UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

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MAY 31 1983

MEMORANDUM

SUBJECT: Consolidation of Permitting Procedures for Multiple Wells. Ground-Water Program Guidance No. 29 (GWPG #29)

FROM: Victor J. Kimm
Director, Office of Drinking Water

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

BACKGROUND

EPA's minimum requirements for Underground Injection Control (UIC) programs, 40 C.F.R. Part 144* provide for individual permitting of single wells and, under certain circumstances, area permitting of well fields containing more than one well. The area permitting mechanism, set out in §144.33, is only available under certain conditions, and is not available for wells injecting hazardous waste. Some owners or operators of multiple wells may therefore be unable to obtain, or may choose not to seek, an area permit for the wells. In some cases, however, it may be desirable for administrative purposes to consolidate the permitting process for multiple wells even when an area permit is not used. As EPA has stated in the preamble to certain amendments to the UIC regulations (see 47 FR 4995), an owner or operator may request that the applications for several wells at a given site "be processed in a single permitting action." This guidance is intended to clarify the extent to which the individual permitting of multiple wells can be consolidated in a single permitting action.

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*/ These regulations were promulgated on May 19, 1980 (45 FR 33418) as Part 122 and amended on August 27, 1981 (46 FR 43156) and February 3, 1982 (47 FR 4992). Part 122 was subsequently reorganized and renumbered as Part 144 by technical amendment on April 1, 1983 (48 FR 1416).

DISCUSSION

In some situations an owner or operator may have and/or wish to construct several wells in a given area. For several reasons, it may be desirable to consolidate the permitting of these wells.

- Where wells are in the same area, information as to the geology of the strata through and into which the injection is taking place is likely to be similar or identical for each well, so that a single set of descriptive documents may provide sufficient information for all the wells.

- In some cases, as new UIC programs are implemented, an owner or operator may seek a permit to construct a new well concurrently with an application to permit an existing well in the same area. An example of this would be the construction of a back-up well for an existing waste disposal well, which is good engineering practice because it affords greater flexibility to shut down the principal well for testing and maintenance. In this situation, the operating history of the existing well will be relevant evidence of the suitability of the underground formation for this type of injection, although other factors such as increased formation pressure or other changed conditions that may result from the new injection well must also be considered.

- Where wells to be permitted are of the same construction, it may be more efficient to consider this information for all wells simultaneously.

- When submitting an application for a well that is already in existence or that will be constructed immediately, an owner or operator may also have specific plans to construct one or more wells some time in the future. To the extent that the applications for all these wells can be considered concurrently, the owner or operator may be better able to plan his entire injection operations, and the permit issuing authority may be better able to consider the cumulative environmental effects of all anticipated injections in the area.

- Since the owner or operator will be the same for all wells, and the interested public is likely to be the same for all wells in an area, a consolidated notice and comment period would conserve the resources of all interested parties.

The UIC regulations afford considerable latitude to accommodate these concerns. Even where an owner or operator applies for an individual permit for each well, the permit applications can be submitted simultaneously. The permitting authority has the discretion, if the applicant so wishes, to take all review and approval actions concurrently for several applications, including issuance of public notice and setting the period for public comment. A separate application form is required for each well. Where supporting information is identical or similar for several wells, however, the permitting authority may accept a single set of documents providing such information.

The Federal minimum requirements also allow the permitting authority to process a permit application for a well even though the well is to be constructed some time in the future, although the duration of such a permit will be measured from the date of permit issuance, not from the date of completion of the well. A permit for a future well must, of course, include all descriptions and conditions on construction and injection as normally required, so that the site, type of construction, nature of injected fluids, and other elements must be anticipated with a reasonable degree of specificity. In some cases it is possible, however, to change permit specifications after a permit has been issued.

Any proposed changes must be reported to the Director for review and are subject to his approval as modifications to the permit. Some of these changes, such as changes to construction requirements, can be approved by the Director as minor modifications to the permit as set out in 40 C.F.R. §144.41. Some types of changes to the construction plans occurring during drilling of a well may even be approved orally by the Director or his representative, as explained in EPA Ground-Water Program Guidance No. 22 (July 27, 1981). For any changes approved as minor modifications, the permitting process need not be reopened, nor public comment solicited.

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.

For further information on this guidance contact:

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