

notice of the new information be initiated.

(2) In no case shall a Director of a State-approved program issue a waiver without receipt of written concurrence from the Regional Administrator.

(e) If a waiver is issued, within 30 days of waiver issuance, EPA shall post the following information on the Office of Water's Web site:

(1) The depth of the proposed injection zone(s);

(2) The location of the injection well(s);

(3) The name and depth of all USDWs within the area of review;

(4) A map of the area of review;

(5) The names of any public water supplies affected, reasonably likely to be affected, or served by USDWs in the area of review; and

(6) The date of waiver issuance.

(f) Upon receipt of a waiver of the requirement to inject below the lowermost USDW for geologic sequestration, the owner or operator of the Class VI well must comply with:

(1) All requirements at §§146.84, 146.85, 146.87, 146.88, 146.89, 146.91, 146.92, and 146.94;

(2) All requirements at §146.86 with the following modified requirements:

(i) The owner or operator must ensure that Class VI wells with a waiver are constructed and completed to prevent movement of fluids into any unauthorized zones including USDWs, in lieu of requirements at §146.86(a)(1).

(ii) The casing and cementing program must be designed to prevent the movement of fluids into any unauthorized zones including USDWs in lieu of requirements at §146.86(b)(1).

(iii) The surface casing must extend through the base of the nearest USDW directly above the injection zone and be cemented to the surface; or, at the Director's discretion, another formation above the injection zone and below the nearest USDW above the injection zone.

(3) All requirements at §146.90 with the following modified requirements:

(i) The owner or operator shall monitor the groundwater quality, geochemical changes, and pressure in the first USDWs immediately above and below the injection zone(s); and in any

other formations at the discretion of the Director.

(ii) Testing and monitoring to track the extent of the carbon dioxide plume and the presence or absence of elevated pressure (e.g., the pressure front) by using direct methods to monitor for pressure changes in the injection zone(s); and, indirect methods (e.g., seismic, electrical, gravity, or electromagnetic surveys and/or down-hole carbon dioxide detection tools), unless the Director determines, based on site-specific geology, that such methods are not appropriate.

(4) All requirements at §146.93 with the following, modified post-injection site care monitoring requirements:

(i) The owner or operator shall monitor the groundwater quality, geochemical changes and pressure in the first USDWs immediately above and below the injection zone; and in any other formations at the discretion of the Director.

(ii) Testing and monitoring to track the extent of the carbon dioxide plume and the presence or absence of elevated pressure (e.g., the pressure front) by using direct methods in the injection zone(s); and indirect methods (e.g., seismic, electrical, gravity, or electromagnetic surveys and/or down-hole carbon dioxide detection tools), unless the Director determines based on site-specific geology, that such methods are not appropriate;

(5) Any additional requirements requested by the Director designed to ensure protection of USDWs above and below the injection zone(s).

PART 147—STATE, TRIBAL, AND EPA-ADMINISTERED 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.

Pt. 147

40 CFR Ch. I (7-1-23 Edition)

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

- 147.150 State-administered program. [Reserved]
- 147.151 EPA-administered program.
- 147.152 Aquifer exemptions. [Reserved]

Subpart E—Arkansas

- 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 F—California

- 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 G—Colorado

- 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 H—Connecticut

- 147.350 State-administered program.
- 147.351-147.352 [Reserved]
- 147.353 EPA-administered program—Indian lands.
- 147.354-147.359 [Reserved]

Subpart I—Delaware

- 147.400 State-administered program.

147.401-147.402 [Reserved]

147.403 EPA-administered program—Indian lands.

147.404-147.449 [Reserved]

Subpart J—District of Columbia

- 147.450 State-administered program. [Reserved]
- 147.451 EPA-administered program.
- 147.452 Aquifer exemptions. [Reserved]

Subpart K—Florida

- 147.500 State-administered program—Class I, III, IV, and V wells.
- 147.501 EPA-administered program—Class II wells and Indian lands.
- 147.502 Aquifer exemptions. [Reserved]
- 147.503 Existing Class II (except enhanced recovery and hydrocarbon storage) wells authorized by rule.
- 147.504 Existing Class II enhanced recovery and hydrocarbon storage wells authorized by rule.

Subpart L—Georgia

- 147.550 State-administered program.
- 147.551-147.552 [Reserved]
- 147.553 EPA-administered program—Indian lands.
- 147.554-147.559 [Reserved]

Subpart M—Hawaii

- 147.600 State-administered program. [Reserved]
- 147.601 EPA-administered program.

Subpart N—Idaho

- 147.650 State-administered program—Class I, III, IV, and V wells.
- 147.651 EPA-administered program—Class II wells and all wells on Indian lands.
- 147.652 Aquifer exemptions. [Reserved]

Subpart O—Illinois

- 147.700 State-administered program—Class I, III, IV, and V wells.
- 147.701 State-administered program—Class II wells.
- 147.703 EPA-administered program—Indian lands.

Subpart P—Indiana

- 147.750 State-administered program—Class II wells.
- 147.751 EPA-administered program.
- 147.752 Aquifer exemptions. [Reserved]
- 147.753 Existing Class I and III wells authorized by rule.

Environmental Protection Agency

Pt. 147

Subpart Q—Iowa

- 147.800 State-administered program. [Reserved]
- 147.801 EPA-administered program.
- 147.802 Aquifer exemptions. [Reserved]

Subpart R—Kansas

- 147.850 State-administered program—Class I, III, IV and V wells.
- 147.851 State-administered program—Class II wells.
- 147.852–147.859 [Reserved]
- 147.860 EPA-administered program—Indian lands.

Subpart S—Kentucky

- 147.900 State-administered program—Class II wells.
- 147.901 EPA-administered program—Class I, III, IV, V, and VI wells and Indian lands. EPA-administered program.
- 147.902 Aquifer exemptions.
- 147.903 Existing Class I and III wells authorized by rule.
- 147.904 [Reserved]
- 147.905 Requirements for all wells—area of review.

Subpart T—Louisiana

- 147.950 State-administered program.
- 147.951 EPA-administered program—Indian lands.

Subpart U—Maine

- 147.1000 State-administered program.
- 147.1001 EPA-administered program—Indian lands.

Subpart V—Maryland

- 147.1050 State-administered program—Class I, II, III, IV, and V wells.
- 147.1051–147.1052 [Reserved]
- 147.1053 EPA-administered program—Indian lands.
- 147.1054–147.1099 [Reserved]

Subpart W—Massachusetts

- 147.1100 State-administered program.
- 147.1101 EPA-administered program—Indian lands.

Subpart X—Michigan

- 147.1150 State-administered program—Class II wells.
- 147.1151 EPA-administered program—Class I, III, IV, V, and VI wells and Indian country.
- 147.1152 Aquifer exemptions. [Reserved]
- 147.1153 Existing Class II disposal wells authorized by rule in Indian country.

- 147.1154 Existing Class II enhanced recovery and hydrocarbon storage wells authorized by rule in Indian country.
- 147.1155 Requirements for all EPA-administered 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]

Pt. 147

- 147.1453 Existing Class I, II (except enhanced recovery and hydrocarbon storage) and III wells authorized by rule.
- 147.1454 Existing Class II enhanced recovery and hydrocarbon storage wells authorized by rule.

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, V and VI 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]

40 CFR Ch. I (7–1–23 Edition)

- 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

- 147.2000 State-administered program—Class I, II, III, IV, and V wells.
- 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 Class VI and Indian lands.
- 147.2152 Aquifer exemptions. [Reserved]

Environmental Protection Agency

Pt. 147

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

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, V and VI wells.
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.

§ 147.1

- 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.
- 147.3103 Fluid seals.
- 147.3104 Notice of abandonment.
- 147.3105 Plugging and abandonment report.
- 147.3106 Area of review.
- 147.3107 Mechanical integrity.
- 147.3108 Plugging Class I, II, and III wells.

40 CFR Ch. I (7–1–23 Edition)

- 147.3109 Timing of mechanical integrity test.

Subpart JJJ—Assiniboine and Sioux Tribes

- 147.3200 Fort Peck Indian Reservation: Assiniboine & Sioux Tribes—Class II wells.

Subpart KKK [Reserved]

Subpart LLL—Navajo Indian Lands

- 147.3400 Navajo Indian lands—Class II wells.

AUTHORITY: 42 U.S.C. 300f *et seq.*; and 42 U.S.C. 6901 *et seq.*

SOURCE: 49 FR 20197, May 11, 1984, unless otherwise noted.

EDITORIAL NOTE: Nomenclature changes to part 147 appear at 69 FR 18803, Apr. 9, 2004.

Subpart A—General Provisions

§ 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, including any Indian country geographically located within those States, territories, and possessions.

(b) The applicable UIC programs set forth in this part may be State-administered programs approved by EPA, Tribally-administered programs approved by EPA, or Federally-administered programs promulgated by EPA. In some cases, the applicable UIC program for a particular area may consist of a State-administered or Tribally-administered program applicable to some classes of wells and a Federally-administered program applicable to other classes of wells. Approval of a State or Tribal program is based upon a determination by the Administrator that the program meets the requirements of section 1422 or section 1425 of the SDWA, any other applicable provisions of this subpart, and the applicable provisions of 40 CFR parts 124, 144, 145 and 146. A Federally-administered program is promulgated in those instances where the State or Tribe has not submitted any program for approval or where the submitted program does not meet the minimum Federal statutory and regulatory requirements.

Environmental Protection Agency

§ 147.50

(c) In the case of each State or Tribal program approved by EPA pursuant to section 1422 of the SDWA, the relevant subpart describes the major elements of that program, including the relevant State or Tribal statutes and regulations, the Statement(s) of Legal Authority, the Memorandum of Agreement, and the Program Description. State or Tribal 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 National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html. Other State or Tribal statutes and regulations containing standards and procedures that constitute elements of a State or Tribal 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 any program promulgated under section 1422 for a State or Tribe that is to be administered by EPA, the relevant State or Tribal subpart makes applicable the provisions of 40 CFR parts 124, 144, 146, and 148, and any other additional requirements pertinent to the specific State or Tribal program.

(e) Regulatory provisions incorporated by reference (in the case of approved State or Tribal 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) Class VI well owners or operators must comply with §146.91(e) notwithstanding any State program approvals.

[73 FR 63646, Oct. 27, 2008, as amended at 75 FR 77303, Dec. 10, 2010]

§ 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 Alabama, approved by EPA pursuant to section 1425 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.

(1) Code of Alabama Sections 9-17-1 through 9-17-109 (Cumm. Supp. 1989);

(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.

(b) 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.

(c) *Statement of legal authority.* "State Oil and Gas Board has Authority to Carry Out Underground Injection Control Program Relating to Class II Wells

§ 147.51

as Described in Federal Safe Drinking Water Act—Opinion by Assistant Attorney General,” May 28, 1982.

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

[49 FR 20197, May 11, 1984, as amended at 53 FR 43086, Oct. 25, 1988; 56 FR 9411, Mar. 6, 1991]

§ 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 25, 1983 (48 FR 38640); the effective date of this program is August 25, 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 Alabama. This incorporation by reference was approved by the Director of the Federal Register on June 25, 1984.

(1) Alabama Water Pollution Control Act, Code of Alabama 1975, sections 22-22-1 through 22-22-14 (1980 and Supp. 1983);

(2) Regulations, Policies and Procedures of the Alabama Water Improvement Commission, Title I (Regulations) (Rev. December 1980), as amended May 17, 1982, to add Chapter 9, Underground Injection Control Regulations (effective June 10, 1982), as amended April 6, 1983 (effective May 11, 1983).

(b) The Memorandum of Agreement between EPA Region IV and the Alabama Department of Environment Management, signed by the EPA Regional Administrator on May 24, 1983.

(c) *Statement of legal authority.* (1) “Water Pollution—Public Health—State has Authority to Carry Out Underground Injection Control Program

40 CFR Ch. I (7–1–23 Edition)

Described in Federal Safe Drinking Water Act—Opinion by Legal Counsel for the Water Improvement Commission,” June 25, 1982;

(2) Letter from Attorney, Alabama Water Improvement Commission, to Regional Administrator, EPA Region IV, “Re: AWIC Response to Phillip Tate’s (U.S. EPA, Washington) Comments on AWIC’s Final Application for Class I, III, IV, and V UIC Program,” September 21, 1982;

(3) Letter from Alabama Chief Assistant Attorney General to Regional Counsel, EPA Region IV, “Re: Status of Independent Legal Counsel in Alabama Water Improvement Commission’s Underground Injection Control Program,” September 14, 1982.

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

[49 FR 20197, May 11, 1984, as amended at 53 FR 43086, Oct. 25, 1988]

§ 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

Environmental Protection Agency

§ 147.100

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., Room 15-T53, Atlanta, GA 30303-8960, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

(b) Addendum One, Underground Injection Control Program, Memorandum of Agreement Between the State of Alabama and the USEPA Region 4, signed by the Supervisor, Alabama State Oil and Gas Board 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 and for reasons set forth in this statement, 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.

[65 FR 2897, Jan. 19, 2000]

§ 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.

[53 FR 43086, Oct. 25, 1988, as amended at 56 FR 9411, Mar. 6, 1991]

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);

(3) Alaska Administrative Code, Alaska Oil and Gas Conservation Commission, 20 AAC 25.005 through 20 AAC 25.570 (Supp. 1986).

(b) *Memorandum of Agreement.* The Memorandum of Agreement between EPA Region 10, and the Alaska Oil and Gas Conservation Commission, signed by the EPA Regional Administrator on January 29, 1986, as amended on June 21, 1988.

§ 147.101

(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]

§ 147.101 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 ¼ 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.

40 CFR Ch. I (7–1–23 Edition)

(2) The portion of aquifers beneath Cook Inlet described by a ¼ 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 ¼ 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 = injection pressure at the well head in pounds per square inch

S_g = specific gravity of inject fluid (unitless)

d = injection depth in feet.

§ 147.104 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

Environmental Protection Agency

§ 147.151

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 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, except for Class II wells on Navajo Indian lands for which EPA has granted the Navajo Nation primacy for the SDWA Class II UIC program (as defined in §147.3400), is administered by EPA. The UIC program for Navajo Indian lands, except for Class II wells on Navajo Indian lands for which EPA has granted the Navajo Nation primacy for the SDWA Class II UIC program, consists of the requirements contained in subpart HHH of this part. The program for all injection activity except that on Navajo 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 dates.* The effective date for the UIC program in Arizona, except for the lands of the Navajo Indians, is June 25, 1984. The effective date for the UIC program on the lands of the Navajo, except for Class II wells on Navajo Indian lands for which EPA has granted the Navajo Nation primacy for the SDWA Class II UIC program (as defined in §147.3400), is November 25, 1988.

[53 FR 43086, Oct. 25, 1988, as amended at 56 FR 9412, Mar. 6, 1991; 73 FR 65564, Nov. 4, 2008]

§ 147.152 Aquifer exemptions. [Reserved]

Subpart E—Arkansas

§ 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);

(2) Act 105 of 1939, Arkansas Statutes Annotated sections 53-101 through 53-130 (1971 and Supp. 1981); Act 937 of 1979, Arkansas Statutes Annotated sections 53-1301 through 53-1320 (Supp. 1981); Act 523 of 1981;

(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 Commis-

sion, 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;

(7) 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," May 13, 1982.

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

[49 FR 20197, May 11, 1984, as amended at 53 FR 43086, Oct. 25, 1988]

Environmental Protection Agency

§ 147.253

§ 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.

[53 FR 43086, Oct. 25, 1988, as amended at 56 FR 9412, Mar. 6, 1991]

Subpart F—California

§ 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.

(1) California Laws for Conservation of Petroleum and Gas, California Public Resources Code Div. 3, Chapt. 1, §§ 3000–3359 (1989);

(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;

(2) Letter from California Deputy Attorney General to Chief of California Branch, EPA Region IX, “Re: California Application for Primacy, Class II UIC Program,” December 3, 1982.

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

[49 FR 20197, May 11, 1984, as amended at 52 FR 17681, May 11, 1987; 56 FR 9412, Mar. 6, 1991]

§ 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.

[52 FR 17681, May 11, 1987, as amended at 56 FR 9412, Mar. 6, 1991]

§ 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 1425 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 National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

(1) Colorado Revised Statutes, 1989 replacement volume, Section 34-60-101 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;

(3) Letter from Colorado Assistant Attorney General to the Acting Regional Counsel, EPA Region VIII, "Re: Class II Underground Injection Control Program of Colorado Oil and Gas Conservation Commission, interpretation of C.R.S. 1973, 34-60-110", July 11, 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 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

Environmental Protection Agency

§ 147.304

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:

$$P_m = (0.733 - 0.433 S_g)d$$

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.

§ 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

§ 147.305

40 CFR Ch. I (7-1-23 Edition)

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.

(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

Environmental Protection Agency

§ 147.353

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, 165 Capitol Avenue, Hartford, Connecticut, 06106. Copies may be inspected at the Environmental Protec-

tion Agency, Region I, 5 Post Office Square—Suite 100, Boston, MA 02109-3912, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal-register/code_of_federal_regulations/ibr_locations.html.

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

(2) Connecticut General Statutes Annotated, Title 22a (Environmental Protection), Chapter 446K (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;

(2) Addendum to the Statement from the Attorney General of the State of Connecticut, signed by the Attorney General on May 10, 1983.

(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, as amended at 76 FR 49673, Aug. 11, 2011]

§§ 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.

(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 National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

(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 En-

vironmental Control, signed by the EPA Regional Administrator on March 28, 1984.

(c) *Statement of legal authority.* Statement of the Delaware Attorney General for the Underground Injection Control Program, signed by the Attorney General on January 26, 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

Environmental Protection Agency

§ 147.501

program in the rest of the District is June 25, 1984.

[53 FR 43087, Oct. 25, 1988, as amended at 56 FR 9413, Mar. 6, 1991]

§ 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);

(2) Chapter 17-28, Underground Injection Control, Florida Administrative Code (April 27, 1989).

(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);

(c) 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.

(d) *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.

[49 FR 20197, May 11, 1984, as amended at 53 FR 43087, Oct. 25, 1988; 56 FR 9414, Mar. 6, 1991]

§ 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]

§ 147.502

40 CFR Ch. I (7-1-23 Edition)

§ 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

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)(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) 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

Environmental Protection Agency

§ 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 2040-0042)

[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 National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

(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);

(4) Georgia Administrative Procedure Act, O.C.G.A. §§50-13-1 through 50-13-22 (Reprinted from the O.C.G.A. and 1988 Cumm. Supp.);

(5) Georgia Water Quality Control Act, O.C.G.A. §§12-5-20 through 12-5-53 (1988);

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

(7) Georgia Safe Drinking Water Act of 1977, O.C.G.A. §§12-5-170 through 12-5-193 (1988);

(8) Rules of Georgia Department of Natural Resources, Environmental Protection Division, Water Quality Control, GA. COMP. R. & REGS. Chapter 391-3-6-.13 (Revised July 28, 1988).

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

(c) *Statement of legal authority.* (1) Unofficial Opinion of the Georgia Attorney General, Op. Atty. Gen. 080-24, June 12, 1980;

(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;

(4) Letter to EPA Office of General Counsel from Senior Assistant Attorney General "Re: State UIC Program", July 13, 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 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-administered program—
Class I, III, IV, and V wells.

The UIC program for Class I, 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 the EPA pursuant to section 1422 of the Safe Drinking Water Act. 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 the EPA in Idaho's program application. *Note:* Because the EPA subsequently transferred the Class II UIC program from the Idaho Department of Water Resources to the EPA, references to Class II in the following elements are no longer relevant or applicable for federal UIC purposes.

