UNITED STATES ENVIRONMENTAL PROTECTION AGENCY 19953

DATE: JUL 27 1981

SUBJECT: Requirements applicable to wells injecting into through or above an aquifer which has been exempted pursuant to §146.04(b)(4). Ground-Water Program Guidance No. 27 (GWP #27) UIC

FROM: Victor J. Kimm, Deputy Assistant Administrator
Office of Drinking Water (WH-550)

TO: Water Division Directors Regions I - X
Water Supply Branch Chiefs
UIC Representatives

PURPOSE

The litigants have requested clarification on the applicability of §122.43 to aquifers that have been exempted because they are subject to catastrophic collapse.

GUIDANCE

Among the criteria for exempting aquifers one of particular importance to certain Class III mining operations is stated at §146.04(b)(4). An aquifer may be exempted if it is located above a Class III well mining area subject to subsidence or catastrophic collapse.

For Class III wells injecting through such an aquifer it is particularly appropriate to lessen corrective action, mechanical integrity and operating requirements as authorized by §122.43(a) since it would be pointless to use these requirements to protect an aquifer which is expected to be rendered unusable by the mining activity.

It is important, however, to keep in mind that the reduction in requirements must not result in an increased risk of movement of fluids into an USDW. To this effect the hydrologic relationships between USDWs and exempted aquifers both during the expected life of the mining operation and after the projected collapse must be taken into consideration when deciding the extent of the reduction in requirements.

IMPLEMENTATION

Regional offices are instructed to use this guidance in operating UIC programs where EPA has primary enforcement responsibility. They are further instructed to make this

guidance available to States working towards primacy and to advise the State Director that these interpretations represent EPA policy.

FILING INSTRUCTIONS

This guidance should be filed as Ground-Water Program Guidance No. 27.

ACTION RESPONSIBILITY

For further information on this guidance contact:

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