.6(b) of this chapter.

(f) The applicant must give separate notice of intent to apply for a permit to each owner of record of the land within one-quarter mile of the site. The addresses of those to whom notice is given and the description of how notice was given shall be submitted with the permit application. The notice shall include:

(1) The name and address of applicant;

(2) A brief description of the planned injection activities, including well location, name and depth of the injection zone, maximum injection pressure and volume, and fluid to be injected;

(3) The EPA contact person; and

(4) A statement that opportunity to comment will be announced after EPA prepares a draft permit.

This requirement may be waived by the Regional Administrator if he determines that individual notice to all land owners of record would be impractical.

[49 FR 45308, Nov. 15, 1984]
§ 147.2152 Aquifer exemptions. [Reserved]

§ 147.2153 Existing Class I, II (except enhanced recovery and hydrocarbon storage) and III wells authorized by rule.

Maximum injection pressure. The owner or operator shall limit injection pressure to the lesser of:

(a) A value which will not exceed the operating requirements of §144.28(f)(3)(i) or (ii) as applicable or

(b) A value for well head pressure calculated by using the following formula:

\[ P_m = (0.600 - 0.433 S_g) d \]

where:

\( P_m \) = injection pressure at the well head in pounds per square inch

\( S_g \) = specific gravity of inject fluid (unitless)

\( d \) = injection depth in feet.

§ 147.2154 Existing Class II enhanced recovery and hydrocarbon storage wells authorized by rule.

(a) Maximum injection pressure. (1) To meet the operating requirements of §144.28(f)(3)(ii) (A) and (B) of this chapter, the owner or operator:

(i) Shall use an injection pressure no greater than the pressure established by the Regional Administrator for the field or formation in which the well is located. The Regional Administrator shall establish such a maximum pressure after notice, opportunity for comment, and opportunity for a public hearing, according to the provisions of part 124, subpart A of this chapter.

(ii) May inject at pressures greater than those specified in paragraph (a)(1)(i) of this section for the field or formation in which he is operating, provided he submits a request in writing to the Regional Administrator and demonstrates to the satisfaction of the Regional Administrator that such injection pressure will not violate the requirement of §144.28(f)(3)(ii) (A) and (B). The Regional Administrator may grant such a request after notice, opportunity for comment, and opportunity for a public hearing, according to the provisions of part 124, subpart A of this chapter.

(2) Prior to such time as the Regional Administrator establishes rules for maximum injection pressure based on data provided pursuant to paragraph (a)(2)(ii) of this section the owner or operator shall:

(i) Limit injection pressure to a value which will not exceed the operating requirements of §144.28(f)(3)(ii); and

(ii) Submit data acceptable to the Regional Administrator which defines the fracture pressure of the formation in which injection is taking place. A single test may be submitted on behalf of two or more operators conducting operations in the same formation, if the Regional Administrator approves such submission. The data shall be submitted to the Regional Administrator within one year of the effective date of this regulation.

(b) Casing and cementing. Where the Regional Administrator determines that the owner or operator of an existing enhanced recovery or hydrocarbon storage well may not be in compliance with the requirements of §§144.28(e) and 146.22, the owner or operator shall comply with paragraphs (b) (1) through (4) of this section, when required by the Regional Administrator:

(1) Protect USDWs by:

(i) Cementing surface casing by recirculating the cement to the surface from a point 50 feet below the lowermost USDW; or

(ii) Isolating all USDWs by placing cement between the outermost casing and the well bore; and

(2) Isolate any injection zones by placing sufficient cement to fill the calculated space between the casing and the well bore to a point 250 feet above the injection zone; and

(3) Use cement:

(i) Of sufficient quantity and quality to withstand the maximum operating pressure;

(ii) Which is resistant to deterioration from formation and injection fluids; and

(iii) In a quantity no less than 120% of the calculated volume necessary to cement off a zone.
§ 147.2155 Requirements for all wells—area of review.

Notwithstanding the alternatives presented in §146.6 of this chapter, the area of review shall be a minimum fixed radius as described in §146.6(b) of this chapter.

Subpart SS—Texas

§ 147.2200 State-administered program—Class I, III, IV, and V wells.

Requirements for Class I, III, IV, and V wells. The UIC program for Class I, III, IV, and V wells in the State of Texas, except for those wells on Indian lands, is the State-administered program approved by EPA pursuant to section 1422 of the SDWA. Notice of this approval was published on January 6, 1982 (47 FR 618); the effective date of this program is February 7, 1982. This program consists of the following elements, as submitted to EPA in the State’s program application:

(a) Incorporation by reference. The requirements set forth in the State statutes and regulations cited in this paragraph are hereby incorporated by reference and made a part of the applicable UIC program under the SDWA for the State of Texas. This incorporation by reference was approved by the Director of the Federal Register on June 25, 1984.

(1) Injection Well Act, Texas Water Code sections 27.002, 27.011 (Vernon Supp. 1984);

(b) Other laws. The following statutes and regulations, although not incorporated by reference except for select sections identified in paragraph (a) of this section, are also part of the approved State-administered UIC program:

(1) Texas Water Code Annotated, Chapter 5 (Vernon 1972 and Supp. 1982);

(2) Injection Well Act, Texas Water Code Annotated, Chapter 27 (Vernon 1972 and Supp. 1982);

(3) Rules of Texas Department of Water Resources, Chapter 27; Rules of Texas Water Development Board, Chapter 22.

(c) The Memorandum of Agreement between EPA Region VI and the Texas Department of Water Resources, signed by the EPA Regional Administrator on October 11, 1981.


(e) The Program Description and any other materials submitted as part of the application or as supplements thereto.

(f) Certain Class V wells are under the UIC program of the Texas Railroad Commission approved on April 23, 1982, under the authorities cited in §147.2201 of this part.


§ 147.2201 State-administered program—Class II wells

The UIC program for Class II wells in the State of Texas, except for those wells on Indian lands, is the program administered by the Railroad Commission of Texas, approved by EPA pursuant to section 1425 of the SDWA. Notice of this approval was published in the FEDERAL REGISTER on April 23, 1982 (47 FR 17488). The effective date of this program was May 23, 1982. This program consists of the following elements, as submitted to EPA in the State’s program application:

(a) Incorporation by reference. The requirements set forth in the State statutes and regulations cited in this paragraph are hereby incorporated by reference and made a part of the applicable UIC program under the SDWA for the State of Texas. This incorporation by reference was approved by the Director of the Federal Register on June 25, 1984.

(1) Injection Well Act, Texas Water Code Annotated sections 27.031 and 27.033 (Vernon Supp. 1984);

(2) Texas Natural Resources Code Annotated sections 85.041, 85.045, 85.046 and 85.052 (Vernon 1978 and Supp. 1982);

(3) Rules Having Statewide General Application to Oil, Gas, and Geothermal Resource Operations, sections
Environmental Protection Agency

§ 147.2250

(a) Contents. The UIC program for all classes of wells on Indian lands in the State of Texas is administered by EPA. This program consists of the UIC program requirements of 40 CFR parts 124, 144, 146, 148, and any additional requirements set forth in the remainder of this subpart. Injection well owners and operators, and EPA shall comply with these requirements.

(b) Effective date. The effective date for the Indian lands program for the State of Texas is November 23, 1988.


Subpart TT—Utah

§ 147.2250 State-administered program—Class I, III, IV, and V wells.

The UIC program for Class I, III, IV, and V wells in the State of Utah, except those on Indian lands, is administered by the Utah Department of Health, Division of Environmental Health, approved by EPA pursuant to Section 1422 of the SDWA. Notice of this approval was published in the Federal Register on January 9, 1983 (47 FR 2321). The effective date of this program is February 10, 1983. Changes to Utah’s regulations for Class I wells were made on May 15, 1990, in response to modification of national rules as promulgated by 53 FR 28188, July 26, 1988. Utah’s rules were effective July 20, 1990. The revised rules, Program Description, Attorney General’s statement, and Memorandum of Agreement were approved as a minor program modification on October 3, 1990. This program consists of the following elements as submitted to EPA:

(1) Utah Water Pollution Control Act, Utah Code Annotated, Title 26, Chapter 11, Sections 2, 8, and 10 (1989);
§ 147.2251  State-administered program—Class II wells.

The UIC program for Class II wells in the State of Utah, except those on Indian lands, is the program administered by the Utah Department of Natural Resources, Division of Oil, Gas, and Mining, approved by EPA pursuant to section 1425 of the SDWA. Notice of this approval was published in the Federal Register on October 8, 1982 (47 FR 44561); the effective date of this program is November 7, 1982. This program consists of the following elements, as submitted to EPA in the State’s program application:

(a) Incorporation by reference. The requirements set forth in the State statutes and regulations cited in this paragraph are hereby incorporated by reference and made a part of the applicable UIC program under the SDWA for the State of Utah. This incorporation by reference was approved by the Director of the Federal Register on June 30, 1984.

(b) Other laws. [Reserved]
(c)(1) The Memorandum of Agreement between EPA, Region VIII and the Utah Department of Health, Division of Environmental Health, signed by the Regional Administrator on October 3, 1990.
(2) Letter from Director, Utah Department of Health, Division of Environmental Health, Bureau of Water Pollution Control, to EPA Region VIII, Re: Underground Injection Control Program—Utah, March 15, 1982;
(3) Letter from the Executive Secretary of the Utah Water Pollution Control Committee to EPA Region VIII, “Re: Utah UIC Class I Well Program Changes,” August 16, 1990;
(5) Letter from Assistant Attorney General of Utah to Chief, Drinking Water Branch, EPA Region VIII, June 18, 1982;
(e) The Program Description (revised June 19, 1990) and any other materials submitted as part of the application or supplements thereto.

[56 FR 9419, Mar. 6, 1991]

§ 147.2251  State-administered program—Class II wells.

The UIC program for Class II wells in the State of Utah, except those on Indian lands, is the program administered by the Utah Department of Natural Resources, Division of Oil, Gas, and Mining, approved by EPA pursuant to section 1425 of the SDWA. Notice of this approval was published in the Federal Register on October 8, 1982 (47 FR 44561); the effective date of this program is November 7, 1982. This program consists of the following elements, as submitted to EPA in the State’s program application:

(a) Incorporation by reference. The requirements set forth in the State statutes and regulations cited in this paragraph are hereby incorporated by reference and made a part of the applicable UIC program under the SDWA for the State of Utah. This incorporation by reference was approved by the Director of the Federal Register on June 30, 1984.

(b) Other laws. [Reserved]
(c)(1) The Memorandum of Agreement between EPA, Region VIII and the Utah Department of Health, Division of Environmental Health, signed by the Regional Administrator on October 3, 1990.
(2) Letter from Director, Utah Department of Health, Division of Environmental Health, Bureau of Water Pollution Control, to EPA Region VIII, Re: Underground Injection Control Program—Utah, March 15, 1982;
(3) Letter from the Executive Secretary of the Utah Water Pollution Control Committee to EPA Region VIII, “Re: Utah UIC Class I Well Program Changes,” August 16, 1990;
(5) Letter from Assistant Attorney General of Utah to Chief, Drinking Water Branch, EPA Region VIII, June 18, 1982;
(e) The Program Description (revised June 19, 1990) and any other materials submitted as part of the application or supplements thereto.

[56 FR 9419, Mar. 6, 1991]
§ 147.2253  EPA-administered program—Indian lands.

(a) Contents. The UIC program for all classes of wells on Indian lands in the State of Utah is administered by EPA. The program for wells on the lands of the Navajo and Ute Mountain Ute consists of the requirements set forth at subpart HHH of this part. The program for all other wells on Indian lands consists of the UIC program requirements of 40 CFR parts 124, 144, 146, 148, and any additional requirements set forth in the remainder of this subpart. Injection well owners and operators, and EPA shall comply with these requirements.

(b) Effective date. The effective date for this program for all other Indian lands in Utah (as well as for the program of the Navajo and Ute Mountain Ute) is November 25, 1988.

[53 FR 40391, Oct. 25, 1988, as amended at 56 FR 9420, Mar. 6, 1991]

Subpart UU—Vermont

§ 147.2300  State-administered program.

The UIC program for all classes of wells in the State of Vermont, except those wells on Indian lands, is the program administered by the Vermont Department of Environmental Conservation, approved by EPA pursuant to section 1422 of the SDWA. Notice of this approval was published in the FR on June 22, 1984; the effective date of this program is July 6, 1984. This program consists of the following elements:

(a) Incorporation by reference. The requirements set forth in the State statutes and regulations cited in this paragraph are hereby incorporated by reference and made a part of the applicable UIC program under the SDWA for the State of Vermont. This incorporation by reference was approved by the Director of the Federal Register July 6, 1984.


(2) Vermont Department of Water Resources and Environmental Engineering, Chapter 13 Water Pollution Control Regulations, Subchapter 13.UIC—Underground Injection Control,Discharges to Injection Wells, Effective Date: June 21, 1984.

(b) Other laws. The following statutes and regulations although not incorporated by reference, also are part of the approved State-administered program:


(e) The Program Description and any other materials submitted as part of
§§ 147.2301—147.2302  

the original application or as supplements thereto.

(42 U.S.C. 300)


§§ 147.2301—147.2302 [Reserved]

§ 147.2303 EPA-administered program—Indian lands.

(a) Contents. The UIC program for all classes of wells on Indian lands in the State of Vermont is administered by EPA. This program consists of the UIC program requirements of 40 CFR parts 124, 144, 146, 148, and any additional requirements set forth in the remainder of this subpart. Injection well owners and operators, and EPA shall comply with these requirements.

(b) Effective date. The effective date of the UIC program for Indian lands in Vermont is November 25, 1988.

