



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

MAR 3 1995

MEMORANDUM

SUBJECT: Underground Injection Control (UIC) Class I SNC
Redefinition - UICP Guidance No. 81

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TO: Water Management Division Directors
Regions I - X

BACKGROUND

Under the existing definition of Significant Non-Compliance (SNC) for the UIC program, all violations for Class I injection wells are reported as SNC. States have maintained that the current Class I SNC definition is all too inclusive and does not distinguish between violations which have the potential for endangering a USDW and those that do not pose such a threat, such as errors in paperwork.

GUIDANCE

The attached redefinition of SNC for Class I UIC wells has been developed by a subcommittee of the State and Federal Affairs Committee of the Ground Water Protection Council (GWPC). The initial revised definition was reviewed by eight UIC primacy States and ten EPA Regional UIC programs. All of the States commenting supported the redefinition as did the Regions which provided comments: Regions IV, V, VI, and VII. A final redefinition was submitted to all Regions and the States in October 1994, and all comments supported the SNC redefinition as proposed.

Therefore, EPA will adopt the attached revised definition of SNC violations for Class I UIC wells. The new definition will be used starting with the Quarterly report period commencing on April 1, 1995 (e.g., the third quarter of FY 1995).

Violations with a potential to impact USDWs (e.g., mechanical intergity failure, excess injection pressure, releases into unpermitted zones, etc.) are maintained as SNC violations, whereas minor infractions (e.g., late paperwork, absence of wellhead signs) will not necessarily require SNC reporting. A pattern of repeated late reporting, however, will elevate reporting violations to SNC status.

CONTACT

For questions regarding this guidance please contact Don Olson, Water Enforcement Division, at 202-564-5558, or Bruce Kobelski, UIC Branch, at 202-260-7275.

Attachment

cc: Ground Water Management & Water Supply Branch Chief,
Region I
Drinking Water/Ground Water Protection Branch Chiefs,
Regions II, III & X
Ground Water Protection Branch Chief, Region IV
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**Definition of SNC for Class I UIC Wells
(Effective Date April 1, 1995)**

The following violations by Class I UIC well owners and/or operators are defined as Significant Non-Compliance (SNC) and are to be returned to compliance in accordance with established timeframes, i.e., within 90 days or the commencement of a formal enforcement action. Such violations include, but are not limited to:

- Contamination of a USDW;
- Injection of unauthorized fluid(s);
- Injection into unauthorized zones;
- Failure to cease injection after loss of MI detected;
- Failure to comply with corrective action requirements;
- Failure to operate automatic shutdown system;
- Failure to operate automatic warning system;
- Unauthorized plugging and abandonment;
- Violation of a Formal Order;
- Knowing submission of false information;
- Violations involving loss of mechanical integrity;
- Violations of maximum injection pressure;
- Failure to install and/or operate injection pressure and annulus pressure monitoring systems or other monitoring systems, required by permit or rule; and
- Failure to maintain required annulus pressure.

Treatment of Non-SNC Violations

The following violations by Class I UIC well owners and/or operators generally do not represent an immediate threat of endangerment to USDWs; however, repeated or uncorrected violations do call for escalated enforcement action. Accordingly, non-SNC violations are to be addressed by the regulatory agency based on existing enforcement strategies and priorities. However, if the same violation is noted three times within twelve months of the first violation, the violation would be classified as SNC. Such non-SNC violations include, but are not limited to, the following:

- Late submission of monthly, quarterly or other reports;
- Failure to have readily available for inspection copies of plans at the facility that are required by rule or permit;
- Failure to include portions of available monitoring data as required in monthly or quarterly reports;
- Failure to include certification statement on report(s);
- Late submission of financial assurance documentation;
- Failure to provide required advance notification of well workover;

- Absence of sign at wellhead or insufficient information on sign (where required by permit or rule); and
- Late submission of available calibration data.

NOTE: When both SNC and non-SNC violations have occurred and the regulatory agency has determined that a formal administrative orders or a civil referral constitute an appropriate enforcement response, it is expected that all violations would be addressed in the formal enforcement action.