(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);

(5) Department of Water Resources-Water Resources Board, Title 42, Chapter 17, Idaho Code, sections 42–1701, 42–1703, 42–1735 (Bobbs-Merrill 1977, section 42–1701A (Supp. 1984);

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

(7) Waste Disposal and Injection Wells, Title 42, Chapter 39, Idaho Code, sections 42–3901 through 42–3914 (Bobbs-Merrill 1977), sections 42–3915 through 42–3919 (Supp. 1984);

(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 52, Idaho Code, sections 67–5201 through 67–5218 (Bobbs-Merrill 1980 and Supp. 1984);

Environmental Protection Agency

§ 147.700

(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);

(12) Rules and Regulations: Practice and Procedures, Idaho Department of Water Resources, Rules 1 through 14 (October 1983).

(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.

(c) *Statement of legal authority.* (1) The Idaho Attorney General's Statement for the Underground Injection Control Program, October 31, 1984.

(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.

[50 FR 23957, June 7, 1985, as amended at 83 FR 36435, July 30, 2018]

§ 147.651 EPA-administered program— Class II wells and all wells on Indian lands.

(a) *Contents.* The EPA administers the UIC program for all classes of wells on Indian lands and for Class II wells on non-Indian lands in the state of Idaho. 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 the EPA shall comply with these requirements.

(b) *Effective dates.* The effective date of the UIC program for Indian lands in Idaho is June 11, 1984. The effective date of the UIC program for Class II wells on non-Indian lands in Idaho is July 30, 2018.

[83 FR 36435, July 30, 2018]

§ 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. 111½, sections 1001 to 1051 (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.

(b) The Memorandum of Agreement between EPA Region V and the Illinois Environmental Protection Agency, signed by the EPA Regional Administrator on March 22, 1984.

(c) *Statement of legal authority.* Letter from Illinois Attorney General to Regional Administrator, EPA Region V, and attached statement, December 16, 1982.

§ 147.701

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

[49 FR 20197, May 11, 1984, as amended at 53 FR 43087, Oct. 25, 1988]

§ 147.701 State-administered program—Class II wells.

The UIC program for Class II 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 1425 of the SDWA. Notice of the approval was published in the FEDERAL REGISTER on February 1, 1984 (49 FR 3990); 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) Conservation of Oil and Gas, etc., Illinois Revised Statutes ch. 96½, sections 5401 to 5457 (Smith-Hurd 1979 and Supp. 1983), as amended by Public Act No. 83-1074 1983 Illinois Legislative Service pages 7183 to 7185 (West);

(2) Illinois Environmental Protection Act, Illinois Revised Statutes ch. 111½, sections 1001-1051 (Smith-Hurd 1977 and Supp. 1983), as amended by Public Act No. 83-431, 1983 Illinois Legislative Services pages 2910 to 2916 (West);

(3) Illinois Revised Statutes ch. 100½, section 26 (Smith-Hurd Supp. 1983);

(4) Illinois Department of Mines and Minerals Regulations for the Oil and Gas Division, Rules I, II, IIA, III, V, VII, and IX (1981).

(b) The Memorandum of Agreement between EPA Region V and the Illinois Department of Mines and Minerals, signed by the EPA Regional Administrator on March 22, 1984.

(c) *Statement of legal authority.* "Certification of Legal Authority," signed by State Attorney, Richland County, Illinois, May 5, 1982.

40 CFR Ch. I (7-1-23 Edition)

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

[49 FR 20197, May 11, 1984, as amended at 53 FR 43087, Oct. 25, 1988]

§ 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]

Subpart P—Indiana

§ 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 293, Indianapolis, Indiana, 46204. Copies may be inspected

Environmental Protection Agency

§ 147.850

at the Environmental Protection Agency, Region V, 77 West Jackson Boulevard, Chicago, Illinois, 60604, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

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

(2) West's Annotated Indiana Code, title 13, article 8, chapters 1 through 15 (1990 and Cumm. Supp. 1990).

(3) Indiana Administrative Code, title 310, article 7, rules 1 through 3 (Cumm. Supp. 1991).

(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 February 18, 1991.

(c) *Statement of legal authority.* Statement and Amendment to the Statement from the Attorney General of the State of Indiana, signed on July 12, 1990, and December 13, 1990, respectively.

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

[56 FR 41072, Aug. 19, 1991, as amended at 62 FR 1834, Jan. 14, 1997]

§ 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 9414, Mar. 6, 1991; 56 FR 41072, Aug. 19, 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 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:

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

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.

[49 FR 20197, May 11, 1984, as amended at 56 FR 41072, Aug. 19, 1991]

Subpart Q—Iowa

§ 147.800 State-administered program. [Reserved]

§ 147.801 EPA-administered program.

(a) *Contents.* The UIC program for the State of Iowa, 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 for all lands in Iowa, including Indian lands, is June 25, 1984.

[52 FR 17681, May 11, 1987, as amended at 56 FR 9415, Mar. 6, 1991]

§ 147.802 Aquifer exemptions. [Reserved]

Subpart R—Kansas

§ 147.850 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 Kansas, except those on Indian lands as described in §147.860, is the program administered by the Kansas Department of

§ 147.851

40 CFR Ch. I (7-1-23 Edition)

Health and Environment, approved by EPA pursuant to section 1422 of the SDWA. Notice of this approval was published in the FEDERAL REGISTER on December 2, 1983 (48 FR 54350); 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 Kansas. 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 Kansas Department of Health and Environment, Charles Curtis State Office Building, 1000 SW. Jackson, Topeka, Kansas 66612. Copies may be inspected at EPA Region 7, 11201 Renner Boulevard, Lenexa, Kansas 66219, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

(1) Chapter 28, Article 46, Underground Injection Control Regulations, Kansas Administrative Regulations §§ 28-46-1 through 28-46-42 (1986 and Supp. 1987);

(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);

(3) Kansas Statutes Annotated §§ 65-161, 65-164 through 65-166a, 65-171d (1980 and Cumm. Supp. 1989).

(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: Kansas Statutes Annotated §§ 65-161 through 65-171(w), (1980 and Supp. 1983).

(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.

(d) *Statement of legal authority.* (1) "Statement of Attorney General", signed by the Attorney General of the State of Kansas, November 25, 1981;

(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.

[49 FR 45306, Nov. 15, 1984, as amended at 56 FR 9415, Mar. 6, 1991; 78 FR 37978, June 25, 2013]

§ 147.851 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 Corporation Commission and 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.

Environmental Protection Agency

§ 147.900

(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—Class II wells.

The UIC program for Class II injection wells in the Commonwealth of Kentucky, except for those on Indian lands, is the program administered by the Kentucky Department of Natural Resources, Division of Oil and Gas approved by the EPA pursuant to section 1425 of the SDWA. Notification of this approval was published in the FEDERAL REGISTER on December 28, 2016; the effective date of this program is January 27, 2017. Table 1 to paragraph (a) of this section is the table of contents of the Kentucky state statutes and regulations incorporated as follows by reference. This program consists of the following elements, as submitted to the EPA in the state's program application.

(a) *Incorporation by reference.* The requirements set forth in the Kentucky State statutes and regulations cited in the binder entitled "EPA-Approved Commonwealth of Kentucky Safe Drinking Water Act §1425 Underground Injection Control (UIC) Program Statutes and Regulations for Class II wells," dated August 2016 is hereby incorporated by reference and made a part of the applicable UIC program under the SDWA for the Commonwealth of Kentucky. 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 part 51. Copies of the Kentucky regulations may be obtained or inspected at the Kentucky Department of Natural Resources, Division of Oil and Gas, 3th Floor, 300 Sower Blvd., Frankfort, Kentucky 40601, (315) 532-0191; at the U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303-8960, (404) 562-8190; or at the National Archives and Records Administration (NARA). For information on availability of this material at NARA, call (202) 741-6030, or go to: <http://www.archives.gov/federal-register/cfr/ibr-locations.html>.

TABLE 1 TO PARAGRAPH (a)—EPA-APPROVED KENTUCKY SDWA § 1425 UNDERGROUND INJECTION CONTROL PROGRAM STATUTES AND REGULATIONS FOR CLASS II WELLS

State citation	Title/subject	State effective date	EPA approval date ¹
Kentucky Revised Statutes Chapter 13B.	Kentucky Administrative Procedures Act KRS 13B.005 to 13B.170.	June 15, 1994	12/28/2016, 81 FR 95480
Kentucky Revised Statutes 353.180.	Requirements for plugging abandoned well—Bids—Remedy for possessor of adjacent land or for department.	June 24, 2015	12/28/2016, 81 FR 95480
Kentucky Revised Statutes 353.510.	Definition of KRS 353.500 to 353.720	July 15, 2010	12/28/2016, 81 FR 95480
Kentucky Revised Statutes 353.520.	Territorial application of KRS 353.500 to 353.720—Waste of oil and gas prohibited.	June 24, 2003	12/28/2016, 81 FR 95480
Kentucky Revised Statutes 353.550.	Specific authority over oil and gas operators	July 15, 1996	12/28/2016, 81 FR 95480
Kentucky Revised Statutes 353.570.	Permit Required—May authorize operation prior to issuance of permit.	July 15, 1998	12/28/2016, 81 FR 95480
Kentucky Revised Statutes 353.590.	Application for permit—Fees—Plat—Bond to insure plugging—Schedule—Blanket bonds—Corporate guarantee—Use of forfeited funds—Oil and gas well. plugging fund—Wells not included in "water supply well."	July 15, 2010	12/28/2016, 81 FR 95480
Kentucky Revised Statutes 353.591.	Purpose and application of KRS 353.592 and 353.593.	July 15, 1986	12/28/2016, 81 FR 95480
Kentucky Revised Statutes 353.592.	Powers of the department	June 24, 2015	12/28/2016, 81 FR 95480
Kentucky Revised Statutes 353.593.	Appeals	July 15, 1996	12/28/2016, 81 FR 95480
Kentucky Revised Statutes 353.992.	Penalties	July 15, 1986	12/28/2016, 81 FR 95480
805 Kentucky Administrative Regulations 1:020.	Providing Protection for USDWs	August 9, 2007	12/28/2016, 81 FR 95480

TABLE 1 TO PARAGRAPH (a)—EPA-APPROVED KENTUCKY SDWA § 1425 UNDERGROUND INJECTION CONTROL PROGRAM STATUTES AND REGULATIONS FOR CLASS II WELLS—Continued

State citation	Title/subject	State effective date	EPA approval date ¹
805 Kentucky Administrative Regulations 1:030.	Well location and as-drilled location plat, preparation, form and contents.	October 23, 2009	12/28/2016, 81 FR 95480
805 Kentucky Administrative Regulations 1:060.	Plugging wells; non-coal-bearing strata	June 11, 1975	12/28/2016, 81 FR 95480
805 Administrative Regulations 1:070.	Plugging wells; coal bearing strata	October 23, 1975	12/28/2016, 81 FR 95480
805 Kentucky Administrative Regulations 1:110.	Underground Injection Control	April 4, 2008	12/28/2016, 81 FR 95480

¹In order to determine the EPA effective date for a specific provision listed in this table, consult the **Federal Register** document cited in this column for the particular provision.

(b) *Memorandum of Agreement (MOA)*. The MOA between EPA Region 4 and the Commonwealth of Kentucky Department of Natural Resources signed by EPA Regional Administrator on October 20, 2015.

(c) *Statements of Legal Authority*. “Underground Injection Control Program, Attorney General’s Statement,” signed by General Counsel of Kentucky Energy and Environmental Cabinet on June 7, 2010.

(d) *Program Description*. The Program Description submitted as part of Kentucky’s application, and any other materials submitted as part of this application or as a supplement thereto.

[81 FR 95483, Dec. 28, 2016]

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

(a) *Contents*. The UIC program for Class I, III, IV, V and VI wells and all wells on Indian lands in the Commonwealth of Kentucky is administered by the 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; 81 FR 95484, Dec. 28, 2016]

§ 147.902 Acquifer exemptions.

(a) This section identifies any aquifers or their portions exempted in accordance with §§144.7(b) and 146.4 of this chapter. These aquifers are not being proposed for exemption under the Commonwealth of Kentucky’s primacy approval. Rather, the exempted aquifers listed below were previously approved while EPA had primary enforcement authority for the Class II UIC program in the Commonwealth of Kentucky and are included here for reference. Additional information pertinent to these exempted aquifers or their portions resides in EPA Region 4.

(1) The following eight aquifers (underground sources of drinking water) in the Commonwealth of Kentucky have been exempted in accordance with the provisions of §§144.7(b) and 146.4 of this chapter for Class II injection activities only: A portion of the Tar Springs sandstone formation that has a quarter mile radius areal extent (125.6 acres) that is located at latitude 37.7261 and longitude –86.6914. The formation has a true vertical depth from surface of 280 feet.

(2) A portion of the Tar Springs sandstone formation that has a quarter mile radius areal extent (125.6 acres) that is located at latitude 37.7294 and longitude –86.7212. The formation has a true vertical depth from surface of 249 feet.

(3) A portion of the Tar Springs sandstone formation that has a quarter mile radius areal extent (125.6 acres) that is located at latitude 37.7055 and longitude –86.7177. The formation has

Environmental Protection Agency

§ 147.950

a true vertical depth from surface of 210 feet.

(4) A portion of the Pennsylvanian Age sandstone formation that has a quarter mile radius areal extent (125.6 acres) that is located at latitude 37.5402 and longitude -87.2551. The formation has a true vertical depth from surface of 1,050 feet.

(5) A portion of the Tar Springs sandstone formation that has a quarter mile radius areal extent (125.6 acres) that is located at latitude 37.7301 and longitude -87.6922. The formation has a true vertical depth from surface of 240 feet.

(6) A portion of the Caseyville sandstone formation that has a quarter mile radius areal extent (125.6 acres) that is located at latitude 37.5776 and longitude -87.1321. The formation had a true vertical depth from surface of 350 feet.

(7) A portion of the Caseyville sandstone formation that has a quarter mile radius areal extent (125.6 acres) that is located at latitude 37.5778 and longitude -87.1379. The formation has a true vertical depth from surface of 1,080 feet.

(8) A portion of the Caseyville sandstone formation that has a quarter mile radius areal extent (125.6 acres) that is located at latitude 37.5652 and longitude -87.1222. The formation has a true vertical depth from surface of 1,060 feet.

(b) [Reserved]

[81 FR 95484, Dec. 28, 2016]

§ 147.903 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(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.

§ 147.904 [Reserved]

§ 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

§ 147.951

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);

(2) Letter from Attorney General of Louisiana to EPA, "Re: Louisiana Un-

40 CFR Ch. I (7-1-23 Edition)

derground Injection Control Program Authorization for State of Louisiana" (Class II Wells), January 13, 1982 (5 pages).

(3) Letter from Attorney General of Louisiana to EPA, "Re: Class I Hazardous Waste Injection Well Regulatory Program; Attorney General's Statement, October 9, 1989 (9 pages);

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

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

§ 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.

[53 FR 43087, Oct. 25, 1988, 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

Environmental Protection Agency

§ 147.1050

State of Maine. This incorporation by reference was approved by the Director of the OFR on June 25, 1984.

(1) Maine Revised Statutes Annotated title 38, sections 361-A, 363-B, 413, 414, 414-A, 420, and 1317-A (1978);

(2) Rules to Control the Subsurface Discharge of Pollutants by Well Injection, Rules of the Department of Environmental Protection, Chapter 543 (adopted June 22, 1983, effective July 4, 1983).

(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.

(c) *Statement of legal authority.* Letter from Attorney General of Maine to EPA Regional Administrator, "Re: Attorney General's Statement: Maine Underground Injection Control Program Primacy Application," June 30, 1983.

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

[49 FR 20197, May 11, 1984, as amended at 53 FR 43088, Oct. 25, 1988; 56 FR 9415, Mar. 6, 1991]

§ 147.1001 EPA-administered program—Indian lands.

(a) *Contents.* The UIC program for all classes of wells on Indian lands in the State of Maine 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 Maine is November 25, 1988.

[53 FR 43088, Oct. 25, 1988, as amended at 56 FR 9416, Mar. 6, 1991]

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 lands, is the program administered by the Maryland Department of the Envi-

ronment 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 National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

(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;

(5) Code of Maryland Regulations, Title 26, Subtitle 08, Chapter 04, promulgated and effective as of March 1, 1989;

(6) Code of Maryland Regulations, Title 26, Subtitle 13, Chapter 05, section .19, promulgated and effective as of August 1, 1989;

§§ 147.1051–147.1052

40 CFR Ch. I (7–1–23 Edition)

(7) Code of Maryland Regulations, Title 26, Subtitle 01, Chapter 02, promulgated and effective as of March 1, 1989;

(8) Code of Maryland Regulations, Title 26, Subtitle 01, Chapter 04, promulgated and effective as of March 1, 1989.

(b) *Memorandum of Agreement.* The Memorandum of Agreement between EPA Region III and the Maryland Department of the Environment, as submitted on August 2, 1983, and revised on February 16, 1984.

(c) *Statement of legal authority.* Statement from the Maryland Attorney General on the Underground Injection Control Program, as submitted on August 2, 1983, and revised on February 16, 1984.

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

[56 FR 9416, Mar. 6, 1991]

§§ 147.1051–147.1052 [Reserved]

§ 147.1053 EPA-administered program—Indian lands.

(a) *Contents.* The UIC program for all classes of wells on Indian lands in the State of Maryland 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 Maryland is November 25, 1988.

[53 FR 43088, Oct. 25, 1988, as amended at 56 FR 9416, Mar. 6, 1991]

§§ 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 FR 52705); 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 Massachusetts. This incorporation by reference was approved by the Director of the Federal Register on June 25, 1984.

(1) Massachusetts General Laws Annotated chapter 21, sections 27, 43, and 44 (West 1981);

(2) Code of Massachusetts Regulations, title 310, sections 23.01–23.11 as amended April 26, 1982.

(b) The Memorandum of Agreement between EPA Region I and the Massachusetts Department of Environmental Quality Engineering, signed by the EPA Regional Administrator on August 18, 1982.

(c) *Statement of legal authority.* “Underground Injection Control Program—Attorney General’s Statement for Class I, II, III, IV and V Injection Wells,” signed by Assistant Attorney General for Attorney General of Massachusetts, May 13, 1982.

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

[49 FR 20197, May 11, 1984, as amended at 53 FR 43088, Oct. 25, 1988]

§ 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.

Environmental Protection Agency

§ 147.1150

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

[53 FR 43088, Oct. 25, 1988, as amended at 56 FR 9416, Mar. 6, 1991]

Subpart X—Michigan

§ 147.1150 State-administered program—Class II wells.

The UIC program for Class II injection wells in the State of Michigan, except for those in Indian country, is the program administered by the Michigan Department of Environment, Great Lakes, and Energy, approved by EPA pursuant to the Safe Drinking Water Act (SDWA) section 1425. The effective date of this program is August 29, 2022. Table 1 to paragraph (a) of this section is the table of contents of the Michigan State statutes and regulations incorporated as follows by reference. This program consists of the following elements, as submitted to the EPA in the State’s program application.

(a) *Incorporation by reference.* The requirements set forth in the State’s statutes and regulations approved by EPA for inclusion in “EPA-Approved State of Michigan Safe Drinking Water Act §1425 Underground Injection Control (UIC) Program Statutes and Regulations for Class II wells,” dated November 24, 2020, and listed in Table 1 to

this paragraph (a), are hereby incorporated by reference and made a part of the applicable UIC program under SDWA for the State of Michigan. 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 part 51. Copies of the Michigan regulations and statutes that are incorporated by reference may be inspected at the U.S. Environmental Protection Agency, Water Docket, EPA Docket Center (EPA/DC), EPA WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC 20004; the U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604; or the Michigan Department of Environment, Great Lakes, and Energy, Oil, Gas, and Minerals Division, Constitution Hall, 525 West Allegan Street, Lansing, Michigan 48909; telephone number (517) 284-6823. If you wish to obtain materials from the EPA Headquarters in Washington DC, please call the Water Docket at (202) 566-2426 or from the EPA Regional Office, please call (312) 353-2147. You may also inspect the materials at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email fr.inspection@nara.gov, or go to www.archives.gov/federal-register/cfr/ibr-locations.html.