[53 FR 43091, Oct. 25, 1988, as amended at 56 FR 9420, Mar. 6, 1991]

§§ 147.2304—147.2349 [Reserved]

Subpart VV—Virginia

§ 147.2350 State-administered program. [Reserved]

§ 147.2351 EPA-administered program.

(a) Contents. The UIC program for the State of Virginia, including all Indian lands, is administered by EPA. This program consists of the UIC program requirements of 40 CFR parts 124, 144, 146, 148, and any additional requirements set forth in the remainder of this subpart. Injection well owners and operators, and EPA shall comply with these requirements.

(b) Effective date. The effective date for the UIC program for the remainder of Virginia is June 25, 1984. (53 FR 43091, October 25, 1988).

[56 FR 9420, Mar. 6, 1991]

§ 147.2352 Aquifer exemptions. [Reserved]

Subpart WW—Washington

§ 147.2400 State-administered program—Class I, II, III, IV, and V wells.

The UIC program for Class I, II, III, IV, and V wells in the State of Washington other than those on Indian lands, is the program administered by the Washington Department of Ecology, approved by EPA pursuant to section 1422 of the SDWA. Notice of this approval was published in the FEDERAL REGISTER on August 9, 1984; the effective date of this program is September 24, 1984. This program consists of the following elements, as submitted to EPA in the State’s program application:

(a) Incorporation by reference. The requirements set forth in the State statutes and regulations cited in this paragraph are hereby incorporated by reference and made a part of the applicable UIC program under the SDWA for the State of Washington. This incorporation by reference was approved by the Director of the Federal Register effective September 24, 1984.

(b) Other laws. The following statutes and regulations although not incorporated by reference, also are part of the approved State-administered program:

(1) Revised Code of Washington section 90.48.020, 90.48.080, 90.48.160, and 90.48.162 (Bureau of National Affairs, 1983 Laws);

(2) Washington Administrative Code sections 173–218–100 to 173–218–110 (Bureau of National Affairs, 2/29/84);


Environmental Protection Agency

§ 147.2453 EPA-administered program—Indian lands.

(a) Contents. The UIC program for all classes of wells on Indian lands in the State of Washington is administered by EPA. This program, for all Indian lands except those of the Colville Tribe, consists of the UIC program requirements of 40 CFR parts 124, 144, 146, 148, and any additional requirements set forth in the remainder of this subpart. Injection well owners and operators, and EPA shall comply with these requirements.

(b) Effective date. The effective date for the UIC program for Indian lands in Washington is November 23, 1988.

[53 FR 43091, Oct. 25, 1988, as amended at 56 FR 9420, Mar. 6, 1991]

§ 147.2404 EPA-administered program—Colville Reservation.

(a) The UIC program for the Colville Indian Reservation consists of a prohibition of all Class I, II, III and IV injection wells and of a program administered by EPA for Class V wells. This program consists of the UIC program requirements of 40 CFR part 124, 144 and 146 and any additional requirements set forth in the remainder of this subpart. Injection well owners and EPA shall comply with these requirements. The prohibition on Class I–IV wells is effective November 25, 1988. No owner or operator shall construct, operate, maintain, convert, or conduct any other injection activity thereafter using Class I–IV wells.

(b) Owners and operators of Class I, II, III or IV wells in existence on the effective date of the program shall cease injection immediately. Within 60 days of the effective date of the program, the owner or operator shall submit a plan and schedule for plugging and abandoning the well for the Director’s approval. The owner or operator shall plug and abandon the well according to the approved plan and schedule.

[53 FR 43091, Oct. 25, 1988]

Subpart XX—West Virginia

§§ 147.2450–147.2452 [Reserved]

§ 147.2453 EPA-administered program—Indian lands.

(a) Contents. The UIC program for all classes of wells on Indian lands in the State of West Virginia is administered by EPA. This program consists of the UIC program requirements of 40 CFR...
§§ 147.2454–147.2499

part 124, 144, 146, 148, and any additional requirements set forth in the remainder of this subpart. Injection well owners and operators, and EPA shall comply with these requirements.

(b) Effective date. The effective date for the UIC program on Indian lands in West Virginia is November 25, 1988.

[53 FR 43092, Oct. 25, 1988, as amended at 56 FR 9420, Mar. 6, 1991]

§§ 147.2454–147.2499 [Reserved]

Subpart YY—Wisconsin

§ 147.2500 State-administered program.

The UIC program for Class I, II, III, IV, and V wells in the State of Wisconsin, other than those on Indian lands as described in §147.2510, is the program administered by the Wisconsin Department of Natural Resources, approved by EPA pursuant to SDWA section 1422. Notice of this approval was published in the Federal Register on September 30, 1983 (48 FR 44783); the effective date of this program is November 30, 1983. This program consists of a prohibition of all injection wells except heat pump return flow injection wells and may be found in the following elements, as submitted to EPA in the State’s program application.

(a) Incorporation by reference. The requirements set forth in the State statutes and regulations cited in this paragraph are hereby incorporated by reference and made a part of the applicable UIC program under the SDWA for the State of Wisconsin. This incorporation by reference was approved by the Director of the OFR in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained at the Wisconsin Department of Natural Resources, Box 7921, Madison, Wisconsin, 53707. Copies may be inspected at the Environmental Protection Agency, Region V, 77 West Jackson Boulevard, Chicago, Illinois, 60604, or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(1) Wisconsin Statutes Annotated §§147.015, 147.02 and 147.04 (West 1974 and Supp. 1983);

(2) Chapter NR 112, Well Construction and Pump Installation, Wisconsin Administerative Code §§NR 112.03 and 112.20 (October 1981), as amended by Natural Resources Board Order No. WQ-25-82, approved by the Natural Resources Board on August 25, 1982;

(3) Chapter NR 113, Servicing Septic Tanks, Seepage Pits, Grease Traps or Privies, Wisconsin Administrative Code §§ NR 113.07–113.08 (1979), as amended by Natural Resources Board Order No. WQ-25-82, approved by the Wisconsin Natural Resources Board on August 25, 1982;

(b) Other laws. The following statutes and regulations, although not incorporated by reference except for select sections identified in paragraph (a) of this section, are also part of the approved State-administered program:

(1) Chapter 144, Water, Sewage, Refuse, Mining and Air Pollution, Wisconsin Statutes Annotated (West 1974 and Supp. 1983);

(2) Chapter 147, Pollution Discharge Elimination, Wisconsin Statutes Annotated (West 1974 and Supp. 1983);

(3) Chapter 162, Pure Drinking Water, Wisconsin Statutes Annotated (West 1974 and Supp. 1983);

(4) Laws of 1981, Chapter 20, §2038 (Re: heat pump injection);

(5) Wisconsin Statutes 803.09(1) (West 1977) (intervention as of right in civil actions).

(c) Memorandum of Agreement. The Memorandum of Agreement between EPA Region V and the Wisconsin Department of Natural Resources, signed by the Regional Administrator on December 6, 1983.

(d) Statement of legal authority. (1) "Attorney General’s Statement," signed by Attorney General, State of Wisconsin;
Environmental Protection Agency

§ 147.2550


(e) Program Description. The Program Description and other materials submitted as part of the application or as supplements thereto.


§ 147.2510 EPA-administered program—Indian lands.

(a) Contents. The UIC program for Indian lands in the State of Wisconsin is administered by EPA. This program consists of 40 CFR parts 144 and 146 and additional requirements set forth in this section. Injection well owners and operators, and EPA, shall comply with these requirements.

(b) Requirements. Notwithstanding the requirements of paragraph (a) of this section for Indian lands in Wisconsin no owner or operator shall construct, operate, maintain, or convert any Class I, II, III, IV or V injection well.

(c) Effective date. The effective date of the UIC program requirements for Indian lands in Wisconsin is December 30, 1984.

[49 FR 45309, Nov. 15, 1984]

Subpart ZZ—Wyoming

§ 147.2550 State-administered program—Class I, III, IV and V wells.

The UIC program for Class I, III, IV and V wells in the State of Wyoming, except those on Indian lands is the program administered by the Wyoming Department of Environmental Quality approved by EPA pursuant to section 1422 of the SDWA. Notice of this approval was published in the FEDERAL REGISTER on July 15, 1983 (48 FR 32344); the effective date of this program is August 17, 1983. The program consists of the following elements as submitted to EPA in the State’s program application:

(a) Incorporation by reference. The requirements set forth in the State statutes and regulations cited in this paragraph are hereby incorporated by reference and made a part of the applicable UIC program under the SDWA for the State of Wyoming. This incorporation by reference was approved by the Director of the Federal Register on June 25, 1984.


(2) Water Quality Rules and Regulations, Wyoming Department of Environmental Quality, Chapter III: Regulations for Permit to Construct, Install or Modify Public Facilities Capable or, (sic) Causing or Contributing to Pollution (certified copy, signed December 21, 1983);

(3) Water Quality Rules and Regulations, Wyoming Department of Environmental Quality, Chapter VIII: Quality Standards for Groundwaters of Wyoming (certified copy, signed April 9, 1980);

(4) Water Quality Rules and Regulations, Wyoming Department of Environmental Quality, Chapter IX: Wyoming Groundwater Pollution Control Permit (certified copy, signed April 9, 1980);


(6) Land Quality Rules and Regulations, Wyoming Department of Environmental Quality, Chapter XXI: In Situ Mining (effective March 26, 1981).

(b) Other laws. The following statutes and regulations, although not incorporated by reference except for select sections identified in paragraph (a) of this section, are also part of the approved State-administered program:

(1) Article 9, Underground Water, Wyoming Statutes sections 41–3–901 through 41–3–938 (September 1982);


(3) Department of Environmental Quality Rules of Practice and Procedure (1982).

(c)(1) The Memorandum of Agreement between EPA, Region VIII and
§ 147.2551 State-administered program—Class II wells.

The UIC program for Class II wells in the State of Wyoming, except those on Indian lands, is the program administered by the Wyoming Oil and Gas Conservation Commission approved by EPA pursuant to section 1425 of the SDWA. Notice of this approval was published in the FR on November 23, 1982 (47 FR 52934); the effective date of this program is December 23, 1982. This program consists of the following elements as submitted to EPA in the State’s program application:

(a) Incorporation by reference. The requirements set forth in the State statutes and regulations cited in this paragraph are hereby incorporated by reference and made a part of the applicable UIC program under the SDWA for the State of Wyoming. This incorporation by reference was approved by the Director of the OFR in accordance with 5 U.S.C. 552(a) and 1 CFR Part 51. Copies may be obtained at the Wyoming Oil and Gas Conservation Commission, Office of the State Oil and Gas Supervisor, P.O. Box 2640, 77 West First Street, Casper, Wyoming, 82602. Copies may be inspected at the Environmental Protection Agency, Region VIII, 999 18th Street, Suite 500, Denver, Colorado, 80202-2405, or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(b) Memorandum of Agreement. (1) The initial Memorandum of Agreement between EPA, Region VIII and Wyoming Oil and Gas Conservation Commission, signed by the EPA Regional Administrator and the Oil Field Supervisor of the Commission on June 2, 1982;

(2) Amendment No. 1 to the Memorandum of Agreement, dated December 22, 1982;

(3) Amendment No. 2 to the Memorandum of Agreement, dated December 22, 1982;

(4) Letter from State Oil and Gas Supervisor, Wyoming Oil and Gas Conservation Commission, to the Acting Director, Water Management Division, EPA Region VIII, “Re: Application for Primacy in the Regulation of Class II Injection Wells,” March 8, 1982;

(5) Letter from State Oil and Gas Supervisor, Wyoming Oil and Gas Conservation Commission, to EPA Region VIII, “Re: Regulation of Liquid Hydrocarbon Storage Wells Under the UIC Program,” July 1, 1982;
Environmental Protection Agency

§ 147.2554  

(6) Memorandum of Agreement between the Wyoming State Board of Control, State Engineer, Oil and Gas Conservation Commission, and the Department of Environmental Quality, dated October 14, 1981.

(c) Statement of legal authority. (1) "Statement of Legal Authority" and "State Review of Regulations and Statutes Relevant to the UIC Program-Class II Wells," signed by Special Assistant Attorney General for the State of Wyoming, as submitted with "Wyoming Oil and Gas Conservation Commission, Application for Primacy in the Regulation of Class II Injection Wells under Section 1425 of the Safe Drinking Water Act," November 1981; (2) Letter from special Assistant Attorney General for the State of Wyoming to Assistant Regional Counsel, EPA Region VIII, May 13, 1982; (3) Letter from special Assistant Attorney General for the State of Wyoming to Assistant Regional Counsel, EPA Region VIII, July 1, 1982.

(d) Program Description. The Program Description and other material submitted as part of the application or amendments thereto, including the memorandum to the National UIC Branch reporting on Improvement to the Wyoming Oil and Gas 1425 program, dated April 28, 1989.

§ 147.2554 Aquifer exemptions.  

In accordance with §§144.7(b) and 146.4 of this chapter, those portions of aquifers currently being used for injection in connection with Class II (oil and gas) injection operations on the Wind River Reservation, which are described below, are hereby exempted for the purpose of Class II injection activity. This exemption applies only to the aquifers tabulated below, and includes those portions of the aquifers defined on the surface by an outer boundary of those quarter-quarter sections dissected by a line drawn parallel to, but one-quarter mile outside, the field boundary, and is restricted to extend no further than one-quarter mile outside the Reservation boundary. Maps showing the exact boundaries of the field may be consulted at the EPA's Region 8 Office, and at the EPA Headquarters in Washington, DC.

