



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8**

1595 Wynkoop Street  
DENVER, CO 80202-1129  
Phone 800-227-8917  
<http://www.epa.gov/region08>

Ref: **REF: 8P-W-GW**

[To All Region 8 State UIC Program Managers]  
(see list at end of document)

RE: Fiscal Year 2008 Region 8 UIC Program  
Advice of Tentative UIC Grant Allotment,  
Reporting Requirements and Guidance

Dear [UIC Program Manager]:

The purpose of this letter is to provide you with the Underground Injection Control (UIC) program Regional Operating Guidance for federal Fiscal Year 2008 (FY08), and to inform you of the availability of Source Water Protection funding made available through Section 1443(b) of the Safe Drinking Water Act, as amended. We are providing this information to you to assist your preparation of your FY08 grant application, budget, and UIC Work plan.

FY08 UIC Program Tentative Grant Allotment

The FY08 UIC Program Draft Tentative Allotments will be forwarded to you as soon as they become available from our Headquarters office. We again anticipate that your final UIC grant allotment will not change significantly from your final UIC grant allotment of previous years. However, as in previous years, tentative allotments, calculated by the Office of Water, Ground Water Protection Division, are based on a proposed budget request and are subject to revision once a final budget has been approved by Congress. The minimum 25% matching for these grants may be met through funding, in-kind services, or a combination of both.

FY08 UIC Program Reporting

EPA Regions and National Program Managers have jointly identified Regional FY 08 targets for Program Activity Measures (PAMs) that are designed to have a target and the estimated progress needed to meet the national goals. While the development continues on the UIC Program National Database that will automate UIC reporting in the future, until it is implemented and able to accept electronic reporting directly from your Program, we request that you continue to submit to your Regional project officer both the 7520 Reports and the UIC Measures Reports. A summary of your reporting requirements and schedule for FY08 is included in Appendix 2. Please note that Measure SDW- 7 reports the number of wells with mechanical integrity failures during the reporting period. Please report all instances where a

well has experienced a mechanical integrity failure, including those times when wellhead monitoring or other integrity monitoring has revealed a mechanical integrity failure of the well in addition to those failures identified during an actual mechanical integrity test. If necessary, we can discuss this Measure in more detail at the annual State UIC Manager's meeting.

#### FY08 UIC Program Guidance

We will be working with you to develop your annual grant work plans or Performance Partnership Agreements to plan how to best allocate available UIC Program resources to meet National Program goals and measures. The *National Water Program Strategic Plan for 2003 – 2008* describes how EPA, States, Tribes and others will work together to protect and improve the quality of the Nation's waters. We encourage you to take a few moments to review the *Plan* in its entirety. The *Plan* may be accessed online at: <http://www.epa.gov/water/waterplan/>.

Finally, our Region 8 EPA Ground Water Program goal remains to support your ongoing efforts and successes toward integrating national strategies and priorities into strong ground water protection and UIC program activities. We will endeavor to continue to provide you with support and assistance for achieving your program's goals and objectives. We look forward to continuing our longstanding partnership, and working together to maintain your leadership UIC and ground water protection program.

Sincerely,

Sincerely,

Elisabeth Evans, Director  
Technical Enforcement Program

Steven J. Pratt, Director  
Ground Water Program

#### Enclosures:

- § Appendix #1 - FY08 UIC (4-12-06 DRAFT) Program Activities Measure (PAM's)
- § Appendix #2 - FY08 UIC 7520 Reporting Instructions, Definitions and Schedule
- § Appendix #3 - Updated List of UIC Program Contacts for EPA Region 8

bcc: J. Hidinger, Region 8 State Assistance Program Director  
D. Thomas, Region 8 Water Program Director  
J. Wardell, Montana Operations Office Director  
E. Evans, Technical Enforcement Program Director  
S. Pratt, Ground Water Program Manager  
D. Minter, 8P-W-GW  
D. Jackson, 8P-W-GW  
N. Wiser, 8TEP-UFO  
C. Hutchings, 8TEP-UFO  
C. Tinsley, 8P-W-GW  
L. Bowling, 8P-W-GW  
M. Smith, 8P-W-GW  
W. Cheung, 8P-W-GW