TABLE 1 TO PARAGRAPH (a)—EPA-APPROVED STATE OF MICHIGAN SDWA SECTION 1425 UNDERGROUND INJECTION CONTROL PROGRAM STATUTES AND REGULATIONS FOR WELL CLASS II

State citation	Title/subject	State effective date	EPA approval date
Natural Resources and Environmental Protection Act, Act 451 of 1994, Part 615 (Supervisor of Wells), Michigan Compiled Laws (MCL) Sections 324.61501—324.61527.	Supervisor of Wells	Effective September 10, 2004.	July 28, 2022, 87 FR 45251
Natural Resources and Environmental Protection Act, Act 451 of 1994, Part 13 (Permits), MCL Sections 324.1301–324.1317.	Permits	Effective March 29, 2019.	July 28, 2022, 87 FR 45251
Natural Resources and Environmental Protection Act, Act 451 of 1994, Part 616 (Orphan Well Fund), MCL Sections 324.61601–324.61607.	Orphan Well Fund	Effective May 24, 1995	July 28, 2022, 87 FR 45251
Natural Resources and Environmental Protection Act, Act 451 of 1994, Part 17 (Michigan Environmental Protection Act), MCL Sections 324.1701–324.1706.	Michigan Environmental Protection Act.	Effective March 30, 1995.	July 28, 2022, 87 FR 45251
Administrative Procedures Act, Act 306 of 1969, MCL Sections 24.201–24.328.	Administrative Procedures Act.	Effective June 29, 2018	July 28, 2022, 87 FR 45251
Revised Judicature Act of 1961, Act 236 of 1961, MCL Section 600.631.	Revised Judicature Act	Effective April 1, 1974 ..	July 28, 2022, 87 FR 45251

TABLE 1 TO PARAGRAPH (a)—EPA-APPROVED STATE OF MICHIGAN SDWA SECTION 1425 UNDERGROUND INJECTION CONTROL PROGRAM STATUTES AND REGULATIONS FOR WELL CLASS II—Continued

State citation	Title/subject	State effective date	EPA approval date
Michigan Department of Environmental Quality Part 615 (Oil and Gas Operations) Administrative Rules, Michigan Administrative Code (MAC) as follows: R 324.101 to 324.199, R 324.201 to 324.208, R 324.210 to 324.216, R 324.401 to 324.422, R 324.501 to 324.504, R 324.507, R 324.508, R 324.510, R 324.511, R 324.701 to 324.705, R 324.801 to 324.808, R 324.810 to 324.816, R 324.901 to 324.904, R 324.1001 to 324.1013, R 324.1015, R 324.1101 to 324.1130, R 324.1201 to 324.1212, R 324.1301, and R 324.1401 to 324.1406.	Oil and Gas Operations (administrative rules).	Effective 2019	July 28, 2022, 87 FR 45251
Michigan Department of Licensing and Regulatory Affairs (Contested Case Procedures for Department of Environmental Quality) Administrative Rules, MAC, R 324.73 and R 324.74.	General Provisions (administrative rules).	Effective 2003	July 28, 2022, 87 FR 45251
Michigan Department of Licensing and Regulatory Affairs (Contested Case Procedures for Department of Environmental Quality) Administrative Rules, MAC, R 324.81.	Declaratory Rulings (administrative rules).	Effective 2003	July 28, 2022, 87 FR 45251

(b) *Memorandum of Agreement (MOA)*. The MOA between EPA Region 5 and the State of Michigan Department of Environment, Great Lakes, and Energy signed by the EPA Regional Administrator on October 13, 2020.

(c) *Statements of Legal Authority*. “Underground Injection Control Program, Attorney General’s Statement,” signed by the Chief of the Environment, Natural Resources, and Agriculture Division of the Michigan Department of Attorney General on September 1, 2020.

(d) *Program Description*. The Program Description submitted as part of Michigan’s application, and any other materials submitted as part of this application or as a supplement thereto.

[87 FR 45255, July 28, 2022]

§ 147.1151 EPA-administered program—Class I, III, IV, V, and VI wells and Indian country.

(a) *Contents*. The UIC program for Class I, III, IV, V and VI wells and all wells in Indian country in the State of Michigan is administered by the 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 all lands in Michigan, including Indian lands, is June 25, 1984.

[52 FR 17681, May 11, 1987, as amended at 56 FR 9416, Mar. 6, 1991; 87 FR 45256, July 28, 2022]

§ 147.1152 Aquifer exemptions. [Reserved]

§ 147.1153 Existing Class II disposal wells authorized by rule in Indian country.

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) of this chapter 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 well head in pounds per square inch.

S_g = specific gravity of injected fluid (unitless).

d = injection depth in feet.

[87 FR 45256, July 28, 2022]

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

(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) of this chapter. 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) of this chapter; 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 of this chapter, the owner or operator shall comply with paragraphs (b)(1) through (4) of this section, when required by the Regional Administrator:

(1) Protect underground sources of drinking water (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.

[87 FR 45256, July 28, 2022]

§147.1155 Requirements for all EPA-administered 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.

[87 FR 45256, July 28, 2022]

Subpart Y—Minnesota**§ 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.

(b) *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

sources 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

Environmental Protection Agency

§ 147.1300

and Take Samples from Underground Injection Systems," October 18, 1982;

(3) Letter from Attorney General of Mississippi (by Special Assistant Attorney General) to Regional Administrator, EPA Region IV, "Re: Public Participation in State Enforcement Actions, UIC Program," June 10, 1983.

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

[49 FR 20197, May 11, 1984, as amended at 53 FR 43088, Oct. 25, 1988]

§ 147.1251 State-administered program—Class II wells.

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).

(1) Mississippi Code Annotated, section 5-9-9 (Supp. 1988).

(2) Mississippi Code Annotated, sections 53-1-1 through 53-1-47, inclusive and sections 53-1-71 through 53-1-77, inclusive (1972 and Supp. 1988).

(3) Mississippi Code Annotated, sections 53-3-1 through 53-3-165, inclusive (1972 and Supp. 1988).

(4) State Oil and Gas Board State-wide Rules and Regulations, Rules 1 through 65, inclusive (Aug. 1, 1987, as amended, Sept. 17, 1987).

(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.

[54 FR 8735, Mar. 2, 1989]

§ 147.1252 EPA-administered program—Indian lands.

(a) *Contents.* The UIC program for all classes of wells on Indian lands in the State of Mississippi 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 on Indian lands is November 25, 1988.

[53 FR 8735, Mar. 2, 1989, as amended at 56 FR 9416, Mar. 6, 1991]

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);

§ 147.1301

40 CFR Ch. I (7-1-23 Edition)

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

(3) Vernon's Annotated Missouri Statutes chapter 204, §§204.006 through 204.470 (1983 and Cumm. Supp. 1990).

(b) The Memorandum of Agreement between EPA Region VII and the Missouri Department of Oil and Gas, signed by the EPA Regional Administrator on December 3, 1982.

(c) *Statement of legal authority.* (1) Opinion Letter No. 63 and attached Memorandum Opinion, signed by Attorney General of Missouri, March 16, 1982;

(2) Addendum to Opinion Letter No. 63 (1982), signed by Attorney General of Missouri, October 28, 1982.

(3) Opinion No. 127-83, signed by Attorney General of Missouri, July 11, 1983.

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

[49 FR 20197, May 11, 1984, as amended at 53 FR 43088, Oct. 25, 1988; 56 FR 9416, Mar. 6, 1991]

§ 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.

(1) Revised Statutes of the State of Missouri, Volume 2, sections 204.016, 204.026, 204.051, 204.056 and Volume V,

section 577.155 (1978 and Cumm. Supp. 1984);

(2) Missouri Code of State Regulations, title 10, division 20, Chapter 6, sections 20-6.010, 20-6.020, 20-6.070, 20-6.080, 20-6.090, and title 10, division 20, Chapter 7, section 20-7.031 (1977, amended 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 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.

(d) *Statement of Legal Authority.* Opinion No. 123-84, signed by Attorney General of Missouri, September 24, 1984. Amended April 2, 1985.

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

[50 FR 28942, July 17, 1985]

§ 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 National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

(1) Montana Statutory Requirements Applicable to the Underground Injection Control Program, August, 1996.

(2) Montana Regulatory Requirements Applicable to the Underground Injection Control Program, August, 1996.

(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]

[61 FR 58933, Nov. 19, 1996]

§ 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 in Montana, except for Class II wells on all lands within the exterior boundaries of the Fort Peck Indian Reservation, 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 Class I, III, IV, and V wells for all lands in Montana, including all Indian country in Montana, and for Class II wells for all Indian country in Montana other than the Fort Peck Indian Reservation, is June 25, 1984. The effective date for the EPA-approved State-administered UIC

§ 147.1352

Class II program for all lands in Montana, except for those in Indian country, is provided in §147.1350.

[52 FR 17681, May 11, 1987, as amended at 56 FR 9417, Mar. 6, 1991; 61 FR 58933, Nov. 19, 1996; 73 FR 63646, Oct. 27, 2008]

§ 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:

(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.

§ 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 to or in lieu of the requirements set forth in paragraphs (b) (1) through (3) of this section, as needed to protect USDWs.

§ 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.

Section 2-15-124. Quasi-judicial boards.

Section 2-15-3303. Board of oil and gas conservation-composition—allocation—quasi-judicial.

(2) Montana Code annotated, 1995, Title 82, Chapter 10:

Section 82-10-101. Action for accounting for royalty.

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.

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.

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.

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.
- (3) 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. Emergencies-notice 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 non-commercial well.
- Section 82-11-164. Lien created.
- Section 82-11-165 through 82-11-170 reserved.
- Section 82-11-171. Terminated.
- Section 82-11-201. Establishment of well spacing units.
- Section 82-11-202. Pooling of interest within spacing unit.
- Section 82-11-203. Pooling agreements not in violation of antitrust laws.
- Section 82-11-204. Hearing on operation of pool as unit.
- Section 82-11-205. Board order for unit operation-criteria.
- Section 82-11-206. Terms and conditions of plan for unit operations.
- Section 82-11-207. Approval of plan for unit operations by persons paying costs.
- Section 82-11-208. Board orders-amendment.
- Section 82-11-209. Units established by previous order.
- Section 82-11-210. Unit operations-less than whole of pool.
- Section 82-11-211. Operations considered as done by all owners in unit.
- Section 82-11-212. Property rights and operator's lien.
- Section 82-11-213. Contract not terminated by board order.
- Section 82-11-214. Title to oil and gas rights not affected by board order.
- Section 82-11-215. Unit operation not restraint of trade.
- Section 82-11-216. No creation of relationship between parties in unit.
- Section 82-11-301. Authorization to join interstate compact for conservation of oil and gas.
- Section 82-11-302. Interstate oil and gas compact.
- Section 82-11-303. Extension of expiration date.
- Section 82-11-304. Governor as member of Interstate Oil Compact Commission.
- Section 82-11-305. Limitation on power of representative.
- Section 82-11-306. Expenses of representative.

Environmental Protection Agency

Pt. 147, Subpt. BB, App. A

(b) The regulatory provisions include: Administrative Rules of Montana Board of Oil and Gas Conservation, Chapter 22, revised March 1996:

Rule 36.22.101. Organizational Rule.
Rule 36.22.201. Procedural Rules.
Rule 36.22.202. Environmental Policy Act Procedural Rules.
Rule 36.22.301. Effective Scope of Rules.
Rule 36.22.302. Definitions.
Rule 36.22.303. Classification of Wildcat or Exploratory Wells.
Rule 36.22.304. Inspection of Record, Properties, and Wells.
Rule 36.22.305. Naming of Pools.
Rule 36.22.306. Organization of Reports.
Rule 36.22.307. Adoption of Forms.
Rule 36.22.308. Seal of Board.
Rule 36.22.309. Referral of Administrative Decisions.
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 36.22.502. Plugging and Abandonment.
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 36.22.604. Permit Issuance - Expiration - Extension.
Rule 36.22.605. Transfer of Permits.
Rule 36.22.606. Notice and Eligibility Statement for Drilling or Recompletion in Unit Operations.
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 36.22.1001. Rotary Drilling Procedure.
Rule 36.22.1002. Cable Drilling Procedure.
Rule 36.22.1003. Vertical Drilling Required Deviation.
Rule 36.22.1004. Dual Completion of Wells.
Rule 36.22.1005. Drilling Waste Disposal and Surface Restoration.
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 36.22.1014. Blowout Prevention and Well Control Equipment.
Rule 36.22.1101. Fire Hazard Prevention.
Rule 36.22.1102. Fire Walls Required.
Rule 36.22.1103. Notification and Report of Emergencies and Undesirable Incidents.
Rule 36.22.1104. Control and Cleanup.
Rule 36.22.1105. Solid Waste.

Rule 36.22.1201. Surface Equipment.
Rule 36.22.1202. Identification.
Rule 36.22.1203. Chokes Required.
Rule 36.22.1204. Separators Required.
Rule 36.22.1205. Vacuum Pumps Prohibited.
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 36.22.1216. Gas Oil Ratio Tests.
Rule 36.22.1217. Water Production Report.
Rule 36.22.1218. Gas to be Metered.
Rule 36.22.1219. Gas Waste Prohibited.
Rule 36.22.1220. Associated Gas Flaring Limitation—Application to exceed—Board Review and Action.
Rule 36.22.1221. Burning of Waste Gas Required.
Rule 36.22.1222. Hydrogen Sulfide Gas.
Rule 36.22.1223. Fencing, Screening, and Netting of Pits.
Rules 36.22.1224 and 36.22.1425. Reserved.
Rule 36.22.1226. Disposal of Water.
Rule 36.22.1227. Earthen Pits and Ponds.
Rule 36.22.1228. Disposal by Injection.
Rule 36.22.1229. Water Injection and Gas Re-pressuring.
Rule 36.22.1230. Application Contents and Requirements.
Rule 36.22.1231. Notice of Application Objections.
Rule 36.22.1232. Board Authorization.
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 36.22.1240. Report of Well Status Change.
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 36.22.1244. Producer's Certificate of Compliance.
Rule 36.22.1245. Illegal Production.
Rule 36.22.1301. Notice and Approval of Intention to Abandon Report.
Rule 36.22.1302. Notice of Abandonment.
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 36.22.1309. Subsequent Report of Abandonment.

§ 147.1400

Rule 36.22.1401. Definitions.
Rule 36.22.1402. Underground Injection.
Rule 36.22.1403. Application Contents and Requirements Rules.
Rule 36.22.1404 and 36.22.1405. Reserved.
Rule 36.22.1406. Corrective Action.
Rule 36.22.1407. Signing the Application.
Rule 36.22.1408. Financial Responsibility.
Rule 36.22.1409. Hearings.
Rule 36.22.1410. Notice of Application.
Rule 36.22.1411. Board Authorization.
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 36.22.1604. Docket Number.
Rule 36.22.1605. List of Applications—Public Access.
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.
[61 FR 58934, Nov. 19, 1996]

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

40 CFR Ch. I (7–1–23 Edition)

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.

[49 FR 20197, May 11, 1984, as amended at 52 FR 17681, May 11, 1987; 56 FR 9417, Mar. 6, 1991]

§ 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.

Environmental Protection Agency

§ 147.1450

(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 sections 81-1502, 81-1506, 81-1519, and 81-1520 (Reissue 1987);

(2) Nebraska Department of Environmental Control, Title 122—Rules and Regulations for Underground Injection and Mineral Production Wells, Effective Date: February 16, 1982, Amended Dates: November 12, 1983, March 22, 1984; as amended by amendment approved by the Governor on January 2, 1989.

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

(1) Nebraska Environmental Protection Act, Nebraska Revised Statutes sections 81-1502, 81-1506, 81-1519, and 81-1520 (Reissue 1987 and Cumm. Supp. 1988);

(c)(1) The Memorandum of Agreement between EPA Region VII and the Nebraska Department of Environmental Control, signed by the EPA Regional Administrator on July 12, 1982.

(2) Addendum to Underground Injection Control Memorandum of Agreement signed by the EPA Regional Administrator on July 12, 1982.

(3) Amendments to the Memorandum of Agreement signed by the EPA Regional Administrator on November 22, 1983.

(d) *Statement of legal authority.* (1) “Nebraska Underground Injection Control Program, Attorney General’s Statement for Class I, III, IV, and V Wells”, signed by Assistant Attorney General for Attorney General of Nebraska, as submitted with “State of Nebraska Request for Administration of UIC Program, January 28, 1982;

(2) Letter from Attorney General (of Nebraska), by Assistant Attorney General, to Director, (Nebraska) Depart-

ment of Environmental Control, August 7, 1981;

(3) Letter from Attorney General (of Nebraska), by Assistant Attorney General, to Director, (Nebraska) Department of Environmental Control, April 29, 1982;

(4) Letter from Attorney General (of Nebraska), by Assistant Attorney General, to Legal Counsel, (Nebraska) Department of Environmental Control, October 18, 1983.

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

(42 U.S.C. 1422)

[49 FR 24134, June 12, 1984, as amended at 52 FR 17681, May 11, 1987; 56 FR 9417, Mar. 6, 1991]

§ 147.1402 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.

[52 FR 17681, May 11, 1987, as amended at 56 FR 9417, Mar. 6, 1991]

Subpart DD—Nevada

§ 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

§ 147.1451

40 CFR Ch. I (7-1-23 Edition)

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 part 51. Copies may be obtained at the Nevada Department of Conservation and Natural Resources, Division of Environmental Protection, 201 South Fall Street, Carson City, Nevada 89710.

Copies may be inspected at the Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, California 99105, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

(1) Nevada Revised Statutes [NRS], Volume 25, Chapters 445.131 through 445.354, Inclusive. 1987.

(2) Nevada Revised Statutes [NRS], Volume 29, Chapters 534A.010 through 534A.090, Inclusive. 1987.

(3) Nevada Revised Statutes [NRS], Volume 28, Chapters 522.010 through 522.190, Inclusive. 1987.

(4) Nevada Administrative Code [NAC], Underground Injection Control Regulations, Sections 1 through 96.1, Inclusive. July 22, 1987, revised September 3, 1987 (amending NAC Chapter 445).

(5) Nevada Administrative Code [NAC], Regulations and Rules of Practice and Procedure adopted Pursuant to NRS 534A, Sections 1 through 69, Inclusive. November 12, 1985 (amending NAC Chapter 534A).

(6) Nevada Administrative Code [NAC], Regulations and Rules of Practice and Procedure adopted Pursuant to NRS 522.010 through 522.625, Inclusive. July 22, 1987 (amending NAC Chapter 522).

(b) The Memorandum of Agreement between EPA Region 9 and the Nevada Department of Conservation and Nat-

ural Resources signed by the EPA Regional Administrator on April 6, 1988.

(c) *Statement of Legal Authority.* Statement and Amendment to the Statement from the Attorney General of the State of Nevada, signed on July 22, 1987 and November 6, 1987 respectively, by the Deputy Attorney General.

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

[53 FR 39089, Oct. 5, 1988]

§ 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.

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

§ 147.1452 Aquifer exemptions. [Reserved]

§ 147.1453 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 formula:

$$P_m = (0.733 - 0.433 S_g)d$$

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

§ 147.1500

§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 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. Notice of this approval was published in the FR on September 21, 1982 (47 FR 41561); the effective date of this program is October 21, 1982. This program consists of the following elements:

§ 147.1501

40 CFR Ch. I (7-1-23 Edition)

(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 Hampshire. This incorporation by reference was approved by the Director of the Federal Register on June 25, 1984.