<table>
<thead>
<tr>
<th>Formations</th>
<th>Approximate depth</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Steamboat Butte Field</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Phosphoria</td>
<td>6,500–7,100</td>
<td>T3N, R1W—W/2 Sec. 4, Sec. 5, E/2 Sec. 6, NE/4 Sec. 8, W/2 Sec. 9, Sec. 10, W1/2N—W/2 Sec. 29, E/2 Sec. 30, E/2 Sec. 31, Sec. 32, W1/2N—W/2 Sec. 31, Sec. 32.</td>
</tr>
<tr>
<td>Tensleep</td>
<td>6,900–7,500</td>
<td>T3N, R1W—W/2 Sec. 4, Sec. 5, E/2 Sec. 6, NE/4 Sec. 8, W/2 Sec. 9, T4N, R1W—W/2 Sec. 29, E/2 Sec. 30, E/2 Sec. 31, Sec. 32.</td>
</tr>
<tr>
<td>Winkelman Dome Field</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tensleep</td>
<td>2,800–3,300</td>
<td>T2N, R1W—SW/4 Sec. 15, Sections 18, 19, 20, 29, NE/4 Sec. 30, 31, 32, T2N, R1W—W/2 Sec. 13, NE/4 Sec. 24, T2N, R1W—E/2 Sec. 17, Sections 18, 19, 20, 29, NE/4 Sec. 30, 31, 32, T2N, R1W—E/2 Sec. 13, NE/4 Sec. 24.</td>
</tr>
<tr>
<td>Phosphoria</td>
<td>2,800–3,600</td>
<td></td>
</tr>
</tbody>
</table>
§ 147.2555 Aquifer exemptions since January 1, 1999.

In accordance with §144.7(b) and §146.4 of this chapter, the aquifers described in the following table are hereby exempted from the definition of an underground source of drinking water, as defined in 40 CFR 144.3:

AQUIFER EXEMPTIONS SINCE JANUARY 1, 1999

<table>
<thead>
<tr>
<th>Formation</th>
<th>Approximate depth</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Powder River Basin</td>
<td>3,800 to 6,800</td>
<td>T2N, R1W—SE/4 Sec. 17, Sections 18, 19, 20, 29, NE/4 Sec. 30. T2N, R2W—E/2 Sec. 13, NE/4 Sec. 24.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>T2S, R1E—Sections 12 and 13, E/2 Sec. 24, NE/4 Sec. 25. T2S, R2E—W/2 Sec. 18, W/2 Sec. 19, Sec. 30. T3N, R99W—Sec. 4.</td>
</tr>
<tr>
<td></td>
<td>800</td>
<td>T7N, R3W—NE/4 Sec. 1.</td>
</tr>
<tr>
<td></td>
<td>700</td>
<td>T6N, R3W—Sec. 6.</td>
</tr>
<tr>
<td></td>
<td>3,500</td>
<td>T6N, R3W—SW/4 Sec. 26, NW/4 Sec. 27.</td>
</tr>
</tbody>
</table>

[53 FR 43092, Oct. 25, 1988]

Subpart AAA—Guam

§ 147.2600 State-administered program.

The UIC program for all classes of wells in the territory of Guam, except those on Indian lands, is the program administered by the Guam Environmental Protection Agency, approved by EPA pursuant to SDWA section 1422. Notice of this approval was published in the FEDERAL REGISTER on May 2, 1983 (47 FR 19717); the effective date of this program is June 1, 1983. This program consists of the following elements, as submitted to EPA in the State’s program application:

(a) Incorporation by reference. The requirements set forth in the State statutes and regulations cited in this paragraph are hereby incorporated by reference and made a part of the applicable UIC program under the SDWA for
the territory of Guam. This incorporation by reference was approved by the Director of the Federal Register on June 25, 1984.


(2) Water Pollution Control Act, Government Code of Guam sections 57042 and 57045, Public Law 9–76 (July 29, 1967), as amended by Public Law 9–212 (August 5, 1968), as amended by Public Law 10–31 (March 10, 1969), as amended by Public Law 12–191 (December 30, 1974);

(3) Guam Environmental Protection Agency, Underground Injection Control Regulations, Chapters 1–9, as revised by amendments adopted September 24, 1982;


(b) Other laws. The following statutes and regulations, although not incorporated by reference except for specific sections identified in paragraph (a) of this section, are also part of the approved State-administered program:

(1) Government Code of Guam, Title XXV, Chapters I–III (sections 24000–24207);

(2) Government Code of Guam, Title LXI, Chapters I–III (sections 57000–57051);

(3) Government Code of Guam, Title LXI, Chapters VI (sections 57120–57142);

(4) Government Code of Guam, Title LXI, Chapters VIII (sections 57170–57188);

(5) Government Code of Guam, Title LXI, Chapters XII (sections 57285–57299);

(c) The Memorandum of Agreement between EPA, Region IX and the Guam Environmental Protection Agency signed by the Regional Administrator on January 14, 1983.

(d) Statement of legal authority. (1) Letter from Attorney General of Guam to Regional Administrator, Region IX, “Re: Attorney General’s Statement for Underground Injection Control Program [UIC], Ground Water Program Guidance #16” May 12, 1982;


(e) The Program Description and any other materials submitted as part of the application or amendments thereeto.


§ 147.2650 EPA-administered program—Indian lands.

(a) Contents. The UIC program for Indian lands in the territory of Guam is administered by EPA. This program consists of the UIC program requirements of 40 CFR parts 124, 144, 146, 148, and any additional requirements set forth in the remainder of this subpart. Injection well owners and operators, and EPA shall comply with these requirements.

(b) Effective date. The effective date for the UIC program on Indian lands in the territory of Guam is November 25, 1988.

[53 FR 43093, Oct. 25, 1988, as amended at 56 FR 9422, Mar. 6, 1991]

Subpart BBB—Puerto Rico

§ 147.2650 State-administered program—Class I, II, III, IV, and V wells.

The Underground Injection Control Program for all classes of wells in the Commonwealth of Puerto Rico, other than those on Indian lands, is the program administered by Puerto Rico’s Environmental Quality Board (EQB), approved by the EPA pursuant to the Safe Drinking Water Act (SDWA) section 1422. This program consists of the following elements, as submitted to EPA in the Commonwealth’s program application.

(a) Incorporation by reference. The requirements set forth in the State statutes and regulations cited in this paragraph are hereby incorporated by reference and made a part of the applicable UIC program under the SDWA for the Commonwealth of Puerto Rico.

[53 FR 43093, Oct. 25, 1988, as amended at 56 FR 9422, Mar. 6, 1991]
§ 147.2651 EPA-administered program—Indian lands.

(a) Contents. The UIC program for all classes of wells on Indian lands in the Commonwealth of Puerto Rico is administered by EPA. This program consists of the UIC program requirements of 40 CFR parts 124, 144, 146, 148 and any additional requirements set forth in the remainder of this subpart. Injection well owners and operators and EPA shall comply with these requirements.

(b) Effective date. The effective date for the UIC program on Indian Lands in the Commonwealth of Puerto Rico is November 25, 1988.

Subpart CCC—Virgin Islands

§ 147.2700 State-administered program. [Reserved]

§ 147.2701 EPA-administered program.

(a) Contents. The UIC program for the Virgin Islands, including all Indian lands, is administered by EPA. This program consists of the UIC program requirements of 40 CFR parts 124, 144, 146, 148, and any additional requirements set forth in the remainder of this subpart. Injection well owners and operators, and EPA shall comply with these requirements.

(b) Effective dates. The effective date of the UIC program for non-Indian lands in the Virgin Islands is December 30, 1984. The effective date for Indian lands in the Virgin Islands is November 25, 1988.

Subpart DDD—American Samoa

§ 147.2750 State-administered program. [Reserved]

§ 147.2751 EPA-administered program.

(a) Contents. The UIC program for American Samoa, including all Indian lands, is administered by EPA. This program consists of the UIC program requirements of 40 CFR parts 124, 144, 146, 148, and any additional requirements set forth in the remainder of this subpart. Injection well owners and operators, and EPA shall comply with these requirements.

(b) Effective dates. The effective date of the UIC program on non-Indian lands is June 25, 1984. The effective date of the UIC program on Indian lands is November 25, 1988.
Subpart EEE—Commonwealth of the Northern Mariana Islands
§ 147.2800 State-administered program—Class I, II, III, IV, and V wells.

The UIC program for Class I, II, III, IV, and V wells in the Commonwealth of the Northern Mariana Islands, other than those on Indian lands, is the program administered by the Commonwealth of the Northern Mariana Islands Division of Environmental Quality approved by EPA pursuant to Section 1422 of the SDWA. Notice of this approval was published in the Federal Register on January 18, 1985; the effective date of this program is August 30, 1985. This program consists of the following elements, as submitted to EPA in the State’s program application.

(a) Incorporation by reference. The requirements set forth in the State statutes and regulations cited in this paragraph are hereby incorporated by reference and made a part of the applicable UIC program under the SDWA for the Commonwealth of the Northern Mariana Islands. This incorporation by reference was approved by the Director of the Federal Register effective July 31, 1985.

(1) CNMI Environmental Protection Act, 2 CMC sections 3101, et seq. (1984);
(2) CNMI Coastal Resources Management Act, 2 CMC sections 1501, et seq. (1984);
(3) CNMI Drinking Water Regulations, Commonwealth Register, Volume 4, Number 4 (August 15, 1982);
(4) CNMI Underground Injection Control Regulations, Commonwealth Register, Volume 6, Number 5 (May 15, 1984, amended November 15, 1984, January 15, 1985);
(5) CNMI Coastal Resources Management Regulations, Commonwealth Register, Volume 6, Number 12, December 17, 1984.

(b)(1) The Memorandum of Agreement between EPA Region IX and the Commonwealth of the Northern Mariana Islands Division of Environmental Quality, signed by the EPA Regional Administrator on May 3, 1985;


(d) The Program Description and any other materials submitted as part of the original application or as supplements thereto.

[50 FR 28943, July 17, 1985]

§ 147.2801 EPA-administered program.

(a) Contents. The UIC program for Indian lands in the Commonwealth of the Northern Mariana Islands is administered by EPA. This program consists of the UIC program requirements of 40 CFR parts 124, 144, 146, 148, and any additional requirements set forth in the remainder of this subpart. Injection well owners and operators, and EPA shall comply with these requirements.

(b) Effective date. The effective date of the UIC program for Indian lands is November 25, 1988.

[53 FR 43093, Oct. 25, 1988, as amended at 56 FR 9422, Mar. 6, 1991]

§ 147.2802 Aquifer exemptions. [Reserved]

Subpart FFF—Trust Territory of the Pacific Islands
§ 147.2850 State-administered program. [Reserved]

§ 147.2851 EPA-administered program.

(a) Contents. The UIC program for Trust Territory of the Pacific Islands, including all Indian lands, is administered by EPA. This program consists of the UIC program requirements of 40 CFR parts 124, 144, 146, 148, and any additional requirements set forth in the remainder of this subpart. Injection well owners and operators, and EPA shall comply with these requirements.

(b) Effective dates. The effective date of the UIC program for non-Indian lands of the Trust Territory of the Pacific Islands is June 25, 1984. The effective date for the Indian lands is November 25, 1988.

[53 FR 43093, Oct. 25, 1988, as amended at 56 FR 9422, Mar. 6, 1991]
§ 147.2852 Aquifer exemptions. [Reserved]

Subpart GGG—Osage Mineral Reserve—Class II Wells

AUTHORITY: Safe Drinking Water Act, 42 U.S.C. 300h.

SOURCE: 49 FR 45309, Nov. 15, 1984, unless otherwise noted.

§ 147.2901 Applicability and scope.

This subpart sets forth the rules and permitting requirements for the Osage Mineral Reserve, Osage County, Oklahoma, Underground Injection Control Program. The regulations apply to owners and operators of Class II injection wells located on the Reserve, and to EPA.

§ 147.2902 Definitions.

Most of the following terms are defined in §144.3, and have simply been reproduced here for the convenience of the reader. This section also includes definitions of some terms unique to the Osage program. Terms used in this subpart are defined as follows:

Administrator—the Administrator of the United States Environmental Protection Agency, or an authorized representative.

Aquifer—a geologic formation, group of formations, or part of a formation that is capable of yielding a significant amount of water to a well or spring.

BIA—The “Bureau of Indian Affairs.” United States Department of Interior.

Casing—a pipe or tubing of varying diameter and weight, lowered into a borehole during or after drilling in order to support the sides of the hole and, thus, prevent the walls from caving, to prevent loss of drilling mud into porous ground, or to prevent water, gas, or other fluid from entering the hole.

Cementing—the operation whereby a cement slurry is pumped into a drilled hole and/or forced behind the casing.

Class II Wells—wells which inject fluids:
(a) Which are brought to the surface in connection with conventional oil or natural gas production and may be commingled with waste waters from gas plants which are an integral part of production operations, unless those waters would be classified as a hazardous waste at the time of injection;
(b) For enhanced recovery of oil or natural gas; and
(c) For storage of hydrocarbons which are liquid at standard temperature and pressure.

Existing Class II Wells—wells that were authorized by BIA and constructed and completed before the effective date of this program.

New Class II Wells—wells constructed or converted after the effective date of this program, or which are under construction on the effective date of this program.

Confining bed—a body of impermeable or distinctly less permeable material stratigraphically adjacent to one or more aquifers.

Confining zone—a geologic formation, group of formations, or part of a formation that is capable of limiting fluid movement above an injection zone.

Contaminant—any physical, chemical, biological, or radiological substance or matter in water.

Disposal well—a well used for the disposal of waste into a subsurface stratum.

EPA—the United States Environmental Protection Agency.

Fault—a surface or zone of rock fracture along which there has been displacement.

