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

AUG 30 1989

OFFICE OF
WATER

MEMORANDUM

SUBJECT: Clarification to the Osage Underground Injection
Control Regulations at 40 CFR §147.2905(a)

FROM: *fu* Robert J. Blanco, Director
State Programs Division
(WH-550E)

Paul Reevett

TO: Oscar Cabra, Jr., P.E.
Chief, Water Supply Branch
(6W-S)

We have reviewed your request to change the OSAGE UIC regulations at Subpart GGG to give the Regional Administrator (RA) the same flexibility in dealing with temporarily abandoned wells as provided in 40 CFR Part 144. The Offices of General Counsel and Compliance and Enforcement Monitoring were consulted.

The following points were made during our review:

1. The proposed change will require notice and comment in the Federal Register.
2. The preamble justification for the change will have to address the consistency with the existing State of Oklahoma program and the wishes of the Osage Tribe.
3. Any proposed change should follow as closely as possible the Federal generic provisions contained in 40 CFR §§144.23(c)(2)(iv) and 144.52(a)(6).

We have discussed these points with your UIC staff and believe that we are in general agreement. We therefore propose to replace the current plugging and abandonment provisions of 40 CFR §147.2905 with the following:

.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 the operator takes actions and follows procedures satisfactory to the Regional Administrator to ensure no fluid movement into a USDW will occur during the period of temporary abandonment and 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 will be required. The actions taken and procedures followed to ensure that no fluid movement into a USDW will occur shall include compliance with the technical requirements applicable to active injection wells unless waived by the Regional Administrator.

This version differs from your proposal in that it tracks more closely the form of the generic UIC regulation while still maintaining the 30 day notice provision, the 1 year plugging time frame that is similar to the plugging requirements in the Oklahoma program, and the requirement for annual reporting. We believe that we will be able to provide an adequate Preamble justification for waiving the technical requirements based on current economical conditions in the area.

If this approach is satisfactory, we plan to plate this proposed change in a package containing the Osage aquifer exemption which is nearing completion by your staff. Since both changes require notice and comment in the Federal Register and will require sign-off by the Administrator, Headquarters will be responsible for the remainder of the process. However, we will continue to work closely with your UIC staff to ensure that the Preamble discussion accurately reflects the status of the Osage program and the needs of the Osage Tribe.

If you would like any additional information about how we plan to process this regulation change, you may contact Don Olson of my staff at FTS 382-5558.

cc: Kathy Summerlee, OECM-Water
Alan Morrissey, OECM-Water
Randy Hill, OGC-Water