## UIC Program Activity Measures

<p align="center"><b><i>FY 2008</i></b> <b><i>UIC Measures</i></b></p>	<p align="center"><b><i>Region</i></b> <b><i>8</i></b> <b><i>Target</i></b></p>	<p align="center"><b><i>What to Report</i></b></p>	<p align="center"><b><i>Report</i></b> <b><i>Due to</i></b> <b><i>Region 8</i></b></p>
<p align="center"><b><u>SDW-6</u></b> Percent of identified Class V Motor Vehicle Waste Disposal wells that are closed or permitted.</p>	80%	<ol style="list-style-type: none"> <li>1. Number of MVWDWs <b>closed</b> in <i>program history</i>.</li> <li>2. Number of MVWDWs <b>closed in FY08</b>.</li> <li>3. Number of MVWDWs <b>issued permits</b> in <i>program history</i>.</li> <li>4. Number of MVWDWs <b>issued permits</b> in <b>FY08</b>.</li> <li>5. Number of MVWDWs <b>identified</b> in <i>program history</i>.</li> <li>6. Number of MVWDWs <b>identified in FY08</b>.</li> </ol>	<p>Apr 20, 08</p> <p>Oct 20, 08</p>
<p align="center"><b><u>SDW-7a</u></b> Percent of <b>Class I</b> injection wells that maintain mechanical integrity and thereby reduce the potential to endanger underground sources of drinking water.</p>	98%	<p>Number of <b>Class I</b> wells with MI failures in FY08. <i>(include when wellhead monitoring or other integrity monitoring has revealed a mechanical integrity failure of the well in addition to failures identified during an actual mechanical integrity test.)</i></p>	<p>Apr 20, 08</p> <p>Oct 20, 08</p>
<p align="center"><b><u>SDW- 7b</u></b> Percent of Class II injection wells that maintain mechanical integrity and thereby reduce the potential to endanger underground sources of drinking water.</p>	98%	<p>Number of <b>Class II</b> wells with MI failures in FY08. <i>(include when wellhead monitoring or other integrity monitoring has revealed a mechanical integrity failure of the well in addition to failures identified during an actual mechanical integrity test.)</i></p>	<p>Apr 20, 08</p> <p>Oct 20, 08</p>
<p align="center"><b><u>SDW-7c</u></b> Percent of deep injection wells that are used for salt solution mining (Class III) that maintain mechanical integrity and thereby reduce the potential to endanger underground sources of drinking water.</p>	98%	<p>Number of <b>Class III</b> wells with MI failures in FY08. <i>(include when wellhead monitoring or other integrity monitoring has revealed a mechanical integrity failure of the well in addition to failures identified during an actual mechanical integrity test.)</i></p>	<p>Apr 20, 08</p> <p>Oct 20, 08</p>
<p align="center"><b><u>SDW-8</u></b> Number, and national percent, of high priority Class V wells identified in ground water based community water system source water areas that are closed or permitted .</p>	96%	<ol style="list-style-type: none"> <li>1. Number of high priority Class V wells in ground water based community water system source water areas that have been <b>identified, and the number closed or permitted, in program history</b>.</li> <li>2. Number of high priority Class V wells in ground water based community water system source water areas that have been <b>identified, and the number closed or permitted, in FY08</b> (7520-2B IX.)</li> </ol>	<p>Apr 20, 08</p> <p>Oct 20, 08</p>

**FY08 UIC Reporting Instructions, Definitions and Schedule**

**FY08 UIC Reporting Instructions:** In FY08, please submit the following to your Region 8 UIC Project Officer according to the enclosed Reporting Schedule:

7520's + "PAM's" Electronic (spreadsheet) Report - to be provided later (Preferred Option)

*or*

7520's + the two "extra" Reports ( below)

***Number of MI Failures Report***

<b><i>MI Failures</i></b>	<b>Class I</b>	<b>Class II ER</b>	<b>Class II SWD</b>	<b>Class III Salt</b>	<b>Class III Metal</b>
<b>MI failure No endangerment</b>					
<b>MI failure Possible endangerment</b>					
<b>MI failure Known endangerment</b>					

***Class V High Priority Wells Report***

<b><i>Class V High Priority Wells</i></b>	<b>Number of wells identified</b>	<b>Number of wells permitted</b>	<b>Number of wells closed</b>
<b>MVWDW in program history</b>			
<b>MVWDW in FY08</b>			
<b>Class V in SWP area in program history</b>			
<b>Class V in SWP area in FY08</b>			

### **FY08 Reporting Definitions**

**Ground water-based CWS's:** The number is determined from the state SDWIS database, which is nationally defined in SDWIS as the number of CWSs where the primary source facility is a well or, if there is more than one source facility, the practical definition of this term is CWSs where all the of the source facilities are wells.