Fluid—material or substance which moves or flows whether in a semisolid, liquid, sludge, gas or any other form or state.

Formation—a body of rock characterized by a degree of lithologic homogeneity which is prevailing, but not necessarily, tabular and is mappable on the earth’s surface or traceable in the subsurface.

Freshwater—“Underground source of drinking water.”

Ground water—water below the land surface in a zone of saturation.

Injection well—a well into which fluids are being injected.

Injection zone—a geological formation, group of formations, or part of a formation receiving fluids through a well.

Lithology—the description of rocks on the basis of their physical and chemical characteristics.
Owner/operator—the owner or operator of any facility or activity subject to regulation under the Osage UIC program.

Packer—a device lowered into a well to produce a fluid-tight seal within the casing.

Permit—an authorization issued by EPA to implement UIC program requirements. Permit does not include the UIC authorization by rule or any permit which has not yet been the subject of final Agency action.

Plugging—the act or process of stopping the flow of water, oil or gas into or out of a formation through a borehole or well penetrating that formation.

Pressure—the total load or force per unit area acting on a surface.

Regional Administrator—the Regional Administrator of Region 6 of the United States Environmental Protection Agency, or an authorized representative.

Subsidence—the lowering of the natural land surface in response to: Earth movements; lowering of fluid pressure; removal of underlyng supporting material by mining or solution solids, either artificially or from natural causes; compaction due to wetting (hydrocompaction); oxidation of organic matter in soils; or added load on the land surface.

Underground source of drinking water—an aquifer or its portion:
(a)(1) Which supplies any public water system; or
(2) Which contains a sufficient quantity of ground water to supply a public water system; and
(i) Currently supplies drinking water for human consumption; or
(ii) Contains fewer than 10,000 mg/l total dissolved solids; and
(b) Which is not an exempted aquifer.

USDW—underground source of drinking water.

Well—a bored, drilled, or driven shaft, or a dug hole whose depth is greater than the largest surface dimension.

Well injection—the subsurface emplacement of fluids through a bored, drilled, or driven well; or through a dug well, where the depth of the dug well is greater than the largest surface dimension.

Well workover—any reentry of an injection well; including, but not limited to, the pulling of tubular goods, cementing or casing repairs; and excluding any routine maintenance (e.g., reseating the packer at the same depth, or repairs to surface equipment).

§ 147.2903 Prohibition of unauthorized injection.

(a) Any underground injection, except as authorized by permit or rule issued under the UIC program, is prohibited. The construction or operation of any well required to have a permit is prohibited until the permit has been issued.

(b) No owner or operator shall construct, operate, maintain, convert, plug, or abandon any injection well, or conduct any other injection activity, in a manner that allows the movement of fluid containing any contaminant into underground sources of drinking water, if the presence of that contaminant may cause the violation of any primary drinking water regulation under 40 CFR part 142 or may otherwise adversely affect the health of persons. The applicant for a permit shall have the burden of showing that the requirements of this paragraph are met.

(c) Injection between the outermost casing protecting underground sources of drinking water and the well bore is prohibited.

§ 147.2904 Area of review.

(a) The area of review for an injection well or project will be a fixed radius of one-forth of a mile from the well, field or project.

(b) The zone of endangering influence is the lateral area around the injection well or project in which the injection zone pressures may cause movement of fluid into an underground source of drinking water (USDW) if there are improperly sealed, completed or abandoned wells present. A zone of endangering influence may be determined by EPA through the use of an appropriate formula that addresses the relevant geologic, hydrologic, engineering and operational features of the well, field, or project.
§ 147.2905 Plugging and abandonment.

The owner/operator shall notify the Osage UIC office within 30 days of the date injection has terminated. The well must be plugged within 1 year after termination of injection. The Regional Administrator may extend the time to plug, but only if no fluid movement into a USDW will occur, and the operator has presented a viable plan for utilizing the well within a reasonable time.

(a) Until an injection well has been properly plugged and abandoned, annual reports to the Regional Administrator on well status, and mechanical integrity tests as outlined in §§147.2912 and 147.2920 will be required, whether or not injection has ceased.

(b) All wells shall be plugged to prevent movement of fluid into an USDW.

(c) The owner/operator shall notify the Osage UIC office by certified mail at least 5 days prior to the commencement of plugging operations. The Osage UIC office may waive or reduce the 5-day notice requirement when a qualified EPA representative is available to witness the plugging operation. The following information must be submitted as part of the notification:

(1) Type and number of plugs to be used;
(2) Elevation of top and bottom of each plug;
(3) Method of plug placement; and
(4) Type, grade and quantity of cement to be used.

(d) The well shall be kept full of mud as casing is removed. No surface casing shall be removed without written approval from the Regional Administrator.

(e)(1) If surface casing is adequately set and cemented through all freshwater zones (set to at least 50 feet below the base of freshwater), a plug shall be set at least 50 feet below the shoe of the casing and extending at least 50 feet above the shoe of the casing, or

(2) If the surface casing and cementing is inadequate, the well bore shall be filled with cement from a point 50 feet below the base of fresh water to a point 50 feet above the shoe of the surface casing, and any additional plugs as required by the Osage UIC office and/or the Osage Agency.

(f)(1) Except as provided in paragraph (f)(2) of this section, each producing or receiving formation shall be sealed off with a 50-foot cement plug placed at the base of the formation and a 50-foot cement plug placed at the top of the formation.

(2) The requirement in paragraph (f)(1) of this section does not apply if the producing/receiving formation is already sealed off from the well bore with adequate casing and cementing behind casing, and casing is not to be removed, or the only openings from the producing/receiving formation into the well bore are perforations in the casing, and the annulus between the casing and the outer walls of the well is filled with cement for a distance of 50 feet below the base of the formation and 50 feet above the top of the formation. When such conditions exist, a bridge plug capped with 10 feet of cement set at the top of the producing formation may be used.

(g) When specified by the Osage UIC office, any uncased hole below the shoe of any casing to be left in the well shall be filled with cement to a depth of at least 50 feet below the casing shoe, or the bottom of the hole, and the casing above the shoe shall be filled with cement to at least 50 feet above the shoe of the casing. If the well has a screen or liner which is not to be removed, the well bore shall be filled with cement from the base of the screen or liner to at least 50 feet above the top of the screen or liner.

(h) All intervals between cement plugs in the well bore shall be filled with mud.

(i) A report containing copies of the cementing tickets shall be submitted to BIA within 10 days of plugging completion.

(j) A surety bond must be on file with the Bureau of Indian Affairs (BIA), and shall not be released until the well has been properly plugged and the Regional
Environmental Protection Agency

§ 147.2909 Authorization of existing wells by rule.

All existing Class II injection wells (wells authorized by BIA and constructed or completed on or before the effective date of the Osage UIC program) are hereby authorized. Owners or operators of wells authorized by rule must comply with the provisions of §§147.2903, 147.2905, 147.2907, and 147.2910 through 147.2915.
§ 147.2910 Duration of authorization by rule.

Existing Class II injection wells are authorized for the life of the well, subject to the obligation to obtain a permit if specifically required by the Regional Administrator pursuant to §147.2915.

§ 147.2911 Construction requirements for wells authorized by rule.

All Class II wells shall be cased and cemented to prevent movement of fluids into USDWs. The Regional Administrator shall review inventory information, data submitted in permit applications, and other records, to determine the adequacy of construction (completion) or existing injection wells. At the Regional Administrator’s discretion, well casing and cementing may be considered adequate if it meets the BIA requirements that were in effect at the time of construction (completion) and will not result in movement of fluid into an USDW. If the Regional Administrator determines that the construction of a well authorized by rule is inadequate, he shall require a permit, or he shall notify the owner/operator and the owner/operator shall correct the problem according to instructions from the Regional Administrator. All corrections must be completed within one year of owner/operator notification of inadequacies.

§ 147.2912 Operating requirements for wells authorized by rule.

(a) Each well authorized by rule must have mechanical integrity. Mechanical integrity must be demonstrated within five years of program adoption. The Regional Administrator will notify the well owner/operator three months before proof of mechanical integrity must be submitted to EPA. The owner/operator must contact the Osage UIC office at least five days prior to testing. The owner/operator may perform the mechanical integrity test prior to receiving notice from the Regional Administrator, provided the Osage UIC office is notified at least five days in advance. Conditions of both paragraphs (a)(1) and (a)(2) of this section must be met.

(1) There is no significant leak in the casing, tubing or packer. This may be shown by the following:

(i) Performance of a pressure test of the casing/tubing annulus to at least 200 psi, or the pressure specified by the Regional Administrator, to be repeated thereafter, at five year intervals, for the life of the well (pressure tests conducted during well operation shall maintain an injection/annulus pressure differential of at least 100 psi through the tubing length); or

(ii) Maintaining a positive gauge pressure on the casing/tubing annulus (filled with liquid) and monitoring the pressure monthly and reporting of the pressure information annually; or

(iii) Radioactive tracer survey; or

(iv) For enhanced recovery wells, records of monitoring showing the absence of significant changes in the relationship between injection pressure and injection flow rate at the well head, following an initial pressure test as described by paragraph (a)(1)(i) or (v) of this section; or

(v) Testing or monitoring programs approved by the Regional Administrator on a case-by-case basis, and

(2) There is no significant fluid movement into a USDW through vertical channels adjacent to the well bore. This may be shown by any of the following:

(i) Cementing records (need not be reviewed every five years);

(ii) Tracer survey (in appropriate hydrogeologic settings; must be used in conjunction with at least one of the other alternatives);

(iii) Temperature log;

(iv) Noise log; or

(v) Other tests deemed acceptable by the Regional Administrator.

(b) Injection pressure at the wellhead shall be limited so that it does not initiate new fractures or propagate existing fractures in the confining zone adjacent to any USDW.

(1) For existing Class II salt water disposal wells, the owner/operator shall, except during well stimulation, use an injection pressure at the wellhead no greater than the pressure calculated by using the following formula:

\[ P_m = (0.75 - 0.433S_g)d \]

where:
§ 147.2913 Monitoring and reporting requirements for wells authorized by rule.

(a) The owner/operator has the duty to submit inventory information to the Regional Administrator upon request. Such request may be a general request to all operators in the County (e.g., public notice, or mailout requesting verification of information).

(b) The operator shall monitor the injection pressure (psi) and rate (bbl/day) at least monthly, with the results reported annually. The annual report shall specify the types of methods used to generate the monitoring data.

(c) The owner/operator shall notify the Osage UIC office within 30 days of any mechanical failure or down-hole problems involving well integrity, well workovers, or any noncompliance. As required, operators must apply for and obtain a workover permit from the Bureau of Indian Affairs Osage Agency before reentering an injection well. If the condition may endanger an USDW, the owner/operator shall notify the Osage UIC office orally within 24 hours, with written notice including plans for testing and/or repair to be submitted within five days. If all the information is not available within five days, a followup report must be submitted within 30 days.

(d) The owner/operator shall determine the nature of injected fluids initially, when the nature of injected fluids is changed or when new constituents are added. The records should reflect the source of character of the new fluid and the date changes were made.

(e) The owner/operator shall retain all monitoring records for three years, unless an enforcement action is pending, and then until three years after the enforcement action has been resolved.

(Approved by the Office of Management and Budget under control number 2040–0042)

§ 147.2914 Corrective action for wells authorized by rule.

Based on the Regional Administrator’s discretion, corrective action to prevent movement of fluid into an USDW may be required for improperly sealed, completed or abandoned wells (i.e., wells or well bores which may provide and avenue for fluid migration...
§ 147.2915 Requiring a permit for wells authorized by rule.

(a) The Regional Administrator may require the owner or operator of any well authorized by rule to apply for an individual or area permit. The Regional Administrator shall notify the owner/operator in writing that a permit application is required. The notice shall contain:

(1) Explanation of need for application;
(2) Application form and, if appropriate, a list of additional information to be submitted; and
(3) Deadline for application submission.

(b) Cases in which the Regional Administrator may require a permit include:

(1) The owner or operator is not in compliance with provisions of the rule;
(2) Injection well is no longer within the category of wells authorized by rule;
(3) Protection of USDWs requires that the injection operation be regulated by requirements which are not contained in the rule; or
(4) Discretion of Regional Administrator.

(c) Injection is no longer authorized by rule upon the effective date of a permit or permit denial, or upon failure of the owner/operator to submit an application in a timely manner as specified in the notice described in paragraph (a) of this section.

(d) Any owner/operator authorized by rule may request to be excluded from the coverage of the rules by applying for an individual or area UIC permit.

§ 147.2916 Coverage of permitting requirements.

The owner or operator of a new Class II injection well or any other Class II well required to have a permit in the Osage Mineral Reserve shall comply with the requirements of §§147.2903, 147.2907, 147.2918, through 147.2928.

§ 147.2917 Duration of permits.

Unless otherwise specified in the permit, the permits will be in effect until the well is plugged and abandoned or the permit terminated. The Regional Administrator will review each issued permit at least once every five years to determine whether it should be modified or terminated.

§ 147.2918 Permit application information.

(a) The owner/operator must submit the original and three copies of the permit application, with two complete sets of attachments, to the Osage UIC office. The application should be signed by the owner/operator or a duly authorized representative. The application should also include appropriate forms (i.e., BIA’s Application for Operation or Report on Wells and EPA’s permit application). The applicant has the burden of proof to show that the proposed injection activities will not endanger USDWs.

(b) The application shall include the information listed below. Information required by paragraphs (b) (5), (7), or (9) of this section that is contained in EPA or BIA files may be included in the application by reference.