(1) New Hampshire Revised Statutes Annotated section 149:8 III(a) (1978);

(2) New Hampshire Code of Administrative Rules, Part Wc 410 (Protection of Groundwaters of the State, sections Ws 410.1 through Ws 410.16) (Issue Ws 3-82).

(b)(1) The Memorandum of Agreement between EPA Region I and the New Hampshire Water Supply and Pollution Control Commission, signed by the EPA Regional Administrator on August 23, 1982;

(2) Amendment No. 1 to the Memorandum of Agreement, signed by the EPA Regional Administrator on July 16, 1982.

(c) *Statement of legal authority.* (1) Letter from Attorney General of New Hampshire to Regional Administrator, EPA Region I, "Re: Attorney General's Statement—Underground Injection Control Program," March 23, 1982;

(2) Letter from Attorney General of New Hampshire to Regional Administrator, EPA Region I, "Re: Attorney General's Statement—Underground Injection Control Program," July 1, 1982.

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

[49 FR 20197, May 11, 1984, as amended at 53 FR 43088, Oct. 25, 1988; 56 FR 9417, Mar. 6, 1991]

§ 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.

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

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);

(2) New Jersey Administrative Code, sections 7:14A-1.1 through 1.9 (subchapter 1), 7:14A-2.1 through 2.15 (subchapter 2), 7:14A-5.1 through 5.17, (subchapter 5) (amended March 1988).

(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

Environmental Protection Agency

§ 147.1600

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 the application or as supplements thereto.

[49 FR 20197, May 11, 1984, as amended at 53 FR 43089, Oct. 25, 1988; 56 FR 9417, Mar. 6, 1991]

§ 147.1551 EPA-administered program—Indian lands.

(a) *Contents.* The UIC program for all classes of wells on Indian lands in the State of New Jersey 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 Jersey is November 25, 1988.

[53 FR 43089, Oct. 25, 1988, as amended at 56 FR 9417, Mar. 6, 1991]

Subpart GG—New Mexico

§ 147.1600 State-administered program—Class II wells.

The UIC program for Class II wells in the State of New Mexico, except for those on Indian lands, is the program administered by the New Mexico Energy and Minerals Department, Oil Conservation Division, approved by EPA pursuant to section 1425 of the SDWA. Notice of this approval was published in the FEDERAL REGISTER on February 5, 1982 (47 FR 5412); the effective date of this program is March 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 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);

(2) *State of New Mexico Energy and Mineral Department, Oil Conservation Division—Rules and Regulations* (dated 10-1-78), sections B-3, I-701 through I-708, M-1100 through M-1121.

(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.

[49 FR 20197, May 11, 1984, as amended at 53 FR 43089, Oct. 25, 1988]

§ 147.1601 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 New Mexico, except for those located on Indian country as defined under 40 CFR 144.3, is the program administered by the New Mexico Water Quality Control Commission, the New Mexico Environment Department (formerly the New Mexico Environmental Improvement Division), and the Oil Conservation Division of the New Mexico Energy, Minerals and Natural Resources Department and approved by EPA pursuant to section 1422 of the Safe Drinking Water Act (SDWA). The effective date of this program is August 10, 1983. A subsequent program revision application for Class I hazardous waste injection wells, which are only authorized for use by petroleum refineries for the waste generated by the refinery (“generator”), except in Indian country, was approved by EPA pursuant to section 1422 of the SDWA. The effective date of this program is January 3, 2022. The State-administered UIC programs for Classes I, III, IV, and V consist of the following elements, as submitted to EPA in the State’s program applications.

(a) *Incorporation by reference.* The New Mexico State provisions cited in “EPA-Approved New Mexico SDWA

§1422 Underground Injection Control Program Statutes and Regulations for Well Classes I, III, IV, and V,” dated March 11, 2021, and listed in Table 1 to this paragraph (a), are incorporated by reference and made a part of the applicable UIC program under SDWA for the State of New Mexico. The Director of the Federal Register approves this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of the State of New Mexico’s provisions that are incorporated by reference may be inspected at the U.S. Environmental Protection Agency, Water Docket, EPA Docket Center (EPA/DC), EPA WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC 20004, or the Region VI, Library, U. S. Environmental Protection Agency, 1201 Elm Street, Suite 500, Dallas, Texas 75270. If you wish to obtain materials from the EPA Headquarters Library, please call the Water Docket at (202) 566-2426 or from the EPA Regional Office, please call (214) 665-8326. You may also inspect the materials at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email fr.inspection@nara.gov or go to www.archives.gov/federal-register/cfr/ibr-locations.html.

TABLE 1 TO PARAGRAPH (a): EPA—APPROVED STATE OF NEW MEXICO SDWA § 1422 UNDERGROUND INJECTION CONTROL PROGRAM STATUTES AND REGULATIONS FOR WELL CLASSES I, III, IV, AND V

State citation	Title/subject	State effective date	EPA approval date
New Mexico Administrative Code, Title 20, Chapter 6, Part 2.	Ground and Surface Water Protection.	December 21, 2018	January 3, 2022, 87 FR 47.
New Mexico Administrative Code, Title 19, Chapter 14, Parts 1–4.	Geothermal Resources Development.	February 27, 2018	January 3, 2022, 87 FR 47.

(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 Development Act, New Mexico Statutes Annotated, Chapter 71, Article 9 (July 1, 2016);

(3) Surface Mining Act, New Mexico Statutes Annotated Sections 69–25A–1 through 69–25A–35 (1978 and Supp. 1980).

(c) *Memorandum of Agreement.*

(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

Environmental Protection Agency

§ 147.1652

the Director, Oil Conservation Division, to Regional Administrator, EPA Region IV, “Re: New Mexico Underground Injection Control Program—Clarification,” February 10, 1983.

(3) Amendment No. 1, Underground Injection Program Substitute Memorandum of Agreement Between the State of New Mexico and United States Environmental Protection Agency Region VI, signed by the EPA Regional Administrator on May 2, 2019.

(d) *Statement of legal authority.*

(1) 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.

(2) Attorney General’s Statement for Program Revision of New Mexico UIC Program, signed by Bill Brancard, Special Assistant Attorney General, State of New Mexico Energy, Minerals and Natural Resources Department, submitted December 12, 2018.

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

[87 FR 50, Jan. 3, 2022]

§ 147.1603 EPA-administered program—Indian lands.

(a) *Contents.* The UIC program for all classes of wells on Indian lands in New Mexico, except for Class II wells on Navajo Indian lands for which EPA has granted the Navajo Nation primacy for the SDWA Class II UIC program (as defined in §147.3400), 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, except for Class II wells on Navajo Indian lands for which EPA has granted the Navajo Nation primacy for the SDWA Class II UIC program (as

defined in §147.3400), is November 25, 1988.

[53 FR 43089, Oct. 25, 1988, as amended at 73 FR 65565, Nov. 4, 2008]

Subpart HH—New York

§ 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.

[53 FR 43089, Oct. 25, 1988; 54 FR 10616, Mar. 14, 1989, as amended at 56 FR 9417, Mar. 6, 1991]

§ 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.

(b) The following portions of 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 Bradford First, Second, and Third Sand Members and the Kane Sand Member in the Bradford Field in Cattaraugus County.

(2) The Chipmunk Oil field in Cattaraugus County.

§ 147.1653 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.

§ 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, 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 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:

(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

Environmental Protection Agency

§ 147.1700

forth in paragraphs (b) (1) through (3) of this section as needed to protect USDWs.

§ 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;
 - (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 to 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 II—North Carolina

§ 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 Environmental Protection Agency, Region IV, 345 Courtland Street, NE., Atlanta, Georgia 30365, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

(1) Administrative Procedure Act, N.C. GEN. STAT. 150B-1 through 150B-64 (1987 and Cumm. Supp. 1989);

(2) North Carolina Well Construction Act, N.C. GEN. STAT. §§ 87-83 through 87-99 (1989 and Cumm. Supp. 1989);

(3) Water and Air Resources, N.C. GEN. STAT. §§ 143-211 through 143-215.10 (1987 and Cumm. Supp. 1989);

(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);

(6) Sanitary Sewage Systems, N.C. GEN. STAT. §§ 130A-333 through 130A-335 (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);

§§ 147.1701–147.1702

40 CFR Ch. I (7–1–23 Edition)

(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.

[56 FR 9417, Mar. 6, 1991]

§§ 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.

[53 FR 43089, Oct. 25, 1988, as amended at 56 FR 9418, Mar. 6, 1991]

§§ 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.

(c) *Statement of legal authority.* “Underground Injection Control Program Attorney General's Statement,” as submitted with the North Dakota Underground Injection Control Program Primacy Application for Class II Injection Wells, transmitted by the Governor on July 15, 1982 (16 pages).

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

[49 FR 20197, May 11, 1984, as amended at 53 FR 43089, Oct. 25, 1988; 56 FR 9418, Mar. 6, 1991]

§ 147.1751 State-administered program—Class I, III, IV, V and VI wells.

The UIC Program for Class I, III, IV, and V wells in the State of North Dakota, except those located on Indian lands, as defined under 40 CFR 144.3, is the program administered by the North Dakota Department of Environmental

Environmental Protection Agency

§ 147.1751

Quality, approved by the EPA pursuant to section 1422 of the SDWA. Notification of this approval was published in the FEDERAL REGISTER on April 15, 2019; the program is effective May 15, 2019. The UIC Program for Class VI wells in the State of North Dakota, except those located on Indian lands, is the program administered by the North Dakota Industrial Commission (NDIC), approved by the EPA pursuant to section 1422 of the SDWA. Notification of this approval was published in the FEDERAL REGISTER on April 24, 2018; the effective date of the NDIC UIC Class VI program is April 24, 2018. The State-administered UIC programs for Classes I, III, IV, V, and VI consist of the following elements, as submitted to the EPA in the State's program applications.

(a) The requirements set forth in the State statutes and regulations approved by the EPA for inclusion in "EPA-Approved North Dakota SDWA §1422 Underground Injection Control Program Statutes and Regulations for Well Classes I, III, IV, V and VI," dated January 2019, and listed in table 1 to this paragraph (a), are incorporated by

reference and made a part of the applicable UIC program under the SDWA for the State of North Dakota. The Director of the Federal Register approves this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of the material incorporated by reference in this paragraph (a) may be inspected at the U.S. Environmental Protection Agency, Region VIII, Library 2nd Floor, 1595 Wynkoop Street, Denver, Colorado 80202-1129. If you wish to obtain this material from the EPA Regional Office, call (303) 312-1226. Copies of this material also may be inspected at the EPA Headquarters Library, in the Water Docket, at the EPA Docket Center (EPA/DC), EPA WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC 20460. If you wish to obtain this material from the EPA Docket Center, call (202) 566-2426. Copies of this material also may be inspected at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741-6030, or go to www.archives.gov/federal-register/cfr/ibr-locations.html.

TABLE 1 TO PARAGRAPH (a)—EPA-APPROVED NORTH DAKOTA SDWA SECTION 1422 UNDERGROUND INJECTION CONTROL PROGRAM STATUTES AND REGULATIONS FOR WELL CLASSES I, III, IV, V AND VI

State citation	Title/subject	State effective date	EPA approval date
North Dakota Century Code Sections 38-12-01 through 38-12-03.	Regulation, Development and Production of Subsurface Minerals.	1980	September 21, 1984, 49 FR 37066.
North Dakota Century Code Sections 61-28-02 and 61-28-06.	Control, Prevention and Abatement of Pollution of Surface Waters.	1989	March 6, 1991, 56 FR 9418.
North Dakota Century Code Sections 61-28.1-01 and 61-28.1-12.	Safe Drinking Water Act	2019	April 15, 2019, 84 FR 15119.
North Dakota Administrative Code Sections 33.1-25-01-01 through 33.1-25-01-18.	Underground Injection Control Program.	2019	April 15, 2019, 84 FR 15119.
North Dakota Administrative Code Sections 43-02-02-01 through 43-02-02-50.	Subsurface Mineral Exploration and Development.	1986	March 6, 1991, 56 FR 9418.
North Dakota Administrative Code Sections 43-02-02.1-01 through 43-02-02.2-19.	Underground Injection Control Program.	1984	September 21, 1984, 49 FR 37066.
North Dakota Century Code Sections 38-22-01 through 38-22-23.	Carbon Dioxide Underground Storage.	2009	April 24, 2018, 83 FR 17761.
North Dakota Administrative Code Sections 38-08-16 and 38-08-17.	Control of Oil and Gas Resources	2013	April 24, 2018, 83 FR 17761.
North Dakota Administrative Code Sections 43-05-01-01 through 43-05-01-20.	Geologic Storage of Carbon Dioxide.	2013	April 24, 2018, 83 FR 17761.

§ 147.1752

40 CFR Ch. I (7–1–23 Edition)

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

(1) North Dakota Environmental Law Enforcement Act of 1975, North Dakota Century Code Sections 32-40-01 to 32-40-11 (1976); and

(2) North Dakota Administrative Code Article 33-22 (Practice and Procedure) (1983).

(c) The Memorandum of Agreement for the Class I, III, IV, and V Underground Injection Control Program between EPA Region 8 and the North Dakota Department of Environmental Quality, signed by the EPA Regional Administrator on September 18, 2018.

(d) The statement of legal authority, “Class I, III, IV, and V Underground Injection Control Program, Attorney General’s Statement,” signed by the Assistant Attorney General of North Dakota on July 30, 2018, and the “Supplement to the Attorney General Statements Relating to Programs Being Transferred to the North Dakota Department of Environmental Quality,” signed by the Assistant Attorney General of North Dakota on October 23, 2018.

(e) The Class I, III, IV, and V Underground Injection Control Program Description and any other materials submitted as part of the program revision or as supplements thereto.

(f) The Memorandum of Agreement for the Class VI Underground Injection Control Program between EPA Region 8 and the North Dakota Industrial Commission, signed by the EPA Regional Administrator on October 28, 2013.

(g) The Memorandum of Understanding for Class VI between the North Dakota Industrial Commission, Department of Mineral Resources, Oil and Gas Division and the North Dakota Department of Health, Water Quality Division Related to the Underground Injection Control Program, signed on June 19, 2013.

(h) The statement of legal authority, “Class VI Underground Injection Control Program, Attorney General’s Statement,” signed by the Attorney General of North Dakota on January 22, 2013.

(i) The Class VI Underground Injection Control Program Description and any other materials submitted as part of the program revision or as supplements thereto.

[49 FR 37066, Sept. 21, 1984, as amended at 56 FR 9418, Mar. 6, 1991; 83 FR 17761, Apr. 24, 2018; 84 FR 15121, Apr. 15, 2019]

§ 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, 1988.

[53 FR 43089, 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 38238); 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 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 on June 25, 1984.

(1) Ohio Revised Code Annotated, sections 1509.01 through 1509.22 (Page 1978 and Supp. 1982);

Environmental Protection Agency

§ 147.1803

(2) Rules of the Division of Oil and Gas, Ohio Administrative Code sections 1501:91-01, through 1501: 9-11-13 (1983).

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

(c) *Statement of legal authority.* “Underground Injection Control Program—Attorney General’s Statement,” signed by the Assistant Attorney General, Chief, Environmental Law Section, for the Attorney General of Ohio, September 30, 1982.

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

[49 FR 20197, May 11, 1984, as amended at 53 FR 43089, Oct. 25, 1988]

§ 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, 1509.221 (Supp. 1983);

(2) Rules of the Division of Oil and Gas, Ohio Administrative Code, sections 1501:9-7-01 through 7-14 (1984);

(3) Ohio Revised Code Annotated, sections 6111.04, 6111.043, 6111.044 (Supp. 1983);

(4) Rules of the Ohio Environmental Protection Agency, Ohio Administrative Code, sections 3745-34-01 through

34-41; 3745-9-01 through 9-11 (Director Ohio EPA Order, June 18, 1984).

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

(1) Ohio Revised Code, Chapter 119 (1978 Replacement Part);

(2) Ohio Code Supplement, sections 6111.041, 6111.042, 6111.045 (Supp. 1982).

(c) (1) The Memorandum of Agreement between EPA Region V and the Ohio Department of Natural Resources, signed by the EPA Regional Administrator on March 30, 1984;

(2) Memorandum of Agreement between the Ohio Department of Natural Resources and the Ohio Environmental Protection Agency, Related to the Underground Injection Control Program for the State of Ohio, signed August 1, 1984.

(d) *Statement of legal authority.* Statement from Attorney General of the State of Ohio, by Senior Assistant Attorney General, “Underground Injection Control Program—Attorney General’s Statement,” July 25, 1984.

(e) The Program Description and any other materials submitted as part of the original 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(f)(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 = injection pressure at the well head in pounds per square inch

S_g = specific gravity of injected fluid (unitless)

d = injection depth in feet.

[49 FR 45308, Nov. 15, 1984]

§ 147.1805

40 CFR Ch. I (7-1-23 Edition)

§ 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.

[53 FR 43089, Oct. 25, 1988, as amended at 56 FR 9418, Mar. 6, 1991]

Subpart LL—Oklahoma

§ 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);

(2) Oklahoma Controlled Industrial Waste Disposal Act, Oklahoma Statute Annotated title 63 sections 1-2002, 1-2014 (West Supp. 1983-1984);

(3) *Regulations.* [Reserved]

(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 ap-

proved State-administered UIC program:

(1) Oklahoma Open Meeting Act, Oklahoma Statutes title 25 sections 301 through 314 (Supp. 1978);

(2) Oklahoma Statutes Annotated title 63 sections 1-101 to 1-114, 1-901 to 1-911, 1-1601 *et seq.*, 1-1701, 1-2001 to 1-2014 (West 1973 and Supp. 1982);

(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 Department of Mines (ODM), signed by the Deputy Chief Mine Inspector, ODM, on February 15, 1982.

(d) *Statement of legal authority.* Letter from Attorney General of Oklahoma to Commissioner of Health, Oklahoma State Department of Health, "Re: Statement and Memorandum of Law Concerning the Authority for the Oklahoma State Department of Health's Underground Injection Control Program," February 12, 1982.

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

[49 FR 20197, May 11, 1984, as amended at 53 FR 43090, Oct. 25, 1988]

§ 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

Environmental Protection Agency

§ 147.1900

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:

(1) Oklahoma Statutes, title 17 sections 51-53; title 52 sections 86.1-86.5, 139-153, 243, 307-318.1 (1971).

(2) OCC-OGR Rules No. 1-101-3-303.

(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.

(d) *Statement of legal authority.* "Statement of Legal Authority of the Oklahoma Corporation Commission to Conduct an Underground Injection Control Program," (Part IV, pages 30-41 of "State of Oklahoma Primacy Application for Authority to Regulate Class II Injection Wells," submitted April 14, 1981), signed by the Conservation Attorney, Counsel to the Director and the Oklahoma Corporation Commission.

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

[49 FR 20197, May 11, 1984, as amended at 53 FR 43090, Oct. 25, 1988]

§ 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 GGG 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]

Subpart MM—Oregon

§ 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, 1984.

(1) Oregon Revised Statutes, Title 16, chapter 164, section 164.785; Title 36, chapter 468, sections 468.005, 468.065 to 468.070, 468.700 to 468.815; Title 43, chapter 520 sections 520.005, 520.095, 520.155-520.330 (1983);

(2) Oregon Administrative Rules, Chapter 340, Division 44, sections 340-44-005 through 340-44-055 (October 1983); Chapter 340, Division 45, sections 340-45-005 through 340-45-075 (January 1990); Chapter 632, Division 10, sections 632-10-002 through 632-10-235 (May 1986); Chapter 632, Division 20, sections 632-20-005 through 632-20-180 (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), 468.005 through 468.605, and 468.780 through 468.997; Chapters 516 and 522 (1983);

§ 147.1901

40 CFR Ch. I (7-1-23 Edition)

(2) Oregon Administrative Rules, chapter 137, Div. 3 (July 1982); chapter 340, Div. 11 (April 1988); chapter 340, Div. 12 (March 1989); chapter 340, Div. 14 (November 1983); chapter 340, Div. 52 (November 1983); chapter 632, Div. 1 (June 1980); chapter 632, Div. 20 (January 1981).