**High priority Class V wells:** High priority wells include motor vehicle waste disposal wells, large capacity cesspools, industrial wells, plus any other categories identified by the State. The considerations for adding categories are:

- 1) existence of the well type in the State,
- 2) likelihood of endangerment to USDWs based on geology and/or a quantitative assessment of the well types, and
- 3) whether the well type is or is not already sufficiently regulated by a governmental entity within the State.

*(State definitions for high priority wells will be established by the UIC Director for a Direct Implementation state or between the State Director and EPA Region for primacy states by the end of the first quarter of the reporting year.)*

**Inspection for Class I, II, III, and deep Class V wells:** A complete inspection for Class I, II, III and deep Class V wells should include an assessment of the well head, pressure and flow meters, pipeline connections, and any other equipment associated with the injection system. An inspection is considered complete only when a report has been filed with the regulating authority. *Citation: 7520-3.*

**Inspection for Shallow Class V wells:** A shallow Class V well inspection is an examination at a facility that has or is likely to have an injection well(s) to determine if it falls under the UIC Program's authority and if the facility is in full compliance with regulations. Class V inspections should include those that are done to inspect "for" Class V wells as well as for existing wells on the inventory. An inspection is considered complete only when a report has been filed with the regulating authority.

**Maintaining Mechanical Integrity (MI):** An injection well has maintained MI when: (1) there is no significant leak in the casing, tubing, or packer, and (2) there is no significant fluid movement into an USDW through vertical channels adjacent to the injection well bore. *Citation: 40 CFR 146.8*

**Permitted Motor Vehicle Waste Disposal Wells (MVWDWs)** Under the 1999 revisions to the Underground Injection Control Regulations for Class V Wells (64 FR 68545, December 7, 1999), MVWDWs are permitted if they are individually permitted, come under a general permit, or under an area permit.

**Permitted Wells:** An injection well has an authorization, license, or equivalent control document issued by EPA or an approved primacy state to implement the requirements of parts 144 (Underground Injection Control Program), 145 (State UIC Program Requirements), 146 (Underground Injection Control Program: Criteria and Standards), and 124 (Procedures for Decision Making). A permitted well is not authorized by rule (§144.21). *Citation: 40 CFR144.3.*

**Significant Violations:** These violations are the same as injection wells in Significant Non-Compliance.

**For Class I:** Violations that are associated with a potential to impact a USDW (e.g., MI failure, excessive injection pressure, release to un-permitted zones, etc.), whereas minor infractions (e.g., late paperwork, absence of wellhead signs) would not necessarily require SNC reporting. A pattern of late reporting can be a SNC. *Citation: UIC Guidance # 81 (UIC Class I SNC Definition-3/95).*

**For Class II and III:** SNC is defined as follows:

- a. Unauthorized injection -any unauthorized emplacement of fluids;
- b. Mechanical Integrity -well operation without MI which causes the movement of fluid outside of the authorized zone, if such movement may have the potential for endangering a USDW;

- c. Injection pressure - well operation at an injection pressure that exceeds the permitted or authorized injection pressure and causes the movement of fluid outside the authorized zone of injection;

**d. Plugging and abandonment** - the plugging and abandonment of an injection well in an unauthorized manner. The definition includes “walking away from” a responsibility to plug and abandon a well. These wells are in SNC only when there is endangerment of USDW and there is an identifiable owner/operator;

**e. Violation of a Formal Order** -any violation of a formal enforcement action, including an administrative or judicial order, consent agreement, judgement, or equivalent State action;

**f. Falsification** - The knowing submission or use of any false information in a permit application, periodic report or special request for information about a well. *Citations: 7520-2A (Compliance Evaluation), 7520-2B (Compliance Evaluation and Significant Noncompliance) and 7520 (Quarterly Exceptions List), Office Director Memo (12/4/86), and UIC Guidance # 81 (UIC Class I SNC Definition-3/95), Guidance # 58 (9/09/87), and 40 CFR 144.12.*

**Significant Violations addressed in a timely manner (a well returned to compliance):** A **Timely Response** addressing an injection well in Significant Violation is one of three actions listed to bring a well in violation into compliance within 90 days: 1 “ . . . verify that the owner/operator has returned to compliance; 2. place the owner/operator on an enforceable compliance schedule and track to ensure future compliance; or 3. initiate a formal enforcement action against the owner/operator.” *Citations: UIC Program Compliance Strategy for Primacy and DI States, p.20-21-3/87, and 7520-2A, and 7520-2B.*

**Survey:** “A survey is to determine whether a Class V well exists at a facility. Determinations can be made by contacting the facility owner/operator, by written correspondence, phone, or actual inspections.”