(1) Map using township-range sections showing the area of review and identifying all wells of public record penetrating the injection interval.
(2) Tabulation of data on the wells identified in paragraph (b)(1) of this
§ 147.2920 Operating requirements for wells authorized by permit.

(a) For new Class II wells, injection shall be through adequate tubing and packer. Packer shall be run on the tubing and set inside the casing within 75 feet of the top of the injection interval. For existing Class II wells, injection shall be through adequate tubing and packer, or according to alternative operating requirements approved by the Regional Administrator, as necessary to prevent the movement of fluid into a USDW.

(b) Each well must have mechanical integrity. Mechanical integrity of the injection well must be shown prior to operation. The owner/operator must notify the Osage UIC office at least five days prior to mechanical integrity testing. Conditions of both paragraphs (b) (1) and (2) of this section must be met.
§ 147.2921 Schedule of compliance.

The permit may, when appropriate, specify a schedule of compliance leading to compliance with the Safe Drinking Water Act and the Osage UIC regulations.

(a) Any schedule of compliance shall require compliance as soon as possible, and in no case later than three years after the effective date of the permit.

(b) If a permit establishes a schedule of compliance which exceeds one year from the date of permit issuance, the schedule shall set forth interim requirements and the dates for their achievement.

(1) The time between interim dates shall not exceed one year.

(2) If the time necessary for completion of any interim requirement is more than 1 year and is not readily divisible into stages for completion, the permit shall specify interim dates for the submission of reports of progress toward completion of the interim requirements and indicate a projected completion date.

(c) The permit shall be written to require that if a schedule of compliance is applicable, progress reports be submitted no later than 30 days following each interim date and the final date of compliance.

§ 147.2922 Monitoring and reporting requirements for wells authorized by permit.

(a) The owner/operator shall notify the Osage UIC office within 30 days of the date on which injection commenced.

(b) The operator shall monitor the injection pressure (psi) and rate (bbl/day) at least monthly, with the results reported annually. The annual reports shall specify the types or methods used to generate the monitoring data.

(c) The permit shall specify interim dates for the submission of reports of progress toward completion of the interim requirements and indicate a projected completion date.

(d) Injection wells or projects which have exhibited failure to confine injected fluids to the authorized injection zone or zones may be subject to restriction of injected volume and pressure or shut-in, until the failure has been identified and corrected.

(e) Operation shall not commence until proof has been submitted to the Regional Administrator, or an EPA representative has witnessed that any corrective action specified in the permit has been completed.
§ 147.2925 Standard permit conditions.

(a) The permittee must comply with all permit conditions, except as authorized by an emergency permit (described in §147.2906). Noncompliance is grounds for permit modification, permit termination or enforcement action.

(b) The permittee has a duty to halt or reduce activity in order to maintain compliance with permit conditions.
§ 147.2926 Permit transfers.

(a) Permits may be transferred to another permittee:

(1) If the current permittee notifies the Regional Administrator at least 10 days before the proposed transfer date; and

(2) If the notice includes a written agreement between the existing and new permittees containing:

(iv) Individual(s) who performed the analyses;

(v) Analytical techniques or methods used, including quality assurance techniques employed to insure the generation of reliable data; and

(vi) Results of analyses.

(j) Signatory requirements. All applications, reports or information submitted to the Regional Administrator or the Osage UIC office must be signed by the injection facility owner/operator or his duly authorized representative. The person signing these documents must make the following certification:

“I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.”

(k) Reporting requirements. (1) The permittee shall notify the Regional Administrator as soon as possible of any planned changes to the facility.

(2) The permittee shall give advance notice to the Regional Administrator of any planned changes which may result in noncompliance.

(3) This permit is not transferable to any person except after notice to the Regional Administrator in accordance with §147.2926.

(l) A new injection well shall not commence injection until construction is complete and the Regional Administrator has been notified of completion of construction and has given his approval to commence injection.

(The information collection requirements contained in paragraphs (g) and (i) were approved by the Office of Management and Budget under control number 2040–0042)

§ 147.2926 Permit transfers.

(c) The permittee shall take all reasonable steps to mitigate any adverse environmental impact resulting from noncompliance.

(d) The permittee shall properly operate and maintain all facilities installed or used to meet permit conditions. Proper operation and maintenance also includes adequate operator staffing and training, adequate funding, and adequate engineering capability available.

(e) This permit may be modified or terminated for cause (see §§147.2927 and 147.2928). The filing of a request by the permittee for a permit modification or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

(f) This permit does not convey any property rights, or any exclusive privilege.

(g) The permittee shall furnish, within a reasonable time, information that the Regional Administrator requests, for determination of permit compliance, or if cause exists, for permit modification or termination.

(h) The permittee shall allow EPA representatives, upon presentation of appropriate credentials or other documentation, to:

(1) Enter permittee’s premises where a regulated activity is conducted or located, or where records required by this permit are kept;

(2) Have access to and copy records required by this permit;

(3) Inspect any facilities, equipment, practices or operations regulated or required by this permit; and

(4) Sample or monitor any substances or parameters at any location for purpose of assuring compliance with this permit or the SDWA.

(i) Monitoring and records.

(1) Samples and monitoring data shall be representative of injection activity.

(2) Permittee shall retain monitoring records for three years.

(3) Monitoring records shall include:

(i) Date, exact place and time of sampling or measurement;

(ii) Individual(s) who preformed the measurements;

(iii) Date(s) analyses were performed;
§ 147.2927 Permit modification.

(a) Permits may be modified for the following causes only (with the exceptions listed in paragraph (b) of this section regarding minor modifications):

(1) There are substantial changes to the facility or activity which occurred after permit issuance that justify revised or additional permit conditions.

(2) The Regional Administrator has received information (e.g., from monitoring reports, inspections) which warrants a modified permit. The regulations or standards on which the permit was based have changed.

(4) Cause exists for termination under §147.2928, but the Regional Administrator determines that permit modification is appropriate.

(b) Minor modifications do not require that the procedures listed in paragraph (c) of this section be followed.

(c) Minor modifications consist of:

(1) Changing ownership or operational control (see §147.2926, Permit Transfers); or

(2) Requiring more frequent monitoring or reporting;

(3) Changing quantities or types of injected fluids, provided:

(A) The facility can operate within conditions of permit; and

(B) The facility classification would not change.

§ 147.2928 Permit termination.

(a) Permits may be terminated for the following causes only:

(1) Noncompliance with any permit condition.

(2) Misrepresentation or failure to fully disclose any relevant facts.

(3) Determination that the permitted activity endangers human health or the environment.

(4) Interested person requests in writing that a permit be terminated and the Regional Administrator determines that request is valid.

(b) Termination procedures.

(1) The Regional Administrator shall issue notice of intent to terminate (which is a type of draft permit).

(2) Notice of intent to terminate shall follow the general permitting procedures (i.e., public comment period, etc.) before a final decision is made.

§ 147.2929 Administrative permitting procedures.

(a) Completeness review. (1) The Regional Administrator shall review each permit application for completeness with the application requirements in §147.2918. The review will be completed in 10 days, and the Regional Administrator shall notify the applicant whether or not the application is complete.

(2) If the application is incomplete, the Regional Administrator shall:

(i) List the additional information needed;

(ii) Specify a date by which the information must be submitted; and

(iii) Notify the applicant when the application is complete.

(3) After an application is determined complete, the Regional Administrator may request additional information to
§ 147.2929 clarify previously submitted information. The application will still be considered complete.

(4) If an applicant fails or refuses to correct deficiencies in the application, the permit may be denied and appropriate enforcement actions taken.

(b) Draft permits. (1) After an application is deemed complete, the Regional Administrator shall either prepare a draft permit or notice of intent to deny the permit (which is a type of draft permit). If the Regional Administrator later decides the tentative decision to deny was wrong, he shall withdraw the notice of intent to deny and prepare a draft permit.

(2) A draft permit shall contain at least the following information:

(i) The standard permit conditions in §147.2925;

(ii) Any monitoring and reporting requirements;

(iii) The construction and operation requirements; and

(iv) Plugging and abandonment requirements.

(c) Statement of basis. (1) The Regional Administrator shall prepare a statement of basis for every draft permit.

(2) The statement of basis shall briefly describe the draft permit conditions and the reasons for them. In the case of a notice of intent to deny or terminate, the statement of basis shall give reasons to support the tentative decision.

(3) The statement of basis shall be sent to the applicant, and to any other person who requests a copy.

(d) Public notice. (1)(i) The Regional Administrator shall give public notice when:

(A) A permit application has been tentatively denied;

(B) A draft permit has been prepared; or

(C) A hearing has been scheduled; or

(D) An appeal has been granted.

(ii) The applicant shall give public notice that he is submitting a permit application.

(iii) Public notice is not required when a request for permit modification or termination is denied. However, written notice will be given to the permittee and the requester.

(iv) Public notices may include more than one permit or action.

(2)(i) Public notice of a draft permit (including notice of intent to deny) shall allow at least 15 days for public comment.

(ii) Public notice of a hearing shall be given at least 30 days before the hearing.

(3)(i) Public notice given by the Regional Administrator for the reasons listed in paragraph (d)(1)(i) of this section shall be mailed to the applicant, and published in a daily or weekly paper of general circulation in the affected area.

(ii) Notice of application submission required by paragraph (d)(1)(ii) of this section shall be given to the surface landowner, tenants on the land where an injection well is located or is proposed to be located, and to each operator of a producing lease within one-half mile of the well location prior to submitting the application to the Regional Administrator.

(4) The notice of application submission in paragraphs (d)(1)(ii) and (d)(3)(ii) of this section shall contain:

(i) The applicant’s name and address;

(ii) The legal location of the injection well;

(iii) Nature of activity;

(iv) A statement that EPA will be preparing a draft permit and that there will be an opportunity for public comment; and

(v) The name and phone number of EPA contact person.

(5) All other notices shall contain:

(i) The name, address, and phone number of the Osage UIC office and contact person for additional information and copies of the draft permit;

(ii) Name and address of permit applicant or permittee;

(iii) Brief description of nature of activity;

(iv) Brief description of comment period and comment procedures;

(v) Location of the information available for public review; and

(vi) In the case of a notice for a hearing the notice shall also include:

(A) Date, time, and location of hearing;

(B) Reference to date of previous notices of the same permit; and

(C) Brief description of the purpose of the hearing, including rules and procedures.

(e) Public comments. (1) During the public comment period, any person
may submit written comments on the draft permit, and may request a public hearing. A request for hearing shall be in writing and state the issues proposed to be raised in the hearing.

(2) The Regional Administrator shall consider all comments when making the final decision, and shall respond to comments after the decision is made. The response shall:

(i) Specify if any changes were made from the draft permit to the final permit decision, and why;

(ii) Briefly describe and respond to all significant comments on the draft permit made during the comment period, or hearing, if held; and

(iii) Be made available to the public.

(f) Public hearings.

(1) The Regional Administrator shall hold a public hearing whenever he finds a significant amount of public interest in a draft permit, based on the requests submitted, or at his discretion.

(2) Any person may submit oral or written statements and data concerning the draft permit. The public comment period shall be automatically extended to the close of any public hearing held, or may be extended by the hearing officer at the hearing.

(3) A tape recording or written transcript of the hearing shall be made available to the public.

(g) Reopening of the comment period.

(1) If any of the information submitted during the public comment period raises substantial new questions about a permit, the Regional Administrator may:

(i) Prepare a new draft permit;

(ii) Prepare a revised statement of basis; or

(iii) Reopen the comment period.

(2) Comments submitted during a reopened comment period shall be limited to the substantial new questions that caused its reopening.

(3) Public notice about any of the above actions shall be given and shall define the scope of the new questions raised.

(h) Issuance and effective date of a permit.

(1) After the close of the comment period on a draft permit, the Regional Administrator shall make a final permit decision. The Regional Administrator shall notify the applicant and each person who commented or requested to receive notice. The notice shall include reference to the procedures for appealing a permit decision.

(2) A final permit decision shall become effective 30 days after giving notice of the decision unless:

(i) A later date is specified in the notice;

(ii) Review is requested under §147.2929(j); or

(iii) No comments requested a change in the draft permit, in which case the permit is effective immediately upon issuance.

(i) Stay of contested permit conditions.

If a request for review of a final UIC permit §147.2929(j) is granted, the effect of the contested permit conditions shall be stayed and shall not be subject to judicial review pending final agency action. If the permit involves a new injection well or project, the applicant shall be without a permit for the proposed well pending final agency action. Uncontested provisions which are not severable from those contested provisions shall be stayed with the contested provisions.

(j) Appeal of permits.

(1) Any person who filed comments on the draft permit or participated in the public hearing may petition the Administrator to review any condition of the permit decision. Any person who failed to file comments or participate in the hearing may petition for administrative review only to the extent of the changes from the preliminary permit to the final permit decision.

(2) A person may request review of a final permit decision within 30 days after a final permit decision has been issued. The 30-day period within which a person may request review begins with the service of notice of the Regional Administrator’s final permit decision unless a later date is specified in that notice.

(3) The petition requesting review shall include:

(i) A demonstration that the petition is eligible under the requirements of paragraph (j)(1) of this section; and, when appropriate,

(ii) A showing that the condition in question is based on:

(A) A finding of fact or conclusion of law that is clearly erroneous; or

(B) A demonstration that the petitioner is not com-
§ 147.3000 EPA-administered program.

(a) Contents. The UIC program for the Indian lands of the Navajo, the Ute Mountain Ute (Class II wells only on Ute Mountain Ute lands in Colorado and all wells on Ute Mountain Ute lands in Utah and New Mexico), and all wells on other Indian lands in New Mexico is administered by EPA. (The term ‘‘Indian lands’’ is defined at 40 CFR 144.3.) The Navajo Indian lands are in the States of Arizona, New Mexico, and Utah; and the Ute Mountain Ute lands are in Colorado, New Mexico and Utah. This program consists of the UIC program requirements of 40 CFR parts 124, 144, 146, 148, and additional requirements set forth in the remainder of this subpart. The additions and modifications of this subpart apply only to the Indian lands described above. Injection well owners and operators, and EPA shall comply with these requirements.