(c)(1) The Memorandum of Agreement between EPA Region X and the Oregon Department of Environmental Quality, signed by the EPA Regional Administrator on May 3, 1984.

(d) *Statement of legal authority.* (1) "Underground Injection Control Program Legal Counsel's Statement," October 1983, signed by the Assistant Attorney General, Oregon;

(2) Opinion of the Attorney General, Oregon, 35 Op. Attorney General 1042 (1972).

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

[49 FR 37594, Sept. 25, 1984, as amended at 53 FR 43090, Oct. 25, 1988; 56 FR 9418, Mar. 6, 1991]

§ 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 of the UIC program for Indian lands in Oregon is November 25, 1988.

[53 FR 43090, Oct. 25, 1988, as amended at 56 FR 9419, Mar. 6, 1991]

Subpart NN—Pennsylvania

§ 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 require-

ments 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.

[53 FR 43090, Oct. 25, 1988, as amended at 56 FR 9419, Mar. 6, 1991]

§ 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, Bredinsburg, 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.

Environmental Protection Agency

§ 147.1954

(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, 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 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

(3) Use cement:

§ 147.1955

- (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 to 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.

40 CFR Ch. I (7-1-23 Edition)

Subpart OO—Rhode Island

§ 147.2000 State-administered program—Class I, II, III, IV, and V wells.

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";
 - (5) Rhode Island General Laws, Section 46-12-1 *et seq.*, entitled "Water Pollution";

Environmental Protection Agency

§ 147.2050

(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

(8) Administrative Rules of Practices and Procedure for Department of Environmental Management, effective November 12, 1980.

(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.

(d) *Statement of legal authority.* Letter from Attorney General, State of Rhode Island and Providence Plantations, to Regional Administrator, EPA Region I, “Re: Attorney General’s Statement, Underground Injection Control Program,” January 17, 1984.

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

[49 FR 30699, Aug. 1, 1984, as amended at 53 FR 43090, Oct. 25, 1988]

§ 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.

[53 FR 43090, Oct. 25, 1988, as amended at 56 FR 9419, Mar. 6, 1991]

Subpart PP—South Carolina

§ 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.

(1) Pollution Control Act, S.C. Code Ann. Sections 48-1-10, 48-1-90, 48-1-100, 48-1-110 (Law. Co-op. 1976 and Supp. 1983).

(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:

(1) Pollution Control Act, S.C. Code Ann. Sections 48-1-10 to 48-1-350 (Law. Co-op. 1976 and Supp. 1983).

(2) State Safe Drinking Water Act, S.C. Code Ann. Sections 44-55-10 to 44-55-100 (Law. Co-op. 1976 and Supp. 1983).

(3) Administrative Procedures Act, S.C. Code Ann. Sections 1-23-10 *et seq.*, and 1-23-310 to 1-23-400 (Law. Co-op. 1976 and Supp. 1983).

§ 147.2051

40 CFR Ch. I (7-1-23 Edition)

(4) S.C. Code Ann. Sections 15-5-20, 15-5-200 (Law. Co-op. 1976 and Supp. 1983).

(c)(1) The Memorandum of Agreement between EPA Region IV and the South Carolina Department of Health and Environmental Control signed by the EPA Regional Administrator on May 29, 1984.

(d) *Statement of legal authority.* (1) "Underground Injection Control Program, Attorney General's Statement for Class I, II, III, IV and VA and VB Wells," signed by the Attorney General of South Carolina on April 27, 1984.

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

[49 FR 28058, July 10, 1984, as amended at 53 FR 43090, Oct. 25, 1988]

§ 147.2051 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 South Carolina is November 25, 1988.

[53 FR 43090, Oct. 25, 1988, as amended at 56 FR 9419, Mar. 6, 1991]

Subpart QQ—South Dakota

§ 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 1425 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) *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.

(1) South Dakota Codified Laws, sections 45-9-2, 45-9-4, 45-9-11, 45-9-13, 45-9-14, 45-9-15 (1983).

(2) Administrative Rules of South Dakota, sections 74:10:02 through 74:10:07, 74:10:09, and 74:10:11 published by the South Dakota Code Commission, as revised through October 4, 1987.

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

(1) South Dakota Codified Laws, Chapter 45-9 (sections not cited above) (1983); 1-26 (1981).

(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.

(d) *Statement of legal authority.* (1) "Underground Injection Control Program for Class II Wells: Attorney General's Statement," signed by Mark V. Meierhery, Attorney General, South Dakota, on January 16, 1984.

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

[50 FR 7061, Feb. 20, 1985, as amended at 56 FR 9419, Mar. 6, 1991]

§ 147.2101 EPA-administered program—Class I, III, IV and V wells and all wells on Indian lands.

(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

Environmental Protection Agency

§ 147.2103

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 ¼ mile 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) 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 operation pressure;

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

§ 147.2104

40 CFR Ch. I (7-1-23 Edition)

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

(4) Comply with other requirements which the Regional Administrator may specify 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.

[49 FR 45308, Nov. 15, 1984]

§ 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 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 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]

Subpart RR—Tennessee

§ 147.2150 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 Tennessee, except for those on any Indian lands, is the program administered by the Tennessee Department of Environment and Conservation, approved by EPA pursuant to section 1422 of the SDWA. Notice of this approval was published in the FEDERAL REGISTER on April 6, 2015; the effective date of this program is July 6, 2015. 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 Tennessee State statutes and regulations cited in

Environmental Protection Agency

§ 147.2150

the binder (Volumes 1 and 2) entitled “EPA-Approved State of Tennessee Safe Drinking Water Act section 1422 Underground Injection Control (UIC) Program Statutes and Regulations for Well Classes I, II, III, IV, and V,” dated September 2013 and Table 1 to paragraph (a) of this section are hereby incorporated by reference and made a part of the applicable UIC program under the SDWA for the State of Tennessee. 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 part 51. Copies

of the Tennessee regulations may be obtained or inspected at Tennessee Department of Environment and Conservation, 6th Floor, 401 Church Street, Nashville, Tennessee 32743, (315) 532-0191, at the Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303-8960, (404) 562-8190 or at the National Archives and Records Administration (NARA). For information on availability of this material at NARA, call (202) 741-6030, or go to: <http://www.archives.gov/locations/>.

TABLE 1 TO PARAGRAPH (a) EPA-APPROVED TENNESSEE SDWA SECTION 1422 UNDERGROUND INJECTION CONTROL PROGRAM STATUTES AND REGULATIONS FOR WELL CLASSES I, II, III, IV, AND V

State citation	Title/subject	State effective date	EPA approval date ¹
Tennessee Code Annotated, Title 4, Chapter 5.	Uniform Administrative Procedures Act.	August 5, 2011	4/6/15, 80 FR 18318.
Tennessee Code Annotated, Title 68, Chapter 221, Part 4.	Subsurface Sewage Disposal Systems.	August 5, 2011	4/6/15, 80 FR 18318.
Tennessee Code Annotated, Title 68, Chapter 221, Part 7.	Tennessee Safe Drinking Water Act of 1983.	July 9, 2012	4/6/15, 80 FR 18318.
Tennessee Code Annotated, Title 68, Chapter 212, Section 101 <i>et seq.</i>	Hazardous Waste Management Act of 1977.	July 9, 2012	4/6/15, 80 FR 18318.
Tennessee Code Annotated, Title 68, Chapter 212, Section 201 <i>et seq.</i>	Hazardous Waste Management Act of 1983.	July 9, 2012	4/6/15, 80 FR 18318.
Tennessee Code Annotated, Title 68, Chapter 203.	Tennessee Environmental Protection Fund.	May 10, 2012	4/6/15, 80 FR 18318.
Tennessee Code Annotated, Title 68, Chapter 211, Part 1.	Tennessee Solid Waste Disposal Act.	June 25, 2009	4/6/15, 80 FR 18318.
Tennessee Code Annotated, Title 68, Chapter 215, Part 1.	Tennessee Petroleum Underground Storage Tank Act.	June 29, 2009	4/6/15, 80 FR 18318.
Tennessee Code Annotated, Title 69, Chapter 3, Part 1.	Water Quality Control Act ..	October 1, 2012	4/6/15, 80 FR 18318.
Official Compilation Rules & Regulations of the State of Tennessee Chapter 0400-45-06.	Underground Injection Control.	December 11, 2012	4/6/15, 80 FR 18318.
Official Compilation Rules & Regulations of the State of Tennessee Chapter 0400-45-01.	Public Water Systems	December 11, 2012	4/6/15, 80 FR 18318.
Compilation Rules & Regulations of the State of Tennessee Chapter 1200-1-6.	Regulations to Govern Subsurface Sewage Disposal Systems.	November 24, 2009	4/6/15, 80 FR 18318.
Official Compilation Rules & Regulations of the State of Tennessee Chapter 0400-12-01-.02(1)(c).	Hazardous Waste Management.	September 20, 2012	4/6/15, 80 FR 18318.
Official Compilation Rules & Regulations of the State of Tennessee Chapter 0400-20-05-.161.	Standards For Protection Against Radiation.	May 22, 2012	4/6/15, 80 FR 18318.

¹ In order to determine the EPA effective date for a specific provision listed in this table, consult the FEDERAL REGISTER document cited in this column for the particular provision.

§ 147.2151

40 CFR Ch. I (7-1-23 Edition)

(b) *Memorandum of Agreement (MOA)*. The MOA between EPA Region 4 and the Tennessee Department of Environment and Conservation signed by EPA Regional Administrator on October 20, 2004.

(c) *Statements of legal authority*. “Underground Injection Control Program, Attorney General’s Statement,” signed by Attorney General of Tennessee on July 26, 2005 and “Updating the Attorney General’s Statement on UIC Program Authority,” signed by General Counsel of the Tennessee Department of Environment and Conservation on November 10, 2011.

(d) *Program description*. The Program Description submitted as part of Tennessee’s application, and any other materials submitted as part of this application or as a supplement thereto.

[80 FR 18318, Apr. 6, 2015]

§ 147.2151 EPA-administered program Class IV and Indian lands.

(a) *Contents*. The UIC program for Class VI wells and all wells on Indian lands in the State of Tennessee 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*. Effective date for the UIC program on Indian lands is November 25, 1988. The effective date for the UIC program for the rest of Tennessee is June 25, 1984.

[53 FR 43090, Oct. 25, 1988, as amended at 56 FR 9419, Mar. 6, 1991; 80 FR 18319, Apr. 6, 2015]

§ 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.

Subpart SS—Texas

§ 147.2200 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 Texas, except for those wells on Indian lands, Class III brine mining wells, and certain Class V wells, is the program administered by the Texas Commission on Environmental Quality approved by EPA pursuant to section 1422 of the Safe Drinking Water Act (SDWA). Notice of the original approval for Class I, III, IV, and V wells was published in the FEDERAL REGISTER on January 6, 1982 and became effective February 7, 1982. Class V geothermal wells and wells for the *in situ* combustion of coal are regulated by the Rail Road Commission of Texas under a separate UIC program approved by EPA and published in the FEDERAL REGISTER on April 23, 1982. A subsequent program revision application for Class I, III, IV, and V wells, not including Class III brine mining wells, was approved by the EPA pursuant to section 1422 of SDWA. Notice of this approval was published in the FEDERAL REGISTER on February 25, 2004; the effective date of these programs is March 26, 2004. The program for Class I, III, IV, and V wells, not including Class III brine mining wells, consists of the following elements as submitted to the EPA in the State’s revised program applications. The UIC program for Class III brine mining wells in the State of Texas, except for those wells on Indian lands, is the program administered by the Railroad Commission of Texas. A program revision application for Class III brine mining wells was submitted by Texas and approved by EPA. Notice of that approval was published in the FEDERAL REGISTER on February 26, 2004; the effective date of this program is March 29, 2004.

Environmental Protection Agency

§ 147.2201

(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 SDWA for the State of Texas. 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 part 51. Copies of the materials that are incorporated by reference in this paragraph are available at EPA Region VI, 1201 Elm Street, Suite 500, Dallas, Texas 75270-2102 or from the National Archives and Records Administration (NARA). If you wish to obtain material from the EPA Regional Office, please call (800) 887-6063 or (214) 665-2760. For information on the availability of this material at NARA, email fedreg.legal@nara.gov, or go to: www.archives.gov/federal-register/cfr/ibr-locations.html.

(1) Texas Statutory and Regulatory Requirements Applicable to the Underground Injection Control Program for Class I, III, IV, and V Wells, except for Class III Brine Mining Wells, March 2002.

(2) Texas Statutory and Regulatory Requirements Applicable to the Underground Injection Control Program for Class III Brine Mining Wells, March 2002.

(b) *Other laws.* The following statutes and regulations, as effective on March 31, 2002, although not incorporated by reference except for any provisions identified in paragraph (a) of this section, are also part of the approved State-administered UIC program.

(1) *Class I, III, IV, and V wells.* (i) Title 30 of the Texas Administrative Code Chapters 39, 50, 55, 80, and 281.

(ii) Vernon's Texas Codes Annotated, Water Code, Chapters 5, 7, 26, and 32, Health and Safety Code Section 361, Government Code (ORA) Chapter 552 and Government Code (APA) Chapter 2001.

(2) *Class III brine mining wells.* (i) Vernon's Texas Codes Annotated, Natural Resources Code, Chapters 91, 2001, and 331;

(ii) Vernon's Texas Codes Annotated, Government Code Title 10, Chapters 2001, 552, and 311.

(iii) General Rules of Practice and Procedure before the Railroad Commission of Texas.

(c) *Memorandum of Agreement—(1) Class I, III, IV, and V wells.* The Memorandum of Agreement between EPA Region VI and the Texas Natural Resource Conservation Commission a predecessor to the Texas Commission on Environmental Quality (TCEQ), revised March 23, 1999, and signed by the EPA Regional Administrator on October 23, 2001.

(2) *Class III brine mining wells.* The Memorandum of Agreement between EPA Region VI and the Railroad Commission of Texas signed by the EPA Regional Administrator on October 23, 2001.

(d) *Statement of legal authority—(1) Class I, III, IV, and V wells.* "State of Texas Office of Attorney General Statement for Class I, III, IV, and V Underground Injections Wells," signed by the Attorney General of Texas, June 30, 1998.

(2) *Class III brine mining wells.* State of Texas "Attorney General's Statement" for Class III Brine Mining Injection Wells, signed by the Attorney General of Texas, February 2, 1992 and the "Supplement to Attorney General's Statement of February 19, 1992," signed by the Attorney General of Texas, June 2, 1998.

(e) *Program Description—(1) Class I, III, IV, and V wells.* The Program Description and any other materials submitted as part of the revision application or as supplements thereto.

(2) *Class III brine mining wells.* The Program Description and any other materials submitted as part of the revision application or as supplements thereto.

[69 FR 8568, Feb. 25, 2004, as amended at 69 FR 8828, Feb. 26, 2004; 84 FR 44230, Aug. 23, 2019]

§ 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

§ 147.2205

40 CFR Ch. I (7-1-23 Edition)

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 .051.02.02.000 to .051.02.02.080 (Railroad Commission of Texas, Oil and Gas Division, Revised 12-22-81), amended as follows:

(i) Amendment to 16 TAC section 3.9 (section .051.02.02.009) issued December 21, 1981, effective April 1, 1982;

(ii) Amendment to 16 TAC section 3.46 (section .051.02.02.046) issued December 21, 1981, effective April 1, 1982.

(iii) Amendment to 16 TAC section 3.71 (section .051.02.02.074) issued December 21, 1981, effective April 1, 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) Texas Water Code, Chapters 26, 27 and 29 (Vernon 1972 and Supp. 1982);

(2) Texas Natural Resources Code, Chapters 81, 85-89, 91 and 141 (Vernon 1978 and Supp. 1982);

(3) General Rules of Practice and Procedure, Subchapters A-J (Railroad Commission of Texas, adopted November 24, 1975, revised December 1980).

(c)(1) The Memorandum of Agreement between EPA Region VI and the Railroad Commission of Texas, signed by the EPA Regional Administrator on March 24, 1982.

(2) Letter from Director of Underground Injection Control, Railroad Commission of Texas, to Chief, Ground

Water Protection Section, EPA Region VI, "Re: Letter of Clarification—UIC Program Application," March 21, 1982.

(d) *Statement of legal authority.* "Statement of Legal Authority of the Railroad Commission of Texas to conduct the Underground Injection Control Program," signed by Special Counsel, Railroad Commission of Texas, as submitted with "State of Texas Underground Injection Control Program Application for Primacy Enforcement Authority," prepared by the Railroad Commission of Texas, January 15, 1982.

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

[49 FR 20197, May 11, 1984, as amended at 53 FR 43091, Oct. 25, 1988]

§ 147.2205 EPA-administered program—Indian lands.

(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 25, 1988.

[53 FR 43091, Oct. 25, 1988, as amended at 56 FR 9419, Mar. 6, 1991]

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,

Environmental Protection Agency

§ 147.2251

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:

(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 25, 1984.

(1) Utah Water Pollution Control Act, Utah Code Annotated, Title 26, Chapter 11, Sections 2, 8, and 10 (1989);

(2) Underground Injection Control Regulations; Utah Administrative Code, Section R448-7 (effective as of January 2, 1990);

(3) Underground Injection Control Program (adopted January 20, 1982 and revised effective July 20, 1990) (Officially submitted to EPA by the Executive Secretary of Utah Water Pollution Control Committee on August 16, 1990).

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

(1) Utah Pollution Control Act, Utah Code Annotated, Sections 26-11-1 through -20 (Supp. 1990);

(c)(1) The revised 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;

(d) *Statement of legal authority.* (1) "Underground Injection Control Pro-

gram—Attorney General's statement," signed by Attorney General, State of Utah, January, 1982;

(2) Letter from Assistant Attorney General of Utah to Chief, Drinking Water Branch, EPA Region VIII, June 18, 1982;

(3) Addendum to Underground Injection Control Program, Attorney General's Statement signed by Attorney General of Utah, August 10, 1990.

(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 25, 1984.

(1) Utah Code Annotated, 1953, section 40-6-1 through 40-6-18, as amended 1988 and Cumm. Supp. 1990;

(2) The Oil and Gas Conservation General Rules, adopted under the authority of the Oil and Gas Conservation Act, 40-6-1 *et seq.*, Utah Code Annotated, as amended 1988 (revised March 1989), rules R615-1 through R615-4, and R615-8 through R615-10.

(b) *Other laws.* [Reserved]

(c)(1) The Memorandum of Agreement between EPA, Region VIII and

§ 147.2253

40 CFR Ch. I (7-1-23 Edition)

the Utah Department of Natural Resources, Division of Oil, Gas, and Mining and the Board of Oil, Gas and Mining, signed by the EPA Regional Administrator on July 19, 1983;

(2) Letter from Director, Division of Oil, Gas and Mining, Utah Department of Natural Resources and Energy, to Regional Administrator, EPA Region VIII, "Re: Aquifer Exemption Process," June 16, 1982;

(3) "Memorandum of Understanding" between Utah Department of Health and Utah Department of Natural Resources, dated March 5, 1981;

(4) "Second Addition to Agreement between the Department of Health and the Department of Natural Resources and Energy," dated December 15, 1981.

(d) *Statement of legal authority.* (1) Part III of "Primacy Application—Class II Underground Injection Wells," consisting of "Synopsis of Pertinent Statutes and Regulations," "Statement of Legal Authority," and "Certification by the Attorney General," by Assistant Attorney General, Department of Natural Resources and Energy, dated December 18, 1981;

(2) Letter from Assistant Attorney General, State of Utah, to EPA Region VIII, undated, received in the EPA Office of Regional Counsel June 10, 1982.