Subpart HHH—Lands of the Navajo, Ute Mountain Ute, and All Other New Mexico Tribes

SOURCE: 53 FR 43104, Oct. 25, 1988, unless otherwise noted.

§ 147.3001 Definition.

Area of review. For the purposes of this subpart, area of review means the area surrounding an injection well or project area described according to the criteria set forth in §147.3009 of this subpart.

§ 147.3002 Public notice of permit actions.

An applicant shall give public notice of his intention to apply for a permit as follows:

(a) Prior to submitting an application to the Director, the applicant shall give notice to each landowner, tenant, and operator of a producing lease within one-half mile of the well and to the affected Tribal Government. The notice shall include:

(1) Name and address of applicant;

(B) An exercise of discretion or important policy consideration which the Administrator, in his discretion, should review.

(4) The Administrator may also decide, on his initiative, to review any condition of any UIC permit issued under these requirements. The Administrator must act under this paragraph within 30 days of the date notice was given of the Regional Administrator’s action.

(5) Within a reasonable time following the filing of the petition for review, the Administrator shall issue an order either granting or denying the request. To the extent that review is denied, the conditions of the final permit decision become final agency action.

(6) Public notice shall be given by the Regional Administrator of any grant of a review petition by the Administrator. Notice shall be sent to the applicant, the person requesting the review, appropriate persons on the Osage County mailing list and to newspapers of general circulation in the county. Included in the notice shall be a briefing schedule for the appeal and a statement that any interested person may file an amicus brief. Notice of denial of the review petition will be sent only to the person(s) requesting the review.

(7) A petition to the Administrator, under paragraphs (j) (1) and (2) of this section is a prerequisite to the seeking of judicial review of the final agency action. For purposes of judicial review, final agency action occurs when a final UIC permit is issued or denied by the Regional Administrator and agency review procedures are exhausted. A final permit decision shall be issued by the Regional Administrator:

(i) When the Administrator issues notice to the parties involved that review has been denied;

(ii) When the Administrator issues a decision on the merits of the appeal and the decision does not include a remand of the proceedings; or

(iii) Upon the completion of the remand proceedings if the proceedings are remanded, unless the Administrator’s remand order specifically provides that the appeal of the remand decision will be required to exhaust the administrative remedies.
Environmental Protection Agency

§ 147.3006 Injection pressure for existing Class II wells authorized by rule.

(a) Rule-authorized Class II saltwater disposal wells. In addition to the requirements of §144.31(c)(3) of this chapter, an applicant for a uranium mining permit which necessitates an aquifer cleanup plan, acceptable to the Director, describing the methods or techniques that will be used to meet the standards of §147.3011. The cleanup plan shall include an analysis of pre-injection water quality for the constituents required by the Director. The Director shall consider the cleanup plan in addition to the other information required for permit applications under §§144.31(e) and 146.34 of this chapter.

§ 147.3004 Duration of rule authorization for existing Class I and III wells.

Notwithstanding §144.21(a)(3)(1)(B) of this chapter, authorization by rule for existing Class I and III wells will expire 90 days after the effective date of this UIC program unless a complete permit application has been submitted to the Director.

§ 147.3005 Radioactive waste injection wells.

Notwithstanding §§144.24 and 146.51(b) of this chapter, owners and operators of wells used to dispose of radioactive waste (as defined in 10 CFR part 20, appendix B, table II, but not including high level and transuranic waste and spent nuclear fuel covered by 40 CFR part 191) shall comply with the permitting requirements pertaining to Class I wells in parts 124, 144 and 146 of this chapter, as modified and supplemented by this subpart.

§ 147.3006 Injection pressure for existing Class II wells authorized by rule.

(a) Aquifer exemptions in connection with Class II wells. In accordance with §144.7(b) and §146.4 of this chapter, the portions of authorized injection zones into which existing Class II wells are currently injecting which are described in appendix A are hereby exempted. The exempted aquifers are defined by a one-quarter mile radius from the existing injection well. The exemption includes the intended injection zone only and is solely for the purpose of Class II injection.

(b) Class III wells. In addition to the requirements of §144.7(c)(1) of this chapter, an applicant for a uranium mining permit which necessitates an aquifer exemption shall submit a plugging and abandonment plan containing an aquifer cleanup plan, acceptable to the Director, describing the methods or techniques that will be used to meet the standards of §147.3011. The cleanup plan shall include an analysis of pre-injection water quality for the constituents required by the Director. The Director shall consider the cleanup plan in addition to the other information required for permit applications under §§144.31(e) and 146.34 of this chapter.
established by the Director for the field or formation in which the well is located. The Director shall establish such maximum pressure after notice (including notice to the affected Tribe), opportunity for comment, and opportunity for public hearing according to the provisions of part 124, subpart A, of this chapter, and shall inform owners and operators and the affected Tribe in writing of the applicable maximum pressure; or

(2) An owner or operator may inject at a pressure greater than that specified in paragraph (b)(1) of this section for the field or formation in which he is operating after demonstrating in writing to the satisfaction of the Director that such injection pressure will not violate the requirements of §144.28(f)(3)(ii) of this chapter. The Director may grant such a request after notice (including notice to the affected Tribe), opportunity for comment and opportunity for a public hearing according to the provisions of part 124, subpart A of this chapter.

(3) Prior to the time that the Director establishes rules for maximum injection pressure under paragraph (b)(1) of this section the owner or operator shall:

(i) Limit injection pressure to a value which will not exceed the operating requirements of §144.28(f)(3)(ii); and

(ii) Submit data acceptable to the Director which defines the fracture pressure of the formation in which injection is taking place. A single submission may be made on behalf of two or more operators conducting operations in the same field and formation, if the Director approves. The data shall be submitted to the Director within one year of the effective date of this program.

§ 147.3007 Application for a permit.

(a) Notwithstanding the requirements of §144.31(c)(1) of this chapter, the owner or operator of an existing Class I or III well shall submit a complete permit application no later than 90 days after the effective date of the program.

(b) The topographic map (or other map if a topographic map is unavailable) required by §144.31(e)(7) of this chapter, shall extend two miles from Class II wells, and 2 1/2 miles from Class I and III wells. These maps will show all the information listed in paragraph 144.31(e)(7) within 1/2 mile for Class II wells and 2 1/2 miles for Class I and III wells.

§ 147.3008 Criteria for aquifer exemptions.

The aquifer exemption criterion in §146.4(c) of this chapter shall not be available for this program.

§ 147.3009 Area of review.

The area of review shall be defined as follows:

(a) Class II wells. The area of review for Class II permits and area permits shall be defined by a fixed radius as described in §146.6(b) (1) and (2) of this chapter except that the radius shall be one-half mile.

(b) Class I and III wells. The area of review for Class I and III wells are well fields which may be either:

(1) An area defined by a radius two and one-half miles from the well or well field; or

(2) An area one-quarter mile from the well or well field where the well field production at the times exceeds injection to produce a net withdrawal; or

(3) A suitable distance, not less than one-quarter mile, proposed by the owner or operator and approved by the Director based upon a mathematical calculation such as that found in §146.6(a)(2) of this chapter.

§ 147.3010 Mechanical integrity tests.

The monitoring of annulus pressure listed in §146.8(b)(1) of this chapter will only be acceptable if preceded by a pressure test, using liquid or gas that clearly demonstrates that mechanical integrity exists at the time of the pressure test.

§ 147.3011 Plugging and abandonment of Class III wells.

To meet the requirements of §146.10(d) of this chapter, owners and operators of Class III uranium projects underlying or in aquifers containing up to 5,000 mg/l TDS which have been exempted under §146.4 of this chapter shall:
§ 147.3014 Construction requirements for Class III wells.

(a) In addition to the requirements of §146.32(c)(3) of this chapter, radiological characteristics of the formation fluids shall be provided to the Director.

(b) In addition to the requirements of §146.32(e) of this chapter, the Director may require monitoring wells to be completed into USDWs below the injection zone if those USDWs may be affected by mining operations.

§ 147.3015 Information to be considered for Class III wells.

(a) In addition to the requirements of §146.34(a) of this chapter, the following information shall be considered by the Director:

(1) Proposed construction procedures, including a cementing and casing program, logging procedures, deviation checks, and a drilling, testing and coring program.

(2) Depth to the proposed injection zone, and a chemical, physical and radiological analysis of the ground water in the proposed injection zone sufficient to define pre-injection water quality as required for aquifer cleanup by §147.3011 of this subpart.

(3) An aquifer cleanup plan if required by §147.3003(b) of this subpart.

(4) Any additional information that may be necessary to demonstrate that cleanup will reduce the level of contaminants in the surrounding USDWs as close as feasible to the original conditions.

(b) In addition to the requirements of §146.34(b) of this chapter, the Director shall consider any information required under §146.34(a) of this chapter (as supplemented by this subpart) that has been gathered during construction.

§ 147.3016 Criteria and standards applicable to Class V wells.

In addition to the criteria and standards applicable to Class V wells set forth in subpart F of part 146 of this chapter, owners and operators of wells that do not fall within the Class IV category but that are used to dispose of radioactive wastes (as defined in 10 CFR part 20, appendix B, table II, column 2, but not including high level and transuranic wastes and spent nuclear fuel covered by 40 CFR part 191) shall...
comply with all of the requirements applicable to Class I injection wells in 40 CFR parts 124, 144 and 146 as supplemented by this subpart.

APPENDIX A TO SUBPART HHH OF PART 147—EXEMPTED AQUIFERS IN NEW MEXICO

The areas described by a one-quarter mile radius around the following Class II wells in the listed formations are exempted for the purpose of Class II injection.

<table>
<thead>
<tr>
<th>Sec.</th>
<th>Well No.</th>
<th>Arco Oil &amp; Gas Co.—Operator/Horseshoe Gallup—Field/Gallup—Formation</th>
</tr>
</thead>
<tbody>
<tr>
<td>SENE</td>
<td>5</td>
<td>T30N R16W 1650 FNL 330 FEL 134</td>
</tr>
<tr>
<td>NW/NW</td>
<td>30</td>
<td>T31N R16W 660 FNL 703 FWL 8</td>
</tr>
<tr>
<td>SE/SW</td>
<td>28</td>
<td>T31N R16W 790 FSL 2150 FWL 167</td>
</tr>
<tr>
<td>NW/SW</td>
<td>33</td>
<td>T31N R16W 2150 FNL 2105 FWL 196</td>
</tr>
<tr>
<td>NW/NW</td>
<td>4</td>
<td>T30N R16W 660 FNL 443 FEL 219</td>
</tr>
<tr>
<td>NW/SW</td>
<td>33</td>
<td>T31N R16W 1980 FSL 386 FWL 65</td>
</tr>
<tr>
<td>NW/SE</td>
<td>27</td>
<td>T31N R16W 1980 FWL 2080 FEL 164</td>
</tr>
<tr>
<td>SE/SE</td>
<td>30</td>
<td>T31N R16W 660 FSL 660 FWL 5</td>
</tr>
<tr>
<td>NW/NW</td>
<td>34</td>
<td>T31N R16W 730 FNL 515 FWL 180</td>
</tr>
<tr>
<td>NW/NE</td>
<td>34</td>
<td>T31N R16W 813 FNL 2036 FWL 182</td>
</tr>
<tr>
<td>NW/NE</td>
<td>2</td>
<td>T31N R16W 720 FNL 2040 FWL 229</td>
</tr>
<tr>
<td>NW/NW</td>
<td>29</td>
<td>T31N R16W 660 FNL 660 FWL 24</td>
</tr>
<tr>
<td>NW/SW</td>
<td>14</td>
<td>T31N R16W 1975 FSL 670 FWL 77</td>
</tr>
<tr>
<td>NW/SE</td>
<td>27</td>
<td>T31N R16W 660 FWL 1980 FEL 22</td>
</tr>
<tr>
<td>SE/SW</td>
<td>35</td>
<td>T31N R16W 1980 FSL 660 FWL 205</td>
</tr>
<tr>
<td>SE/NE</td>
<td>30</td>
<td>T31N R16W 1980 FNL 2061 FWL 7</td>
</tr>
<tr>
<td>NW/NE</td>
<td>31</td>
<td>T31N R16W 660 FNL 1980 FEL 17</td>
</tr>
<tr>
<td>NW/NE</td>
<td>4</td>
<td>T30N R16W 330 FNL 2160 FWL 221</td>
</tr>
<tr>
<td>NW/NE</td>
<td>29</td>
<td>T31N R16W 660 FNL 1980 FEL 26</td>
</tr>
<tr>
<td>SE/NE</td>
<td>34</td>
<td>T31N R16W 1990 FNL 645 FWL 194</td>
</tr>
<tr>
<td>SE/SE</td>
<td>31</td>
<td>T31N R16W 640 FSL 660 FWL 27</td>
</tr>
<tr>
<td>NE/SW</td>
<td>14</td>
<td>T31N R17W 2250 FSL 2630 FWL 94</td>
</tr>
<tr>
<td>NE/NW</td>
<td>14</td>
<td>T31N R17W 625 FNL 1995 FWL 69</td>
</tr>
<tr>
<td>SE/NE</td>
<td>10</td>
<td>T31N R16W 1900 FNL 2080 FWL 271</td>
</tr>
<tr>
<td>SE/SE</td>
<td>29</td>
<td>T31N R16W 560 FWL 21</td>
</tr>
<tr>
<td>SE/NE</td>
<td>30</td>
<td>T31N R16W 1980 FWL 660 FEL 10</td>
</tr>
<tr>
<td>NW/NW</td>
<td>29</td>
<td>T31N R16W 2080 FNL 1980 FWL 23</td>
</tr>
<tr>
<td>SE/SW</td>
<td>32</td>
<td>T31N R16W 660 FNL 1980 FWL 14</td>
</tr>
<tr>
<td>NW/SW</td>
<td>30</td>
<td>T31N R16W 2051 FSL 742 FWL 19</td>
</tr>
<tr>
<td>SE/SW</td>
<td>13</td>
<td>T31N R17W 660 FNL 1980 FWL 82</td>
</tr>
<tr>
<td>NW/NW</td>
<td>27</td>
<td>T31N R16W 520 FNL 660 FWL 150</td>
</tr>
<tr>
<td>NW/SE</td>
<td>29</td>
<td>T31N R16W 660 FNL 660 FWL 169</td>
</tr>
<tr>
<td>NW/SW</td>
<td>29</td>
<td>T31N R16W 1980 FSL 660 FWL 11</td>
</tr>
<tr>
<td>NW/SW</td>
<td>34</td>
<td>T31N R16W 2310 FNL 1650 FWL 192</td>
</tr>
<tr>
<td>SE/NW</td>
<td>29</td>
<td>T31N R16W 660 FWL 1980 FWL 12</td>
</tr>
<tr>
<td>NW/SW</td>
<td>27</td>
<td>T31N R16W 1650 FNL 330 FWL 162</td>
</tr>
<tr>
<td>NE/SE</td>
<td>23</td>
<td>T31N R17W 1880 FSL 340 FWL 96</td>
</tr>
<tr>
<td>NW/SW</td>
<td>24</td>
<td>T31N R17W 2050 FSL 990 FWL 97</td>
</tr>
<tr>
<td>SE/NW</td>
<td>4</td>
<td>T30N R16W 2060 FNL 1710 FWL 232</td>
</tr>
<tr>
<td>NW/NW</td>
<td>31</td>
<td>T31N R16W 620 FNL 701 FWL 30</td>
</tr>
<tr>
<td>SE/NE</td>
<td>32</td>
<td>T31N R16W 1980 FNL 417 FWL 20</td>
</tr>
<tr>
<td>NW/NW</td>
<td>34</td>
<td>T31N R16W 2140 FSL 735 FWL 201</td>
</tr>
<tr>
<td>SE/NW</td>
<td>3</td>
<td>T30N R16W 2310 FNL 1640 FWL 236</td>
</tr>
<tr>
<td>NW/NW</td>
<td>30</td>
<td>T31N R16W 660 FNL 1980 FEL 213</td>
</tr>
<tr>
<td>SE/SW</td>
<td>26</td>
<td>T31N R16W 660 FNL 1980 FWL 175</td>
</tr>
<tr>
<td>NW/SW</td>
<td>30</td>
<td>T31N R16W 1980 FNL 1980 FEL 6</td>
</tr>
<tr>
<td>NW/SE</td>
<td>9</td>
<td>T30N R16W 1650 FNL 2131 FWL 264</td>
</tr>
<tr>
<td>NW/SW</td>
<td>4</td>
<td>T30N R16W 2310 FSL 4390 FWL 242</td>
</tr>
<tr>
<td>NW/SW</td>
<td>2</td>
<td>T30N R16W 1980 FNL 660 FWL 250</td>
</tr>
<tr>
<td>NW/NW</td>
<td>33</td>
<td>T31N R16W 660 FNL 386 FWL 66</td>
</tr>
<tr>
<td>NE/NW</td>
<td>15</td>
<td>T31N R17W 660 FNL 660 FWL 67</td>
</tr>
<tr>
<td>NW/NW</td>
<td>33</td>
<td>T31N R16W 660 FNL 1980 FWL 178</td>
</tr>
<tr>
<td>NW/SE</td>
<td>24</td>
<td>T31N R17W 1875 FSL 1900 FWL 99</td>
</tr>
<tr>
<td>NW/NW</td>
<td>28</td>
<td>T31N R16W 660 FNL 1980 FEL 148</td>
</tr>
<tr>
<td>NW/NW</td>
<td>19</td>
<td>T31N R16W 680 FNL 682 FWL 89</td>
</tr>
<tr>
<td>Sec.</td>
<td>Well No.</td>
<td>Resource</td>
</tr>
<tr>
<td>------</td>
<td>----------</td>
<td>-----------</td>
</tr>
<tr>
<td>NW/SE</td>
<td>4 T30N R16W 1820 FSL 2130 FEL</td>
<td>244</td>
</tr>
<tr>
<td>SE/SW</td>
<td>20 T31N R16W 660 FSL 1980 FWL</td>
<td>115</td>
</tr>
<tr>
<td>NW/NE</td>
<td>25 T31N R17W 660 FNL 1980 FEL</td>
<td>118</td>
</tr>
<tr>
<td>NW/SW</td>
<td>19 T31N R16W 1980 FSL 706 FWL</td>
<td>101</td>
</tr>
<tr>
<td>NW/SE</td>
<td>32 T31N R16W 1950 FSL 1980 FEL</td>
<td>22</td>
</tr>
<tr>
<td>NW/NW</td>
<td>35 T31N R16W 605 FNL 690 FWL</td>
<td>184</td>
</tr>
<tr>
<td>SE/NE</td>
<td>29 T31N R16W 1980 FSL 417 FWL</td>
<td>25</td>
</tr>
<tr>
<td>SE/NW</td>
<td>19 T31N R16W 1980 FNL 2023 FWL</td>
<td>95</td>
</tr>
<tr>
<td>NW/NW</td>
<td>32 T31N R16W 660 FNL 660 FWL</td>
<td>4</td>
</tr>
<tr>
<td>SE/SW</td>
<td>24 T31N R17W 660 FSL 3300 FWL</td>
<td>107</td>
</tr>
<tr>
<td>SE/NE</td>
<td>28 T31N R16W 2105 FNL 940 FEL</td>
<td>154</td>
</tr>
<tr>
<td>NW/NE</td>
<td>35 T31N R16W 610 FNL 2000 FEL</td>
<td>186</td>
</tr>
<tr>
<td>SE/SW</td>
<td>5 T31N R16W 990 FSL 2310 FWL</td>
<td>139</td>
</tr>
<tr>
<td>SE/SE</td>
<td>33 T31N R16W 330 FSL 990 FEL</td>
<td>211</td>
</tr>
<tr>
<td>NW/NE</td>
<td>5 T30N R16W 330 FNL 1650 FEL</td>
<td>128</td>
</tr>
<tr>
<td>SE/NW</td>
<td>27 T31N R16W 1900 FNL 2050 FWL</td>
<td>156</td>
</tr>
<tr>
<td>NW/SW</td>
<td>35 T31N R16W 660 FNL 1980 FWL</td>
<td>217</td>
</tr>
<tr>
<td>NW/NW</td>
<td>10 T30N R16W 526 FNL 330 FWL</td>
<td>265</td>
</tr>
<tr>
<td>NW/NE</td>
<td>21 T31N R16W 1980 FSL 1980 FWL</td>
<td>143</td>
</tr>
<tr>
<td>NW/SW</td>
<td>24 T31N R17W 409 FNL 1914 FEL</td>
<td>87</td>
</tr>
<tr>
<td>NW/SE</td>
<td>32 T31N R16W 1980 FSL 660 FWL</td>
<td>15</td>
</tr>
<tr>
<td>SE/SE</td>
<td>34 T31N R16W 960 FSL 910 FEL</td>
<td>215</td>
</tr>
<tr>
<td>SW/SE</td>
<td>21 T31N R16W 820 FSL 1820 FEL</td>
<td>145</td>
</tr>
<tr>
<td>SE/SW</td>
<td>27 T31N R16W 610 FSL 640 FEL</td>
<td>173</td>
</tr>
<tr>
<td>NW/SW</td>
<td>3 T30N R16W 1920 SFL 350 FWL</td>
<td>246</td>
</tr>
<tr>
<td>SE/SW</td>
<td>19 T31N R16W 601 FSL 2002 FWL</td>
<td>111</td>
</tr>
<tr>
<td>SW/SE</td>
<td>14 T31N R17W 330 FSL 1900 FEL</td>
<td>79</td>
</tr>
<tr>
<td>NW/NW</td>
<td>27 T31N R16W 520 FNL 660 FWL</td>
<td>150</td>
</tr>
<tr>
<td>SE/NW</td>
<td>31 T31N R16W 1724 FNL 2067 FWL</td>
<td>29</td>
</tr>
<tr>
<td>NW/NE</td>
<td>32 T31N R16W 660 FNL 1980 FEL</td>
<td>13</td>
</tr>
<tr>
<td>SE/NE</td>
<td>24 T31N R17W 1986 FSL 702 FEL</td>
<td>93</td>
</tr>
<tr>
<td>NW/NW</td>
<td>5 T31N R16W 660 FNL 660 FWL</td>
<td>126</td>
</tr>
<tr>
<td>NW/SW</td>
<td>29 T31N R16W 1740 FNL 590 FEL</td>
<td>158</td>
</tr>
<tr>
<td>SE/NE</td>
<td>31 T31N R16W 1980 FNL 660 FEL</td>
<td>16</td>
</tr>
<tr>
<td>NW/NW</td>
<td>24 T31N R17W 660 FNL 760 FWL</td>
<td>85</td>
</tr>
</tbody>
</table>

Energy Reserve Backup Inc.—Operator/Horseshoe Gallup—Field/Gallup—Formation

<table>
<thead>
<tr>
<th>Sec.</th>
<th>Well No.</th>
<th>Resource</th>
</tr>
</thead>
<tbody>
<tr>
<td>SE/SE</td>
<td>5 T31N R17W 660 FSL 660 FEL</td>
<td>4</td>
</tr>
<tr>
<td>NE/SW</td>
<td>10 T30N R16W 1970 FSL 2210 FWL</td>
<td>31</td>
</tr>
<tr>
<td>SE/NW</td>
<td>11 T30N R16W 2090 FNL 2190 FWL</td>
<td>29</td>
</tr>
<tr>
<td>SE/SE</td>
<td>10 T30N R16W 700 FSL 500 FWL</td>
<td>37</td>
</tr>
</tbody>
</table>

Solar Petroleum Inc.—Operator/Horseshoe—Field/Gallup—Formation

<table>
<thead>
<tr>
<th>Sec.</th>
<th>Well No.</th>
<th>Resource</th>
</tr>
</thead>
<tbody>
<tr>
<td>SW/SE</td>
<td>11 T31N R17W 736 FSL 2045 FEL</td>
<td>205</td>
</tr>
<tr>
<td>SE/NE</td>
<td>9 T31N R17W 1980 FSL 660 FEL</td>
<td>122</td>
</tr>
<tr>
<td>NW/SE</td>
<td>4 T31N R17W 1980 FSL 1980 FWL</td>
<td>127</td>
</tr>
<tr>
<td>NE/NE</td>
<td>10 T31N R17W 660 FNL 660 FWL</td>
<td>136</td>
</tr>
<tr>
<td>SE/SW</td>
<td>4 T31N R17W 660 FSL 1980 FWL</td>
<td>125</td>
</tr>
<tr>
<td>SW/NW</td>
<td>11 T31N R17W 2300 FNL 660 FWL</td>
<td>206</td>
</tr>
<tr>
<td>NW/SW</td>
<td>4 T31N R17W 660 FSL 1980 FWL</td>
<td>103</td>
</tr>
<tr>
<td>NW/NW</td>
<td>4 T31N R17W 1989 FNL 1980 FWL</td>
<td>128</td>
</tr>
<tr>
<td>SW/NW</td>
<td>4 T31N R17W 660 FNL 660 FWL</td>
<td>101</td>
</tr>
<tr>
<td>NW/NW</td>
<td>10 T31N R17W 1980 FSL 1980 FWL</td>
<td>117</td>
</tr>
<tr>
<td>NW/SE</td>
<td>10 T31N R17W 1980 FNL 660 FWL</td>
<td>108</td>
</tr>
<tr>
<td>SW/SW</td>
<td>10 T31N R17W 660 FSL 660 FWL</td>
<td>114</td>
</tr>
<tr>
<td>SW/SW</td>
<td>3 T31N R17W 330 FSL 2310 FWL</td>
<td>143</td>
</tr>
<tr>
<td>SE/NE</td>
<td>5 T31N R17W 1980 FNL 660 FEL</td>
<td>302</td>
</tr>
<tr>
<td>NW/NE</td>
<td>5 T31N R17W 1950 FNL 1050 FEL</td>
<td>307</td>
</tr>
<tr>
<td>SE/SE</td>
<td>9 T31N R17W 990 FSL 850 FWL</td>
<td>140</td>
</tr>
<tr>
<td>NE/NW</td>
<td>10 T31N R17W 660 FNL 1980 FWL</td>
<td>118</td>
</tr>
<tr>
<td>SW/SW</td>
<td>11 T31N R17W 660 FSL 660 FWL</td>
<td>204</td>
</tr>
<tr>
<td>NW/SW</td>
<td>9 T31N R17W 1980 FSL 1980 FWL</td>
<td>115</td>
</tr>
<tr>
<td>SW/NE</td>
<td>10 T31N R17W 990 FSL 1980 FWL</td>
<td>144</td>
</tr>
<tr>
<td>NW/NE</td>
<td>9 T31N R17W 660 FSL 1980 FWL</td>
<td>123</td>
</tr>
<tr>
<td>NW/SW</td>
<td>10 T31N R17W 1980 FSL 1980 FWL</td>
<td>109</td>
</tr>
<tr>
<td>SE/NW</td>
<td>11 T31N R17W 1980 FSL 1980 FWL</td>
<td>203</td>
</tr>
<tr>
<td>NW/NW</td>
<td>9 T31N R17W 1980 FNL 1980 FWL</td>
<td>134</td>
</tr>
<tr>
<td>NW/SW</td>
<td>3 T31N R17W 1980 FSL 660 FWL</td>
<td>132</td>
</tr>
<tr>
<td>Sec.</td>
<td>Well No.</td>
<td></td>
</tr>
<tr>
<td>------</td>
<td>----------</td>
<td></td>
</tr>
<tr>
<td>SW/SW</td>
<td>T31N R17W 560'FSL 660'FWL 110</td>
<td></td>
</tr>
<tr>
<td>NW/NW</td>
<td>T31N R16W 660'FNL 660'FWL 132</td>
<td></td>
</tr>
<tr>
<td>SE/SE</td>
<td>T31N R17W 660'FSL 660'FEL 124</td>
<td></td>
</tr>
</tbody>
</table>