(3) Memorandum to Director, Division of Oil, Gas and Mining from Assistant Attorney General regarding Underground Injection Control Program, January 8, 1985.

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

[49 FR 20197, May 11, 1984, as amended at 53 FR 43091, Oct. 25, 1988; 56 FR 9420, 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, except for Class II wells on Navajo Indian lands for which EPA has granted the Navajo Nation primacy for the SDWA Class II UIC program (as defined in §147.3400), is administered by EPA. The program for wells on Navajo Indian lands, except for Class II wells on Navajo Indian lands for which EPA has granted the Navajo Nation primacy

for the SDWA Class II UIC program, and for 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, except for Class II wells on Navajo Indian lands for which EPA has granted the Navajo Nation primacy for the SDWA Class II UIC program (as defined in §147.3400), is November 25, 1988.

[53 FR 40391, Oct. 25, 1988, as amended at 56 FR 9420, Mar. 6, 1991; 73 FR 65565, Nov. 4, 2008]

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.

(1) Vt. Stat. Ann. tit. 10, sections 1251, 1259, 1263 (1973 and Supp. 1981), Effective date: July 1, 1982.

(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.

Environmental Protection Agency

§ 147.2400

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

(1) Vt. Stat. Ann. tit. 10, sections 1251 through 1283 (1973 and Supp. 1981).

(2) Vt. Stat. Ann. tit. 10, sections 901 through 911 (1973 and Supp. 1981).

(3) Vt. Stat. Ann. tit. 3, sections 801 through 847 (1973 and Supp. 1981).

(c)(1) The Memorandum of Agreement between EPA Region I and the Vermont Agency of Environmental Conservation signed by the EPA Regional Administrator on January 16, 1984.

(d) *Statement of legal authority.* (1) "Vermont Attorney General's Statement for Classes I, II, III, IV and V Injection Wells," signed by Attorney General John J. Easton, Jr., as submitted with Vermont Application for Primary Enforcement Responsibility to Administer the Underground Water Source Protection Program Pursuant to the Safe Drinking Water Act and 40 CFR 145.21 through 145.24 (December 20, 1983).

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

(42 U.S.C. 300)

[49 FR 25634, June 22, 1984, as amended at 53 FR 43091, Oct. 25, 1988; 56 FR 9420, Mar. 6, 1991]

§§ 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 dates.* The effective date for the UIC program on Indian lands is November 25, 1988. 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 the binder entitled "EPA-Approved Washington SDWA section 1422 Underground Injection Control Program Statutes and Regulations for Well Classes I, II, III, IV, and V," dated January 2014, and Table 1 to paragraph (a) of this section are hereby incorporated by reference and made a part of the applicable UIC

§ 147.2400

program under the SDWA for the State of Washington. The Director of the Federal Register approves this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of the State of Washington regulations that are incorporated by reference in paragraph (a) of this section may be inspected at the U.S. Environmental Protection Agency, Region 10, Library, 10th Floor, 1200 Sixth Avenue, Seattle, Washington 98101; Water Docket, EPA Docket Center (EPA/DC) EPA

40 CFR Ch. I (7-1-23 Edition)

West, Room 3334, 1301 Constitution Ave. NW., Washington, DC 20460; and the National Archives and Records Administration (NARA). If you wish to obtain materials from the EPA Regional Office, please call (206) 553-1289; for materials from a docket in the EPA Headquarters Library, please call the Water Docket at (202) 566-2426. For information on the availability of this material at NARA, call (202) 741-6030, or go to <http://www.archives.gov/locations/>.

TABLE 1 TO PARAGRAPH (a) EPA-APPROVED WASHINGTON SDWA SECTION 1422 UNDERGROUND INJECTION CONTROL PROGRAM STATUTES AND REGULATIONS FOR WELL CLASSES I, II, III, IV, AND V

State citation	Title/subject	State effective date	EPA approval date ¹
Revised Code of Washington Sections 90.48.010—90.48.906.	Water Pollution Control	February 3, 2006	4/6/15, 80 FR 18322.
Revised Code of Washington Section 43.21A.445 ...	Departments authorized to participate in and administer federal Safe Drinking Water Act—Agreements with other departments.	February 3, 2006	4/6/15, 80 FR 18322.
Washington Administrative Code Sections 173-218-010—173-218-130.	Underground Injection Control Program	June 19, 2008	4/6/15, 80 FR 18322.
Washington Administrative Code Sections 344-12-001—344-12-295.	Oil and Gas Conservation Committee, General Rules.	June 29, 1988	4/6/15, 80 FR 18322.
Washington Administrative Code Sections 173-160-010—173-160-990.	Minimum Standards for Construction and Maintenance of Wells.	December 19, 2008	4/6/15, 80 FR 18322.

¹ In order to determine the EPA effective date for a specific provision listed in this table, consult the FEDERAL REGISTER document cited in this column for the particular provision.

(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, chapter 34.04 (Bureau of National Affairs, 1981 Laws), entitled “Administrative Procedure act”;

(2) Revised Code of Washington, chapter 43.21A (Bureau of National Affairs, 1980 Laws), entitled “Department of Ecology,” as amended by 1983 Washington Laws, Chapter 270;

(3) Revised Code of Washington, chapter 70.105 (Bureau of National Affairs, 1983 Laws), entitled “Hazardous Waste Disposal”;

(4) Revised Code of Washington, chapter 78.52 (Bureau of National Affairs, 1983 Laws), entitled “Oil and Gas Conservation”;

(5) Revised Code of Washington, chapter 90.48 (Bureau of National Affairs, 1986 Laws), entitled “Water Pollution Control.”

(c)(1) The Memorandum of Agreement between EPA Region X and the Washington Department of Ecology, signed by the EPA Regional Administrator on February 15, 2011.

(2) Memorandum of Agreement between the Washington Department of Ecology and Oil and Gas Conservation Committee, Related to the Underground Injection Control Program for the State of Washington, signed March 23, 1984;

(3) Memorandum of Agreement between the Washington Department of Ecology and Washington Department of Natural Resources, Related to the Underground Injection Control Program for the State of Washington, signed March 23, 1984;

(4) Memorandum of Agreement between the Washington Department of Ecology and Department of Social and Health Services, Related to the Underground Injection Control Program for the State of Washington, signed March 23, 1984;

(5) Memorandum of Agreement between the Washington Department of Ecology and the Energy Facility Site Evaluation Council, Related to the Underground Injection Control Program for the State of Washington, signed March 19, 2009.

(d) *Statement of legal authority.* Letter from Attorney General of the State of Washington, by Senior Assistant Attorney General, to Director, Washington State Department of Ecology, “Re: Underground Injection Control Regulatory Program—Attorney General’s Statement,” February 28, 1984.

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

[49 FR 31876, Aug. 9, 1984, as amended at 56 FR 9420, Mar. 6, 1991; 80 FR 18322, Apr. 6, 2015]

§ 147.2403 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 25, 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,

Environmental Protection Agency

§ 147.2500

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 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 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 ref-

erence 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 National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <http://www.archives.gov/federal-register/code-of-federal-regulations/ibr-locations.html>.

(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 Administrative 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;

(4) Chapter NR 181, Hazardous Waste Management, Wisconsin Administrative Code §§NR 181.04–181.415 (1981), as amended June 1985;

(5) Chapter NR 210, Sewage Treatment Works, Wisconsin Administrative Code §210.05 Natural Resources Board Order No. WQ-25-82, approved by the Wisconsin Natural Resources Board on August 25, 1982;

(6) Chapter NR 214, Land Application and Disposal of Liquid Industrial Wastes and By-Products, Wisconsin Administrative Code §§214.03 and 214.08 (1983).

(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:

§ 147.2510

(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;

(2) Letter from Assistant Attorney General, State of Wisconsin, to EPA Region, "Re: Amendments to Attorney General's Statement-UIC," June 30, 1983.

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

[49 FR 45309, Nov. 15, 1984, as amended at 56 FR 9420, Mar. 6, 1991; 56 FR 14150, Apr. 5, 1991; 62 FR 1834, Jan. 14, 1997]

§ 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 In-

40 CFR Ch. I (7-1-23 Edition)

dian 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, V and VI wells.

The UIC program for Class I, III, IV, and V wells in the State of Wyoming, except those located on Indian lands, is the program administered by Wyoming Department of Environmental Quality, approved by EPA pursuant to the Safe Drinking Water Act (SDWA) section 1422. The effective date of this program is August 17, 1983. The UIC Program for Class VI wells in Wyoming, except those located on Indian lands, is the program administered by Wyoming Department of Environmental Quality, approved by EPA pursuant to the SDWA section 1422. The effective date of this program is October 9, 2020. The UIC program for Class I, III, IV, V, and VI wells in the State of Wyoming, except those located on Indian lands, consists of the following elements, as submitted to the EPA in the State's program application and program revision application.

(a) *Incorporation by reference.* The requirements set forth in the state statutes and regulations approved by the EPA for inclusion in "EPA-Approved Wyoming SDWA §1422 Underground Injection Control Program Statutes and Regulations for Well Classes I, III, IV, V and VI," dated March 31, 2020, and listed in Table 1 to this paragraph (a), are hereby incorporated by reference and made a part of the applicable UIC program under the SDWA for Wyoming. The Director of the Federal Register approves this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of the State of Wyoming's regulations that are incorporated by reference may be inspected at the U.S. Environmental Protection Agency, Region 8, 1595 Wynkoop Street, MSC 8WD-SDU, Denver, Colorado 80202 and the Water Docket, EPA Docket Center (EPA/DC) EPA West, Room 3334, 1301 Constitution Ave., NW, Washington, DC 20460. If you wish to obtain materials from the EPA Regional Office, please call (303)

Environmental Protection Agency

§ 147.2550

312-7226; for materials from a docket in the EPA Headquarters Library, please call the Water Docket at (202) 566-2426. You may also inspect the materials at the National Archives and Records Ad-

ministration (NARA). For information on the availability of this material at NARA, email fedreg.legal@nara.gov, or go to www.archives.gov/federal-register/cfr/ibr-locations.html.

TABLE 1 TO PARAGRAPH (a)—EPA-APPROVED WYOMING SDWA § 1422 UNDERGROUND INJECTION CONTROL PROGRAM STATUTES AND REGULATIONS FOR WELL CLASSES I, III, IV, V AND VI

State citation	Title/subject	State effective date	EPA approval date ¹
Wyoming Statutes sections 35-11-101 through 35-11-115, and 35-11-301 through 35-11-305.	Wyoming Environmental Quality Act	1989	March 6, 1991, 56 FR 9421.
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.	Regulations for Permit to Construct, Install or Modify Public Water Supplies, Wastewater Facilities, Disposal Systems, Biosolids Management Facilities, Treated Wastewater Reuse Systems and Other Facilities Capable of Causing or Contributing to Pollution.	1983	May 11, 1984, 49 FR 20197.
Water Quality Rules and Regulations, Wyoming Department of Environmental Quality, Chapter VIII: Quality Standards for Groundwaters of Wyoming.	Quality Standards for Groundwaters of Wyoming.	1980	May 11, 1984, 49 FR 20197.
Water Quality Rules and Regulations, Wyoming Department of Environmental Quality, Chapter IX: Wyoming Groundwater Pollution Control Permit.	Wyoming Groundwater Pollution Control Permit.	1980	May 11, 1984, 49 FR 20197.
Water Quality Rules and Regulations, Wyoming Department of Environmental Quality, Chapter XIII: Prohibitions of Permits for New Hazardous Waste Injection Wells.	Prohibitions of Permits for New Hazardous Waste Injection Wells.	1989	March 6, 1991, 56 FR 9421.
Land Quality Rules and Regulations, Wyoming Department of Environmental Quality, Chapter XXI: In Situ Mining.	In Situ Mining	1981	May 11, 1984, 49 FR 20197.
Water Quality Rules and Regulations, Wyoming Department of Environmental Quality, Chapter XXIV: Class VI Injection Wells and Facilities Underground and Injection Control Program.	Class VI Injection Wells and Facilities Underground and Injection Control Program.	2020	October 9, 2020, 85 FR 64055.

¹In order to determine the EPA effective date for a specific provision listed in this table, consult the **Federal Register** notice cited in this column for the particular provision.

(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);
- (2) Wyoming Administrative Procedure Act, Wyoming Statutes sections 9-4-101 through 9-4-115 (1988);
- (3) Department of Environmental Quality Rules of Practice and Procedure (1982).

(c)(1) The Memorandum of Agreement between EPA, Region VIII and the Wyoming Department of Environmental Quality, signed by the EPA Regional Administrator on April 26, 1983.

(2) Letter from Regional Administrator, EPA Region VIII, to Governor of Wyoming, May 21, 1982, with Attachment (regarding aquifer exemptions);

(3) Letter from Governor of Wyoming to Regional Administrator, EPA Region VIII, "Re: Underground Injection Control (UIC) Program—Aquifer Exemption Issues," June 7, 1982;

(4) Letter from Regional Administrator, EPA Region VIII to Governor of Wyoming, "Re: Underground Injection Control (UIC) Program—Aquifer Exemption Issues," June 25, 1982;

(5) Letter from Director, Wyoming Department of Environmental Quality, to Acting Director, Water Management Division, EPA Region VIII, December 1, 1982.

(6) Memorandum of Agreement addendum between EPA, Region VIII, and Wyoming Department of Environmental Quality, signed by the EPA Regional Administrator on March 20, 2020.

(7) Letter from Governor of Wyoming to Regional Administrator, EPA Region VIII, “Re: UIC Program Class VI Application,” January 23, 2020.

(d) *Statement of legal authority.* (1) “Attorney General’s Statement—Wyoming Statutory and Regulatory Authority for Assumption of the Underground Injection Control Program Pursuant to the Federal Safe Drinking Water Act,” signed by Attorney General and Assistant Attorney General for the State of Wyoming, September 22, 1982;

(2) Letter from Attorney General for the State of Wyoming to Acting Regional Counsel, EPA Region VIII, “Re: Wyoming Assumption of the UIC Program—§36, Chapter IX, Wyoming Water Quality Rules and Regulations,” November 24, 1982.

(3) “Attorney General’s Statement—Attorney General’s Statement to Accompany Wyoming’s Underground Injection Control Program Class VI Primacy Application,” signed by Attorney General and Assistant Attorney General for the State of Wyoming, January 9, 2020.

(4) Letter from the Attorney General for the State of Wyoming to Regional Counsel, EPA Region VIII, “Re: Wyoming Underground Injection Control Program Class VI Regulations,” October 25, 2019.

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

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

[49 FR 20197, May 11, 1984, as amended at 53 FR 43092, Oct. 25, 1988; 56 FR 9421, Mar. 6, 1991]

§ 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 adminis-

tered 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 52434); 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 National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

(1) Rules and Regulations of the Wyoming Oil and Gas Conservation Commission, including Rules of Practice and Procedure, as published by the Wyoming Oil and Gas Conservation Commission, August 7, 1990;

(2) Title 30, Chapter 5, Wyoming Statutes, sections 30-5-101 through 30-5-126 (June 1983 and Wyoming Statutes Annotated, July 1990 Supp.).

(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 January 25, 1990;

Environmental Protection Agency

§ 147.2554

(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;

(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.

[56 FR 9421, Mar. 6, 1991]

§ 147.2553 EPA-administered program—Indian lands.

(a) *Contents.* The UIC program for all classes of wells on Indian lands in the State of Wyoming 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 Wyoming is November 25, 1988.

[53 FR 43092, Oct. 25, 1988, as amended at 56 FR 9422, Mar. 6, 1991]

§ 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.

AREAS TO BE EXEMPTED FOR THE PURPOSE OF CLASS II INJECTION ON THE WIND RIVER RESERVATION

Formation	Approximate depth	Location
<i>Steamboat Butte Field</i>		
Phosphoria	6,500–7,100	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.
Tensleep	6,900–7,500	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.

AREAS TO BE EXEMPTED FOR THE PURPOSE OF CLASS II INJECTION ON THE WIND RIVER RESERVATION—Continued

Formation	Approximate depth	Location
<i>Winkelman Dome Field</i>		
Tensleep	2,800–3,300	T2N, R1W—SW/4 Sec. 17, Sections 18, 19, 20, 29, NE/4 Sec. 30.
Phosphoria	2,800–3,600	T2N, R2W—E/2 Sec. 13, NE/4 Sec. 24. T2N, R1W—SW/4 Sec. 17, Sections 18, 19, 20, 29, NE/4 Sec. 30.
Nugget	1,100–1,500	T2N, R2W—E/2 Sec. 13, NE/4 Sec. 24. T2N, R1W—SW/4 Sec. 17, Sections 18, 19, 20, 29, NE/4 Sec. 30.
<i>Lander Field</i>		
Phosphoria	1,100–3,800	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. T33N, R99W—Sec. 4.
<i>NW Sheldon Field</i>		
Crow Mountain and Cloverly	3,400–3,600	T6N, R3W—SE/4 Sec. 35, SW/4 Sec. 36. T5N, R3W—N/2 Sec. 1.
<i>Circle Ridge Field</i>		
Tensleep	1,500–1,800	T6N, R2W—Sec. 6, N/2 Sec. 7. T7N, R3W—SE/4 Sec. 36. T7N, R2W—SW/4 Sec. 31. T6N, R3W—E/2 Sec. 1.
Phosphoria	800–1,800	T7N, R3W—S/2 Sec. 36. T6N, R3W—NE/4 Sec. 1.
Amsden	700–1,200	T6N, R3W—Sec. 6.
<i>Rolf Lake Field</i>		
Crow Mountain	3,500–3,700	T6N, R3W—SW/4 Sec. 26, NW/4 Sec. 27.

[53 FR 43092, Oct. 25, 1988]

§ 147.2555 **Aquifer exemptions since January 1, 1999.** scribed in the following table are hereby exempted from the definition of an underground source of drinking water, as defined in 40 CFR 144.3:

In accordance with §144.7(b) and §146.4 of this chapter, the aquifers de-

AQUIFER EXEMPTIONS SINCE JANUARY 1, 1999

Formation	Approximate depth (feet below ground surface)	Location
Powder River Basin, only approximately 0.4 square miles of the Lance Formation which is less than 0.005% of the Basin at indicated depths and location..	3,800–6,800	Two cylindrical volumes with centers in the wells COGEMA DW No. 1 and 18-3 Christensen respectively, and radius of 1,320 feet. Both wells are located in the Christensen Ranch, in Johnson County, WY. The COGEMA DW No. 1 well is located at approximately 450 feet West of N/S line and 100 feet North of E/W line of SE/4, NW/4, Section 7, T44N, R76W. The 18-3 Christensen well is located approximately 600 feet West of N/S line and 550 South of E/W line of NE/4, NW/4, Section 18, T44N, R76W.

AQUIFER EXEMPTIONS SINCE JANUARY 1, 1999—Continued

Formation	Approximate depth (feet below ground surface)	Location
Lance Formation at indicated depths and locations	3,800–6,500	Two cylindrical volumes with centers in the wells COGEMA DW No. 2 and COGEMA DW No. 3 respectively, and radius of 1320 feet. Both wells are located in the Christensen Ranch, in Johnson County WY. The COGEMA DW No. 2 is located at approximately 2,290 feet from the North line and 1130 feet from the East line SW1/4 SE1/4 NE1/4 of Section 7, Township 44 North, Range 76 West. The COGEMA DW No. 3 is located approximately 3300 feet from the North line and 1340 feet from the West line center of SW1/4 of Section 5, Township 44 North, Range 76 West.

[64 FR 14803, Mar. 26, 1999, as amended at 67 FR 47726, July 22, 2002]

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.