**WTR Oil Co.—Operator/Horseshoe Gallup—Field/Gallup—Formation**

| NE/SW | T32N R17W 1980'FSL 1989'FWL 2 |

**Arco Oil & Gas Co.—Operator/Many Rocks Gallup—Field/Gallup—Formation**

| NW/NW | T31N R16W 388'FNL 500'FWL 2 |
| SW/NE | T31N R16W 1673'FNL 1789'FEL 21 |
| NW/SE | T31N R16W 1890'FSL 2150'FWL 23 |
| NW/NW | T31N R16W 2310'FNL 2315'FWL 6 |
| NE/SW | T31N R16W 1650'FSL 1650'FWL 12 |
| NE/NW | T31N R16W 660'FNL 2030'FWL 18 |
| NE/NE | T31N R16W 360'FNL 355'FWL 16 |
| SE/SW | T31N R16W 716'FSL 2185'FWL 13 |
| SE/SE | T31N R16W 660'FNL 660'FWL 26 |
| NE/SW | T31N R16W 2040'FSL 2070'FWL 22 |
| SW/SW | T31N R16W 330'FSL 330'FWL 1 |
| NW/NW | T31N R16W 2075'FNL 641'FWL 19 |
| NW/SW | T31N R16W 1967'FSL 981'FWL 8 |

**James P. Woosley—Operator/Many Rocks Gallup—Field/Gallup—Formation**

| NW/NE | T32N R17W 330'FNL 2310'FEL 13 |
| SW/SW | T32N R17W 660'FNL 990'FWL 1 |
| NW/NW | T32N R17W 2310'FNL 330'FWL 4 |
| SW/NW | T32N R17W 260'FNL 1360'FNL 11 |
| NE/SW | T32N R17W 1980'FSL 1980'FWL 6 |
| NE/NE | T32N R17W 2474'FNL 133'FEL 18 |
| SE/SW | T32N R17W 625'FNL 2000'FEL 3 |
| SE/SE | T32N R17W 1980'FSL 330'FEL 12 |

**Solar Petroleum Inc.—Operator/Many Rocks Gallup—Field/Gallup—Formation**

| SE/NW | T31N R17W 1980'FNL 1980'FWL 216 |
| NW/NE | T31N R17W 805'FNL 940'FEL 215 |
| SE/NE | T31N R17W 1980'FSL 660'FEL 218 |
| NW/SW | T31N R17W 2310'FSL 990'FNL 223 |
| SE/NE | T31N R17W 1820'FNL 500'FEL 217 |

**WTR Oil Co.—Operator/Many Rocks Gallup—Field/Gallup—Formation**

| NW/NW | T32N R17W 810'FNL 510'FWL 11 |
| SE/SE | T32N R17W 660'FNL 660'FWL 6 |
| SE/NE | T32N R17W 775'FEL 1980'FEL 8 |
| SE/NW | T32N R16W 1980'FSL 1980'FWL 9 |
| NW/SE | T32N R17W 1980'FSL 1980'FWL 7 |

**Chaco Oil Co.—Operator/Red Mtn Mesaverde—Field/Menefee—Formation**

| NE/NE | T20N R8W 395'FNL 1265'FEL 6 |
| SE/SW | T20N R8W 442'FSL 2430'FWL 17 |

**Geo Engineering Inc.—Operator/Red Mtn Mesaverde—Field/Menefee—Formation**

| NW/NE | T20N R8W 160'FNL 2135'FEL 35 |
| NE/NE | T20N R8W 225'FNL 1265'FEL 7 |
| SE/NW | T20N R8W 1344'FNL 2555'FWL 20 |
| NW/NW | T20N R8W 615'FNL 1920'FEL 5 |
| SE/NW | T20N R8W 834'FNL 2115'FWL 21 |
| SW/SE | T20N R8W 265'FSL 2150'FEL 36 |
| NE/NE | T20N R8W 5'FNL 1130'FEL 8 |
| SE/SE | T20N R8W 450'FSL 1145'FWL 24 |
| NE/NE | T20N R8W 990'FSL 1280'FEL 10 |
| NW/NE | T20N R8W 1115'FNL 2325'FEL 22 |
| SE/SE | T20N R8W 1080'FSL 860'FEL 12 |
Subpart III—Lands of Certain Oklahoma Indian Tribes

SOURCE: 53 FR 43109, Oct. 25, 1988, unless otherwise noted.

§ 147.3100 EPA-administered program.
(a) Contents. The UIC program for the Indian lands in Oklahoma, except for that covering the Class II wells of the Five Civilized Tribes, is administered by EPA. The UIC program for all wells on Indian lands in Oklahoma, except Class II wells on the Osage Mineral Reserve (found at 40 CFR part 147, Subpart GGG) and the Class II program for the Five Civilized Tribes, consists of the UIC program requirements of 40 CFR parts 124, 144, 146, 148, and additional requirements set forth in the remainder of this subpart. Injection well owners and operators, and EPA shall comply with these requirements.
(b) Effective date. The effective date for the UIC program for all wells on Indian lands except Class II wells on the Osage Mineral Reserve and Class II wells on the lands of the Five Civilized Tribes is November 25, 1988.

[53 FR 43109, Oct. 25, 1988, as amended at 56 FR 9422, Mar. 6, 1991]

§ 147.3101 Public notice of permit actions.
(a) In addition to the notice requirements of §124.10 of this chapter, the Director shall provide to the affected Tribal government all notices given to an affected State government under §124.10(c) of this chapter.
(b) Class I and III wells. In addition to the notice requirements of §124.10 of this chapter:
(1) Owners and operators of Class I and III wells shall notify the affected Tribal government prior to submitting an application for a permit, shall publish such notice in at least two newspapers of general circulation in the area of the proposed well, and shall broadcast notice over at least one local radio station.
(2) The Director shall publish a notice of availability of a draft permit in at least two newspapers of general circulation in the area of the proposed well, and broadcast notice over at least one local radio station. The public notice shall allow at least 45 days for public comment.
(c) Class II wells. In addition to the notice requirements of §124.10 of this chapter:
(1) Owners and operators of Class II wells shall give notice of application for a permit to the affected Tribal government prior to submitting the application to the Director.
(2) In addition to the public notice required for each action listed in §124.10(a) of this chapter, the Director shall also publish notice in a daily or weekly newspaper of general circulation in the affected area for actions concerning Class II wells.

§ 147.3102 Plugging and abandonment plans.
In lieu of the requirements of §144.28(c)(1) and 146.12(c) of this chapter, owners and operators of Class II wells shall comply with the plugging and abandonment provisions of §147.3108 of this subpart.

§ 147.3103 Fluid seals.
Notwithstanding §§144.28(f)(2) and 146.12(c) of this chapter, owners and operators shall not use a fluid seal as an alternative to a packer.

§ 147.3104 Notice of abandonment.
(a) In addition to the notice required by §144.28(j)(2) of this chapter, the owner or operator shall at the same time submit plugging information in conformance with §147.3108 of this subpart including:
§ 147.3105  
(1) Type and number of plugs;  
(2) Elevation of top and bottom of each plug;  
(3) Method of plug placement; and  
(4) Type, grade and quantity of cement to be used.  
(b) In addition to the permit conditions specified in §§144.51 and 144.52 of this chapter, each owner and operator shall submit and each permit shall contain the following information (in conformance with §146.3108 of this subpart):  
(1) Type and number of plugs;  
(2) Elevation of top and bottom of each plug;  
(3) Method of plug placement; and  
(4) Type, grade and quantity of cement to be used.

§ 147.3106  Area of review.  
(a) When determining the area of review under §146.6(b) of this chapter, the fixed radius shall be a fixed width of not less than one mile for the circumscribing area of Class I projects and one-half mile for the circumscribing area of Class II and III projects.  
(b) However, in lieu of §146.6(c) of this chapter, if the area of review is determined by a mathematical model pursuant to paragraph §146.6(a) of this chapter, the permissible radius is the result of such calculation even if it is less than one mile for Class I wells and one-half for Class II and III wells.

§ 147.3107  Mechanical integrity.  
(a) Monitoring of annulus pressure conducted pursuant to §146.8(b)(1) shall be preceded by an initial pressure test. A positive gauge pressure on the casing/tubing annulus (filled with liquid) shall be maintained continuously. The pressure shall be monitored monthly.  
(b) Pressure tests conducted pursuant to §146.8(b)(2) of this chapter shall be performed with a pressure on the casing/tubing annulus of at least 200 p.s.i. unless otherwise specified by the Director. In addition, pressure tests conducted during well operation shall maintain an injection/annulus pressure differential of at least 100 p.s.i. throughout the tubing length.  
(c) Monitoring of enhanced recovery wells conducted pursuant to §146.8(b)(3), must be preceded by an initial pressure test that was conducted no more than 90 days prior to the commencement of monitoring.

§ 147.3108  Plugging Class I, II, and III wells.  
In addition to the requirements of §146.10 of this chapter, owners and operators shall comply with the following when plugging a well:  
(a) For Class I and III wells:  
(1) The well shall be filled with mud from the bottom of the well to a point one hundred (100) feet below the top of the highest disposal or injection zone and then with a cement plug from there to at least one hundred (100) feet above the top of the disposal or injection zone.  
(2) A cement plug shall also be set from a point at least fifty (50) feet below the shoe of the surface casing to a point at least five (5) feet above the top of the lowest USDW.
(3) A final cement plug shall extend from a point at least thirty feet below the ground surface to a point five (5) feet below the ground surface.

(4) All intervals between plugs shall be filled with mud.

(5) The top plug shall clearly show by permanent markings inscribed in the cement or on a steel plate embedded in the cement the well permit number and date of plugging.

(b) For Class II wells:

(1) The well shall be kept full of mud as casing is removed. No surface casing shall be removed without written approval from the Director.

(2) If surface casing is adequately set and cemented through all USDWs (set to at least 50 feet below the base of the USDW), a plug shall be set at least 50 feet below the shoe of the casing and extending at least 50 feet above the shoe of the casing; or

(3) If the surface casing and cementing is inadequate, the well bore shall be filled with cement from a point at least 50 feet below the base of the USDW to a point at least 50 feet above the shoe of the casing, and any additional plugs as required by the Director.

(4) In all cases, the top 20 feet of the well bore below 3 feet of ground surface shall be filled with cement. Surface casing shall be cut off 3 feet below ground surface and covered with a secure steel cap on top of the surface pipe. The remaining 3 feet shall be filled with dirt.

(5) Except as provided in sub-paragraph (b)(6) of this section, each producing or receiving formation shall be sealed off with at least a 50-foot cement plug placed at the base of the formation and at least a 50-foot cement plug placed at the top of the formation.

(6) The requirement in sub-paragraph (b)(5) of this section does not apply if the producing/receiving formation is already sealed off from the well bore with adequate casing and cementing behind casing, and casing is not to be removed, or the only openings from the producing/receiving formation into the well bore are perforations in the casing, and the annulus between the casing and the outer walls of the well is filled with cement for a distance of 50 feet above the top of the formation.

When such conditions exist, a bridge plug capped with at least 10 feet of cement set at the top of the producing formation may be used.

(7) When specified by the Director, any uncased hole below the shoe of any casing to be left in the well shall be filled with cement to a depth of at least 50 feet below the casing shoe, or the bottom of the hole, and the casing above the shoe shall be filled with cement to at least 50 feet above the shoe of the casing. If the well has a screen or liner which is not to be removed, the well bore shall be filled with cement from the base of the screen or liner to at least 50 feet above the top of the screen or liner.

(8) All intervals between cement plugs in the well bore must be filled with mud.

(c) For the purposes of this section mud shall be defined as: mud of not less than thirty-six (36) viscosity (API Full Funnel Method) and a weight of not less than nine (9) pounds per gallon.

§ 147.3109 Timing of mechanical integrity test.

The demonstrations of mechanical integrity required by §146.14(b)(2) of this chapter prior to approval for the operation of a Class I well shall, for an existing well, be conducted no more than 90 days prior to application for the permit and the results included in the permit application. The owner or operator shall notify the Director at least seven days in advance of the time and date of the test so that EPA observers may be present.

PART 148—Hazardous Waste Injection Restrictions

Subpart A—General

Sec. 148.1 Purpose, scope and applicability.
148.2 Definitions.
148.3 Dilution prohibited as a substitute for treatment.
148.4 Procedures for case-by-case extensions to an effective date.
148.5 Waste analysis.

Subpart B—Prohibitions on Injection

148.10 Waste specific prohibitions—solvent wastes.