(1) Water Resources Conservation Act, Government Code of Guam sections 57021–57025, Public Law 9–31 (March 9, 1967), as amended by Public Law 9–76 (July 29, 1967), as amended by Public Law 12–191 (December 30, 1974);

(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;

(4) Guam Environmental Protection Agency, Water Quality Standards, Section I-IV (approved September 25, 1981, effective November 16, 1981).

(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

§ 147.2601

40 CFR Ch. I (7-1-23 Edition)

Underground Injection Control Program (UIC), Ground Water Program Guidance #16” May 12, 1982;

(2) Letter from Attorney General of Guam to Regional Administrator, Region IX, “Re: Additional comments to be incorporated into the May 12, 1982, Attorney General’s Statement for Underground Injection Control Program,” September 2, 1982.

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

[49 FR 20197, May 11, 1984, as amended at 53 FR 43092, Oct. 25, 1988]

§ 147.2601 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 applica-

ble UIC program under the SDWA for the Commonwealth of Puerto Rico. 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 part 51. Copies may be obtained or inspected at the following locations: EPA, Region II, 26 Federal Plaza, room 845, New York, NY 10278; EPA, Headquarters, 401 M St., SW., room E1101A, Washington, DC 20460; or the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

(1) Underground Injection Control Regulations of the Commonwealth of Puerto Rico, Parts I through V and appendices A and B, adopted September 14, 1983 (Amended July 20, 1988).

(2) Puerto Rico Public Policy Environmental Act (PRPPE), Title 12 Laws of Puerto Rico Annotated (LPRA) Chapters 121 and 131, 1977 edition, as amended 1988 edition, and Chapter 122, 1988 edition.

(b) Memorandum of Agreement. The Memorandum of Agreement between EPA Region II and the Commonwealth of Puerto Rico’s EQB signed by the Regional Administrator on August 23, 1991.

(c) Statement of legal authority. (1) Attorney General’s statement on the Commonwealth of Puerto Rico’s Authority to apply for, assume and carry out the UIC Program, dated June 26, 1987. (2) Letter from the Governor of the Commonwealth of Puerto Rico requesting the program, dated July 16, 1987.

(d) Program description. The Description of the Commonwealth of Puerto Rico’s Underground Injection Control Program, dated with the effective date October 30, 1986.

[57 FR 33446, July 29, 1992]

§ 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

Environmental Protection Agency

§ 147.2800

additional requirements set forth in the remainder of this subpart. Injection well owners and operators and EPA shall comply with the requirements.

(b) *Effective date.* The effective date for the UIC program on Indian Lands in the Commonwealth of Puerto Rico is November 25, 1988.

[57 FR 33446, July 29, 1992]

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.

[53 FR 43093, Oct. 25, 1988, as amended at 56 FR 9422, Mar. 6, 1991]

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 for 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.

[53 FR 43093, Oct. 25, 1988, as amended at 56 FR 9422, Mar. 6, 1991]

§ 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.**

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

§ 147.2801

Commonwealth of the Northern Mariana Islands Division of Environmental Quality, signed by the EPA Regional Administrator on May 3, 1985;

(c) *Statement of legal authority.* Statement from Attorney General Commonwealth of the Northern Mariana Islands, "Underground Injection Control Program—Attorney General's Statement," signed on October 10, 1984.

(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

40 CFR Ch. I (7-1-23 Edition)

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 underlying 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,

§ 147.2903

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. re-seating 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-fourth 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

40 CFR Ch. I (7-1-23 Edition)

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

Environmental Protection Agency

§ 147.2907

casing, and any additional plugs as required by the Osage UIC office and/or the Osage Agency.

(3) 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.

(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 Administrator has agreed to the release of the bond.

§ 147.2906 Emergency permits.

(a) An emergency permit may be issued if:

(1) There will be an imminent health hazard unless an emergency permit is issued; or

(2) There will be a substantial and irretrievable loss of oil and gas resources, timely application for a permit could not practicably have been made, and injection will not result in movement of fluid into an USDW; or

(3) There will be a substantial delay in oil or gas production, and injection will not result in movement of fluid into an USDW.

(b) *Requirements*—(1) *Permit duration.*

(i) Emergency permits issued to avoid an imminent health threat may last no longer than the time necessary to prevent the hazard.

(ii) Emergency permits issued to prevent a substantial and irretrievable loss of oil or gas resources shall be for no longer than 90 days, unless a complete permit application has been submitted during that time; in which case the emergency permit may be extended until a final decision on the permit application has been made.

(iii) Emergency permits to avoid a substantial delay in oil or gas production shall be issued only after a complete permit application has been submitted and shall be effective until a final decision on the permit application is made.

(2) Notice of the emergency permit will be given by the Regional Administrator according to the notice procedure for a draft permit within 10 days after issuance.

(3) An emergency permit may be oral or written. If oral, a written emergency permit must be issued within five calendar days.

§ 147.2907 Confidentiality of information.

(a) The following information cannot be claimed confidential by the submitter:

(1) Name and address of permit applicant or permittee.

§ 147.2908

(2) Information concerning the existence, absence or level of contaminants in drinking water.

(b) Other information claimed as confidential will be processed in accordance with 40 CFR part 2.

§ 147.2908 Aquifer exemptions.

(a) After notice and opportunity for a public hearing, the Administrator may designate any aquifer or part of an aquifer as an exempted aquifer.

(b) An aquifer or its portion that meets the definition of a USDW may be exempted by EPA from USDW status if the following conditions are met:

(1) It does not currently serve as a source of drinking water, and

(2) It cannot now and will not in the future serve as a source of drinking water because:

(i) It is hydrocarbon producing, or can be demonstrated by a permit applicant as a part of a permit application for a Class II operation to contain hydrocarbons that are expected to be commercially producible (based on historical production or geologic information); or

(ii) It is situated at a depth or location which makes recovery of water for drinking water purposes economically or technologically impractical; or

(iii) It is so contaminated that it would be economically or technologically impractical to render that water fit for human consumption; or

(3) The Total Dissolved Solids content of the groundwater is more than 3,000 and less than 10,000 mg/l and it is not reasonably expected to supply a public water system.

§ 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, sub-

40 CFR Ch. I (7-1-23 Edition)

ject 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

Environmental Protection Agency

§ 147.2912

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 UDSW.

(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:

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.

Owner/operator of wells shall comply with the above injection pressure limits no later than one year after the effective date of this regulation.

(2) For existing Class II enhanced recovery wells, 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.

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

(A) Limit injection pressure at the wellhead to a value which will not initiate new fractures or propagate existing fractures in the confining zone adjacent to any USDW; and

(B) 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.

(c) 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 injection volume and pressure, or shut-down, until the failure has been identified and corrected.

(The information collection requirements contained in paragraphs (a)(1) (ii) through (v) and (a)(2) (i) through (v) were approved by the Office of Management and Budget under control number 2040-0042)

§ 147.2913

40 CFR Ch. I (7-1-23 Edition)

§ 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 an avenue for fluid migration

into a USDW) within the zone of endangering influence (as defined in § 147.2904, Area of Review) of an injection well authorized by rule.

(a) EPA will notify the operator when corrective action is required. Corrective action may include:

(1) Well modifications:

(i) Recementing;

(ii) Workover;

(iii) Reconditioning;

(iv) Plugging or replugging;

(2) Limitations on injection pressure to prevent movement of fluid into an USDW;

(3) A more stringent monitoring program; and/or

(4) Periodic testing of other wells to determine if significant movement of fluid has occurred.

(b) If the monitoring discussed in paragraph (a) (3) or (4) of this section indicate the potential endangerment of an USDW, then action as described in paragraph (a) (1) or (2) of this section must be taken.

§ 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.

Environmental Protection Agency

§ 147.2919

(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

section, including location, depth, date drilled, and record of plugging and/or completion.

(3) Operating data:

(i) Maximum and average injection rate;

(ii) Maximum and average injection pressure;

(iii) Whether operation is on cyclic or continuous operation basis; and

(iv) Source and appropriate analysis of injected fluids, including total dissolved solids, chlorides, and additives.

(4) Geologic data on the injection and confining zones, including faults, geological name, thickness permeability, depth and lithologic description.

(5) Depth to base of fresh water.

(6) Schematic drawings of the surface and subsurface details of the well, showing:

(i) Total depth or plug-back depth;

(ii) Depth to top and bottom of injection interval;

(iii) Depths to tops and bottoms of casing and cemented intervals, and amount of cement to be used;

(iv) Size of casing and tubing, and depth of packer; and

(v) Hole diameter.

(7) Proof that surety bond has been filed with the BIA Superintendent in accordance with 25 CFR 226.6. A surety bond must be maintained until the well has been properly plugged.

(8) Verification of public notice, consisting of a list showing the names, addresses, and date that notice of permit application was given or sent to:

(i) The surface land owner;

(ii) Tenants on land where injection well is located or proposed to be located; and

(iii) Each operator of a producing lease within one-half mile of the well location.

(9) All available logging and testing data on the well (for existing wells, *i.e.*, wells to be converted or wells previously authorized by rule).

(Approved by the Office of Management and Budget under control number 2040-0042)

§ 147.2919 Construction requirements for wells authorized by permit.

(a) All Class II wells shall be sited so that they inject into a formation that

is separated from any USDW by a confining zone free of known open faults or fractures within the area of review.

(b) All Class II wells shall be cased and cemented to prevent movement of fluids into or between USDWs. Requirements shall be based on the depth to base of fresh water, and the depth to the injection zone. Newly drilled Class II wells must have surface casing set and cemented to at least 50 feet below the base of fresh water, or the equivalent (e.g., long string cemented to surface). At the Regional Administrator's discretion, the casing and cementing of wells to be converted may be considered adequate if they meet the BIA requirements that were in effect at the time of construction (completion), and will not result in movement of fluid into a USDW.

(c) Owner/operators shall provide a standard female fitting with cut-off valves, connected to the tubing and the tubing/casing annulus so that the injection pressure and annulus pressure may be measured by an EPA representative by attaching a gauge having a standard male fitting.

(d) No owner or operator may begin construction of a new well until a permit authorizing such construction has been issued, unless such construction is otherwise authorized by an area permit.

§ 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.

(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 throughout 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, record of monitoring showing the absence of significant changes in the relationship between injection pressure and injection flow rate at the wellhead, following an initial pressure test as described by paragraph (b)(1) (i) or (v) of this section; or

(v) Testing or monitoring programs approved by the 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 Administrator.

(c) 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.

(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

Environmental Protection Agency

§ 147.2923

Regional Administrator, or an EPA representative has witnessed that any corrective action specified in the permit has been completed.

§ 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 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. Operators should note the obligation to 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 officer 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 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.

(e) The owner/operator shall notify the Osage UIC office in writing of a transfer of ownership at least 10 days prior to such transfer.

(Approved by the Office of Management and Budget under control number 2040-0042)

§ 147.2923 Corrective action for wells authorized by permit.

All improperly sealed, completed or abandoned wells (*i.e.*, wells or well bores which may provide an avenue for movement of fluid into an UDSW) within the zone of endangering influence (as defined in §147.2904, Area of Review) that penetrate the injection zone of a Class II well, must have corrective action taken to prevent movement of fluid into a USDW.

(a) EPA will review completion and plugging records of wells within the zone of endangering influence that penetrate the injection zone and will notify the operator when corrective action is required. Corrective action may include:

(1) Well modifications, including:

(i) Recementing;

(ii) Workover;

(iii) Reconditioning; and/or

(iv) Plugging or replugging;

(2) Permit conditions to limit injection pressure so as to prevent movement of fluid into a USDW;

(3) A more stringent monitoring program; and/or

(4) Periodic testing of other wells within the area of review to determine if significant movement of fluid has occurred. If the monitoring discussed in paragraph (a)(3) or (a)(4) of this section indicates the potential endangerment

§ 147.2924

40 CFR Ch. I (7-1-23 Edition)

of a USDW, then action as described in paragraph (a)(1) or (a)(2) of this section must be taken.

(b) If the Regional Administrator has demonstrable knowledge that wells within the zone of endangering influence will not serve as conduits for fluid movement into a USDW, the permit may be approved without requiring corrective action. However, additional monitoring shall be required to confirm that no significant migration will occur.

§ 147.2924 Area permits.

(a) Area permits may be issued for more than one injection well if the following conditions are met:

- (1) All existing wells are described and located in the permit application;
- (2) All wells are within the same well field, project, reservoir or similar unit;
- (3) All wells are of similar construction; and
- (4) All wells are operated by the same owner/operator.

(b) Area permits shall specify:

- (1) The area within which injection is authorized; and
- (2) The requirements for construction, monitoring, reporting, operation and abandonment for all wells authorized by the permit.

(c) Area permits can authorize the construction and operation of new wells within the permit area, if:

- (1) The permittee notifies the Regional Administrator in the annual report of when and where any new wells have or will be drilled;
- (2) The new wells meet the criteria outlined in paragraphs (a) and (b) of this section; and
- (3) The effects of the new wells were addressed in the permit application and approved by the Regional Administrator.

§ 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.

(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 non-compliance, 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;
 - (iv) Individual(s) who performed the analyses;

Environmental Protection Agency

§ 147.2927

(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.

(1) 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.

(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:

(i) A specific date for transfer of permit responsibility, coverage and liability; and

(ii) Assurance that the new permittee has a surety bond on file with BIA; and

(3) If the Regional Administrator does not respond with a notice to the existing permittee that the permit will be modified.

(b) If the conditions in paragraph (a) of this section are met, the transfer is effective on the date specified in paragraph (a)(2)(i) of this section.

§ 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.

(3) The regulations or standards on which the permit was based have changed.

(4) The Regional Administrator has received notice of a proposed permit transfer.

(5) An interested person requests in writing that a permit be modified, and the Regional Administrator determines that cause for modification exists.

(6) Cause exists for termination under §147.2928, but the Regional Administrator determines that permit modification is appropriate.

(b) *Minor modifications.* (1) Minor modifications do not require that the procedures listed in paragraph (c) of this section be followed.

(2) Minor modifications consist of:

(i) Correcting typographical errors;

(ii) Requiring more frequent monitoring or reporting;

(iii) Changing ownership or operational control (see §147.2926, Permit Transfers); or

(iv) Changing quantities or types of injected fluids, provided:

(A) The facility can operate within conditions of permit;

(B) The facility classification would not change.

§ 147.2928

40 CFR Ch. I (7-1-23 Edition)

(c) *Modification procedures.* (1) A draft permit shall be prepared with proposed modifications.

(2) The draft permit shall follow the general permitting procedures (*i.e.*, public comment period, etc.) before a final decision is made.

(3) Only the changed conditions shall be addressed in the draft permit or public review.

§ 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 clarify previously submitted informa-

tion. 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;

(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) *Stays 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) 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.

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.

§ 147.3000 EPA-administered program.

(a) *Contents.* The UIC program for Navajo Indian lands, except for Class II wells on Navajo Indian lands for which EPA has granted the Navajo Nation primacy for the SDWA Class II UIC program (as defined in §147.3400), 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.

(b) *Effective date.* The effective date for the UIC program on these lands, except for Class II wells on Navajo Indian lands for which EPA has granted the Navajo Nation primacy for the SDWA Class II UIC program (as defined in §147.3400), is November 25, 1988.

[53 FR 43104, Oct. 25, 1988, as amended at 56 FR 9422, Mar. 6, 1991; 73 FR 65565, Nov. 4, 2008]

§ 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;
- (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 source and description of the fluid to be injected;
- (3) Name, address, and phone number of the EPA contact person; and
- (4) A statement that opportunity to comment will be announced to the public after EPA prepares a draft permit.

(b) In addition to the requirements of §144.31(e) of this chapter, a permit applicant shall submit a description of the way the notice was given and the names and addresses of those to whom it was given.

(c) Upon written request and supporting documentation, the Director may waive the requirement in paragraph (a) of this section to give individual notice of intent to apply for permits in an area where it would be impractical. However, notice to the affected Tribal government shall not be waived.

(d) The Director shall also provide to the affected Tribal government all notices given to State governments under §124.10(c) of this chapter.

§ 147.3003 Aquifer exemptions.

(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

§ 147.3004

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)(i)(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) *Rule-authorized Class II saltwater disposal wells.* In addition to the requirements of §144.28(f)(3)(ii) of this chapter, the owner or operator shall, except during well stimulation, use an injection pressure measured at the wellhead that is not greater than the pressure calculated by using the following formula:

$$P_m = 0.2d$$

where:

P_m = injection pressure at the wellhead in pounds per square inch

d = depth in feet to the top of the injection zone.

Owners and operators shall comply with this requirement no later than

40 CFR Ch. I (7-1-23 Edition)

one year after the effective date of this program.

(b) *Rule-authorized Class II enhanced recovery and hydrocarbon storage wells.*

(1) In addition to the requirements of §144.28(f)(3)(ii) of this chapter, owners and operators shall use an injection pressure no greater than the pressure 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,

Environmental Protection Agency

§ 147.3013

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 2½ miles from Class I and III wells. These maps will show all the information listed in paragraph 144.31(e)(7) within ½ mile for Class II wells and 2½ 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:

(a) Include in the required plugging and abandonment plan a plan for aquifer clean-up and monitoring which demonstrates adequate protection of surrounding USDWs.

(1) The Director shall include in each such permit for a Class III uranium project the concentrations of contaminants to which aquifers must be cleaned up in order to protect surrounding USDWs.

(2) The concentrations will be set as close as is feasible to the original conditions.

(b) When requesting permission to plug a well, owners and operators shall submit for the Director's approval a schedule for the proposed aquifer cleanup, in addition to the information required by §146.34(c).

(c) Cleanup and monitoring shall be continued until the owner or operator certifies that no constituent listed in the permit exceeds the concentrations required by the permit, and the Director notifies the permittee in writing that cleanup activity may be terminated.

§ 147.3012 Construction requirements for Class I wells.

In addition to the cementing requirement of §146.12(b) of this chapter, owners and operators of Class I wells shall, through circulation, cement all casing to the surface.

§ 147.3013 Information to be considered for Class I wells.

(a) In addition to the information listed in §146.14(a) of this chapter, the Director shall consider the following prior to issuing any Class I permit:

(1) Expected pressure changes, native fluid displacement, and direction of movement of the injected fluid; and

(2) Methods to be used for sampling, and for measurement and calculation of flow.

§ 147.3014

40 CFR Ch. I (7–1–23 Edition)

(b) In addition to the information listed in §146.14(b) of this chapter, the Director shall consider any information required under §146.14(a) of this chapter (as supplemented by this subpart) that has been gathered during construction.

§ 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 suffi-

cient 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.

	Sec.					Well No.
Arco Oil & Gas Co.—Operator/Horseshoe Gallup—Field/Gallup—Formation						
SE/NE	5	T30N	R16W	1650'FNL	330'FEL	134
NW/NW	30	T31N	R16W	660'FNL	703'FWL	8
SE/SW	28	T31N	R16W	790'FSL	2150'FWL	167
NW/SE	33	T31N	R16W	1710'FSL	2310'FEL	199
SE/NW	35	T31N	R16W	2105'FNL	2105'FWL	196
NW/NW	4	T30N	R16W	455'FNL	4435'FEL	219
NW/SW	33	T31N	R16W	1980'FSL	386'FWL	65
NW/SE	27	T31N	R16W	1980'FSL	2080'FEL	164
SE/SE	30	T31N	R16W	660'FSL	660'FEL	5
NW/NW	34	T31N	R16W	730'FNL	515'FWL	180
NW/NE	34	T31N	R16W	813'FNL	2036'FEL	182
NW/NE	2	T30N	R16W	720'FNL	2040'FEL	229
NW/NW	29	T31N	R16W	660'FNL	660'FWL	24
NW/SW	13	T31N	R17W	1975'FSL	670'FWL	77
NW/SE	29	T31N	R16W	1980'FSL	1980'FEL	22
SE/SW	27	T31N	R16W	660'FSL	1980'FWL	171
NW/SW	35	T31N	R16W	1980'FSL	660'FWL	205
SE/NW	30	T31N	R16W	1980'FNL	2061'FWL	7

Environmental Protection Agency

Pt. 147, Subpt. HHH, App. A

	Sec.					Well No.
NW/NE	31	T31N	R16W	660'FNL	1980'FEL	17
NW/NE	4	T30N	R16W	330'FNL	2160'FEL	221
NW/NE	29	T31N	R16W	660'FNL	1980'FEL	26
SE/NE	34	T31N	R16W	1990'FNL	645'FEL	194
SE/SE	31	T31N	R16W	640'FSL	660'FEL	27
NE/SW	14	T31N	R17W	2250'FSL	2630'FWL	94
NE/NW	14	T31N	R17W	625'FNL	1995'FWL	69
SE/NW	10	T30N	R16W	1900'FNL	2080'FWL	271
SE/SE	29	T31N	R16W	560'FSL		21
SE/NE	30	T31N	R16W	1980'FNL	660'FEL	10
SE/NW	29	T31N	R16W	2080'FNL	1980'FWL	23
NW/SE	25	T31N	R17W	1980'FSL	1980'FEL	122
SE/SW	32	T31N	R16W	660'FSL	1980'FWL	14
NW/SW	30	T31N	R16W	2021'FSL	742'FWL	19
SE/SW	13	T31N	R17W	660'FSL	1980'FWL	82
NW/NW	27	T31N	R16W	520'FNL	660'FWL	150
SE/SE	28	T31N	R16W	660'FSL	660'FEL	169
NW/SW	29	T31N	R16W	1980'FSL	660'FWL	11
SE/NW	34	T31N	R16W	2310'FNL	1650'FWL	192
SE/NW	29	T31N	R16W	660'FSL	1980'FWL	12
NW/SW	27	T31N	R16W	1650'FSL	330'FWL	162
NE/SE	23	T31N	R17W	1880'FSL	340'FEL	96
NW/SW	24	T31N	R17W	2050'FSL	990'FWL	97
SE/NW	4	T30N	R16W	2060'FNL	1710'FWL	232
NW/NW	31	T31N	R16W	620'FNL	701'FWL	30
NW/SE	35	T31N	R16W	1980'FSL	1980'FEL	207
SE/NE	32	T31N	R16W	1980'FNL	417'FEL	20
NE/NW	28	T31N	R16W	1980'FNL	1980'FEL	152
NE/NW	34	T31N	R16W	2140'FSL	735'FWL	201
SE/NW	3	T30N	R16W	2310'FNL	1640'FWL	236
SE/SW	34	T31N	R16W	660'FSL	1980'FWL	213
NW/NE	30	T31N	R16W	660'FNL	1980'FFL	9
SE/SW	26	T31N	R16W	660'FSL	1980'FWL	175
NW/SE	30	T31N	R16W	1980'FSL	1980'FEL	6
SE/NW	9	T30N	R16W	1650'FNL	2131'FWL	264
NW/SW	4	T30N	R16W	2310'FSL	4390'FEL	242
NW/SW	2	T30N	R16W	1980'FSL	660'FWL	250
NW/NW	33	T31N	R16W	660'FNL	386'FWL	66
NE/NE	15	T31N	R17W	660'FNL	660'FEL	67
NW/NE	33	T31N	R16W	660'FNL	1980'FEL	178
NW/SE	24	T31N	R17W	1875'FSL	1900'FEL	99
NW/NE	28	T31N	R16W	660'FNL	1980'FEL	148
NW/NW	19	T31N	R16W	680'FNL	682'FWL	89
NW/SE	4	T30N	R16W	1820'FSL	2130'FEL	244
SE/SW	20	T31N	R16W	660'FSL	1980'FWL	115
NW/NE	25	T31N	R17W	660'FNL	1980'FEL	118
SE/SW	4	T30N	R16W	660'FSL	3300'FEL	253
NW/SW	19	T31N	R16W	1980'FSL	706'FWL	101
NW/SE	32	T31N	R16W	1950'FSL	1980'FEL	22
NW/NW	35	T31N	R16W	605'FNL	690'FWL	184
SE/NE	29	T31N	R16W	1980'FNL	417'FEL	25
SE/NW	19	T31N	R16W	1980'FNL	2023'FWL	95
NW/NW	32	T31N	R16W	660'FNL	660'FWL	4
SE/SW	24	T31N	R17W	660'FSL	3300'FEL	107
SE/NE	28	T31N	R16W	2105'FNL	940'FEL	154
NW/NE	35	T31N	R16W	610'FNL	2000'FEL	186
SE/SW	5	T31N	R16W	990'FSL	2310'FWL	139
NW/SE	28	T31N	R16W	1980'FSL	1980'FEL	160
SE/SE	33	T31N	R16W	330'FSL	990'FEL	211
NW/NE	5	T30N	R16W	330'FNL	1650'FEL	128
SE/NW	27	T31N	R16W	1900'FNL	2050'FWL	156
SE/SW	35	T31N	R16W	660'FSL	1980'FWL	217
NW/NW	10	T30N	R16W	526'FNL	330'FWL	265
NE/SW	21	T31N	R16W	1880'FSL	1980'FWL	143
NW/NE	24	T31N	R17W	409'FNL	1914'FEL	87
NW/SW	32	T31N	R16W	1980'FSL	660'FWL	15
SE/SE	34	T31N	R16W	960'FSL	910'FEL	215
SW/SE	21	T31N	R16W	820'FSL	1820'FEL	145
SE/SE	27	T31N	R16W	610'FSL	640'FEL	173
NW/SW	3	T30N	R16W	1920'FSL	350'FWL	246
SE/SW	19	T31N	R16W	601'FSL	2002'FWL	111
SW/SE	14	T31N	R17W	330'FSL	1900'FEL	79
NW/NW	27	T31N	R16W	520'FNL	660'FWL	150

	Sec.					Well No.
SE/NW	31	T31N	R16W	1724'FNL	2067'FWL	29
NW/NE	32	T31N	R16W	660'FNL	1980'FEL	13
SE/NE	24	T31N	R17W	1998'FNL	702'FEL	93
NW/NW	5	T30N	R16W	660'FNL	660'FWL	126
NW/SW	28	T31N	R16W	1740'FSL	590'FWL	158
SE/NE	31	T31N	R16W	1980'FNL	660'FEL	16
NW/NW	24	T31N	R17W	660'FNL	760'FWL	85
Energy Reserve Backup Inc.—Operator/Horseshoe Gallup—Field/Gallup—Formation						
SE/SE	5	T31N	R17W	660'FSL	660'FEL	4
NE/SE	10	T30N	R16W	1970'FSL	2210'FWL	31
SE/NW	11	T30N	R16W	2090'FNL	2190'FWL	29
SE/SE	10	T30N	R16W	700'FSL	500'FEL	37
Solar Petroleum Inc.—Operator/Horseshoe—Field/Gallup—Formation						
SW/SE	11	T31N	R17W	736'FSL	2045'FEL	205
SE/NE	9	T31N	R17W	1980'FNL	660'FEL	122
NW/SE	4	T31N	R17W	1980'FSL	1980'FEL	127
NE/NE	10	T31N	R17W	660'FNL	660'FEL	136
SE/SW	4	T31N	R17W	660'FSL	1980'FWL	125
SW/NW	11	T31N	R17W	2300'FNL	660'FWL	206
NW/SW	4	T31N	R17W	1980'FSL	660'FWL	103
SE/NW	4	T31N	R17W	1989'FNL	1980'FWL	128
NW/NW	4	T31N	R17W	660'FNL	660'FWL	101
SW/NE	10	T31N	R17W	1980'FNL	1980'FEL	117
SW/NW	10	T31N	R17W	1980'FNL	660'FWL	108
SW/SW	10	T31N	R17W	660'FSL	660'FWL	114
SW/SE	3	T31N	R17W	330'FSL	2310'FEL	143
SE/NE	5	T31N	R17W	1980'FNL	660'FEL	302
NE/NE	5	T31N	R17W	1950'FNL	1050'FEL	307
SE/SE	9	T31N	R17W	990'FSL	850'FEL	140
NE/NW	10	T31N	R17W	660'FNL	1980'FWL	118
SW/SW	11	T31N	R17W	660'FSL	660'FWL	204
NW/SE	9	T31N	R17W	1980'FSL	1980'FEL	115
SW/SE	10	T31N	R17W	990'FSL	1980'FEL	144
NW/NE	9	T31N	R17W	660'FNL	1980'FEL	123
NE/SW	10	T31N	R17W	1980'FSL	1980'FWL	109
NE/SW	11	T31N	R17W	1980'FSL	1980'FWL	203
SE/NW	9	T31N	R17W	1980'FNL	1980'FWL	134
NW/SW	3	T31N	R17W	1980'FSL	660'FWL	132
SW/SW	3	T31N	R17W	560'FSL	660'FWL	110
NW/NW	9	T31N	R16W	660'FNL	660'FWL	133
SE/SE	4	T31N	R17W	660'FSL	660'FEL	124
WTR Oil Co.—Operator/Horseshoe Gallup—Field/Gallup—Formation						
NE/SW	33	T32N	R17W	1980'FSL	1989'FWL	2
Arco Oil & Gas Co.—Operator/Many Rocks Gallup—Field/Gallup—Formation						
NW/NW	7	T31N	R16W	898'FNL	500'FWL	2
SW/NE	17	T31N	R16W	1673'FNL	1789'FEL	21
NW/SE	17	T31N	R16W	1890'FSL	2150'FEL	23
SW/NE	7	T31N	R16W	2310'FNL	2310'FEL	6
NE/SW	8	T31N	R16W	1650'FSL	1650'FWL	12
NE/NW	17	T31N	R16W	660'FNL	2030'FWL	18
NE/NE	18	T31N	R16W	360'FNL	855'FEL	16
SE/SW	7	T31N	R16W	716'FSL	2185'FWL	13
SE/SE	17	T31N	R16W	660'FSL	660'FEL	26
NE/SW	17	T31N	R16W	2040'FSL	2070'FWL	22
SW/SW	6	T31N	R16W	330'FSL	330'FWL	1
SW/NW	17	T31N	R16W	2073'FNL	641'FWL	19
NW/SW	17	T31N	R16W	1967'FSL	981'FWL	8
James P. Woosley—Operator/Many Rocks Gallup—Field/Gallup—Formation						
NW/NE	20	T32N	R17W	330'FNL	2310'FEL	13
SW/SW	27	T32N	R17W	660'FSL	990'FWL	1
SW/NW	17	T32N	R17W	2310'FWL	330'FWL	4
SW/NW	27	T32N	R17W	260'FWL	1360'FNL	11
NE/SW	27	T32N	R17W	1980'FSL	1980'FWL	6
NE/SE	18	T32N	R17W	2474'FSL	133'FEL	18

Environmental Protection Agency

§ 147.3101

	Sec.					Well No.
SW/SE	27	T32N	R17W	625'FNL	2000'FEL	3
NE/SE	28	T32N	R17W	1980'FSL	330'FEL	12
Solar Petroleum Inc.—Operator/Many Rocks Gallup—Field/Gallup—Formation						
SE/NW	1	T31N	R17W	1980'FNL	1980'FWL	216
NW/NE	2	T31N	R17W	805'FNL	940'FEL	215
SE/NE	2	T31N	R17W	1980'FNL	660'FEL	218
NW/SW	1	T31N	R17W	2310'FSL	990'FNL	223
SE/NE	12	T31N	R17W	1820'FNL	500'FEL	217
WTR Oil Co.—Operator/Many Rocks Gallup—Field/Gallup—Formation						
NW/NW	35	T32N	R17W	810'FNL	510'FWL	11
SE/SE	35	T32N	R17W	660'FSL	660'FEL	6
SE/NE	34	T32N	R17W	775'FEL	1980'FNL	8
SE/NW	35	T32N	R16W	1980'FNL	1980'FWL	9
NW/SE	35	T32N	R17W	1980'FSL	1980'FEL	7
Chaco Oil Co.—Operator/Red Mtn Meseverde—Field/Menefee—Formation						
NE/NE	29	T20N	R9W	395'FNL	1265'FEL	6
SE/SW	20	T20N	R9W	442'FSL	2430'FWL	17
Geo Engineering Inc.—Operator/Red Mtn Meseverde—Field/Menefee—Formation						
NW/NE	29	T20N	R9W	160'FNL	2135'FEL	35
NE/NE	29	T20N	R9W	225'FNL	1265'FEL	7
SE/NW	29	T20N	R9W	1344'FNL	2555'FWL	20
NW/NE	29	T20N	R9W	615'FNL	1920'FEL	5
NE/NW	29	T20N	R9W	834'FNL	2113'FWL	21
SW/SE	20	T20N	R9W	265'FSL	2150'FEL	36
NE/NE	29	T20N	R9W	5'FNL	1130'FEL	8
SE/SE	20	T20N	R9W	450'FSL	1145'FEL	24
SE/SE	20	T20N	R9W	990'FSL	1280'FEL	10
NW/NE	29	T20N	R9W	1115'FNL	2325'FEL	22
SE/SE	20	T20N	R9W	1085'FSL	860'FEL	12
Tesoro Petroleum Co.—Operator/S. Hospah Lower Sand—Field/Hospah—Formation						
NW/SE	6	T17N	R8W	2310'FSL	2310'FEL	28
SW/SE	6	T17N	R8W	990'FSL	2310'FFL	34
SW/SW	6	T17N	R8W	5'FSL	20'FWL	18
SE/SW	6	T17N	R8W	5'FSL	2635'FWL	20

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 re-

mainder 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.

§ 147.3102

40 CFR Ch. I (7–1–23 Edition)

(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 (2) (i)–(iii) 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:

(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.

§ 147.3105 Plugging and abandonment report.

(a) In lieu of the time periods for submitting a plugging report in §144.28(k) of this chapter, owners and operators of Class I and III wells shall submit the report within 15 days of plugging the well and owners or operators of Class II wells within 30 days of plugging, or at the time of the next required operational report (whichever is less.) If the required operational report is due less than 15 days following completion of plugging, then the plugging report shall be submitted within 30 days for Class II wells and 15 days for Class I and III wells.

(b) In addition to the requirement of §144.28(k)(1) of this chapter, owners and operators of Class II wells shall include a statement that the well was plugged in accordance with §146.10 of this chapter and §147.3109 of this subpart, and, if the actual plugging differed, specify the actual procedures used.

(c) The schedule upon which reports of plugging must be submitted are changed from those in §144.51(o) to those specified in paragraph (a) of this section.

§ 147.3106 Area of review.

(a) When determining the area of review under §146.6(b) of this chapter, the fixed radius shall be no less than one mile for Class I wells and one-half mile for Class II and III wells. In the case of an application for an area permit, determination of the area of review under §146.6(b) shall be a fixed width of not

Environmental Protection Agency

§ 147.3108

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 surface 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.

Subpart JJJ—Assiniboine and Sioux Tribes

§ 147.3200 Fort Peck Indian Reservation: Assiniboine & Sioux Tribes—Class II wells.

The UIC program for Class II injection wells on all lands within the exterior boundaries of the Fort Peck Indian Reservation is the program administered by the Assiniboine and Sioux (Fort Peck) Tribes approved by EPA pursuant to section 1425 of the SDWA. Notice of this approval was published in the FEDERAL REGISTER on October 27, 2008; the effective date of this program is November 26, 2008. This pro-

gram consists of the following elements as submitted to EPA in the Fort Peck Tribes' program application:

(a) *Incorporation by reference.* The requirements set forth in the Fort Peck Tribes' Statutes, Regulations, and Resolutions notebook, dated June 2008, are hereby incorporated by reference and made part of the applicable UIC program under the SDWA for the Fort Peck Indian Reservation. 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 part 51. Copies may be obtained or inspected at the Fort Peck Tribal Offices, 605 Indian Avenue, Poplar, Montana 59255, (406) 768–5155, at the Environmental Protection Agency, Region 8, 1595 Wynkoop Street, Denver, Colorado 80202–1129, (800) 227–8917, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741–6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

(b) *Memorandum of Agreement (MOA).* The MOA between EPA and the Fort Peck Tribes signed by EPA on July 31, 2007.

(c) *Statements of legal authority.* Letters to EPA from Sonosky, Chambers, Sachse, Endreson & Perry, dated September 4, 2003 (attaching a June 17, 2002 letter), March 27, 2001, July 19, 1999, March 13, 1995, March 16, 1994, November 4, 1992, July 14, 1989, and April 13, 1989, and letters submitted as part of the Fort Peck Tribes' application.

(d) *Program Description.* The Program Description submitted as part of the Fort Peck Tribes' application, and any other materials submitted as part of the application or as a supplement to it.

[73 FR 63646, Oct. 27, 2008]

Subpart KKK [Reserved]

Subpart LLL—Navajo Indian Lands

§ 147.3400 Navajo Indian lands—Class II wells.

The UIC program for Class II injection wells located: Within the exterior

boundaries of the formal Navajo Reservation, including the three satellite reservations (Alamo, Canoncito and Ramah), but excluding the former Bennett Freeze Area, the Four Corners Power Plant and the Navajo Generating Station; and on Navajo Nation tribal trust lands and trust allotments outside those exterior boundaries (collectively referred to as “Navajo Indian lands for which EPA has granted the Navajo Nation primacy for the SDWA Class II UIC program”), is the program administered by the Navajo Nation approved by EPA pursuant to section 1425 of the SDWA. Notice of this approval was published in the FEDERAL REGISTER on November 4, 2008; the effective date of this program is December 4, 2008. This program consists of the following elements as submitted to EPA in the Navajo Nation’s program application:

(a) *Incorporation by reference.* The requirements set forth in the Navajo Nation Statutes, Regulations and Resolution notebook, dated October 2008, are hereby incorporated by reference and made part of the applicable UIC program under the SDWA for Class II injection wells on Navajo Indian lands for which EPA has granted the Navajo Nation primacy for the SDWA Class II UIC program (as defined in this section). 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 part 51. Copies may be obtained or inspected at the Navajo Nation Environmental Protection Agency UIC Office, Old NAPA Auto Parts Building (Tribal Bldg. #S009-080), Highway 64, Shiprock, New Mexico 87420 (505-368-1040), at the Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, California 94105-3920 (415-972-3533), or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

(b) *Memorandum of Agreement (MOA).* The MOA between EPA Region 9 and the Navajo Nation, signed by the EPA Regional Administrator on August 21, 2001. The Criminal Enforcement MOA

between EPA Region 9 and the Navajo Nation, signed by EPA on October 30, 2006.

(c) *Statement of legal authority.* (1) “Statement of the Attorney General of the Navajo Nation Pursuant to 40 CFR 145.24”, August 27, 2001.

(2) “Statement of the Attorney General of the Navajo Nation Regarding the Regulatory Authority and Jurisdiction of the Navajo Nation with Respect To Its Underground Injection Control Program”, July 3, 2002.

(3) “Supplemental Statement of the Navajo Nation Attorney General Regarding the Regulatory Authority and Jurisdiction of the Navajo Nation to Operate an Underground Injection Control Program under the Safe Drinking Water Act”, October 11, 2006.

(d) *Program Description.* The Program Description submitted as part of the Navajo Nation’s application, and any other materials submitted as part of this application or as a supplement thereto.

[73 FR 65565, Nov. 4, 2008]

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.
- 148.11 Waste specific prohibitions—dioxin-containing wastes.
- 148.12 Waste specific prohibitions—California list wastes.
- 148.14 Waste specific prohibitions—first third wastes.
- 148.15 Waste specific prohibitions—second third wastes.
- 148.16 Waste specific prohibitions—third third wastes.
- 148.17 Waste specific prohibitions; newly listed wastes.
- 148.18 Waste specific prohibitions—newly listed and identified wastes.