**Survey completed for counties or ground water based CWS’s:** A “complete” survey occurs when all likely high priority Class V well locations within the county or source water areas for a CWS are fully canvassed.

**Violations (for Classes I, II, III, and V):** The Agency recognizes six categories of UIC injection well violations as follows: (1) unauthorized injection, (2) MI violations, (3) operation and maintenance violations, (4) plugging and abandonment violations, (5) monitoring and reporting violations, and (6) generalized category of others. These violations can range from to non-significant to significant noncompliance (SNC). These six categories include all violations of the UIC regulations from significant to minor paperwork violations. *Citations: 7520-2A (Compliance Evaluation), 7520-2B (Compliance Evaluation and Significant Noncompliance), 7520-4 (Quarterly Exceptions List), and UIC Guidance # 58 (UIC Class I Significant Non-Compliance Definition 3/95).*

**Violations addressed:** Violations should be counted as addressed if:

**a.** A facility returns to compliance though informal means , such as through: (1) notice of violation (NOV), (2) or by other means such as informal written and verbal warnings; or,

**b.** A formal action has been issued, e.g., administrative order (AO), bilateral compliance agreement (State tool), or civil referral, etc (including closures or permit issuances).

**Wells closed:** Well closures include: (1) discontinuation of unauthorized injection of fluids, and (2) authorized plugging and abandonment procedures. *Citations: 7520-2B, 40 CFR 144.82 and 144.89.*

**FY08 - UIC Reporting Schedule**

<b><u>Report Required:</u></b>	<b><u>Reporting Cycle</u></b>	<b><u>Due Date</u></b>
<b>7520-1</b> (Permit Review & Issuance, AOR)	Annual	Oct 20
<b>7520-2A</b> (Compliance Evaluation, Enforcement)	Semi-annual	Apr 20, Oct 20
<b>7520-2B</b> (Significant Non-Compliance, Enforcement)	Semi-annual	Apr 20, Oct 20
<b>7520-3</b> (Inspections, Mechanical Integrity Testing)	Semi-annual	Apr 20, Oct 20
<b>7520-4</b> (Quarterly Exceptions List)	Quarterly	Jan 20, Apr 20, Jul 20, Oct 20
<b>“PAM’s” OnLine Electronic Spreadsheet Report (Preferred Option)</b> <i>or</i> <b>“extra” Report</b>	Semi-annual	Apr 20, Oct 20
<b>7520-5</b> (Final Financial Status Report, or “FSR”)	Annual	Dec 31





## EPA Region 8 Underground Injection Control Program Contacts

<i>Name</i>	<i>Title / Responsibility</i>	<i>Office</i>	<i>Phone</i>
<b><u>Stephen S. Tuber</u></b>	<b>Assistant Regional Administrator</b>	<i>Office of Partnerships and Regulatory Assistance</i>	(303) 312-6241
<b><u>Carol Campbell</u></b>	<b>Deputy Assistant Regional Administrator</b>	<i>Office of Partnerships and Regulatory Assistance</i>	(303) 312-6340
<b><u>Debra H. Thomas</u></b>	<b>Water Program Director</b>	<i>Water Program</i>	(303) 312-6260
<b><u>Steven J. Pratt, P.E. (inactive)</u></b>	<b>Ground Water Unit Director</b>	<i>Ground Water</i>	(303) 312-6575
<b><u>June Carnall</u></b>	Ground Water Unit Administrative Assistant	<i>Ground Water</i>	(303) 312-7827
<b><u>Dan W. Jackson</u></b>	<b>UIC Deep Well Team Leader - Class I, II &amp; III</b> UIC Geologist - Permits, State Programs (CO 1425, UT 1425)	<i>Ground Water/UIC</i>	(303) 312-6155
<b><u>Chuck Tinsley</u></b>	UIC Engineer - Class II, State Programs (ND 1425, SD 1425)	<i>Ground Water/UIC</i>	(303) 312-6266
<b><u>Trish Pfeiffer</u></b>	Engineer - UIC Class II Specialist, Permits (1/2 time UST/LUST)	<i>Ground Water/UIC</i>	(303) 312-6271
<b><u>Linda Bowling</u></b>	Engineer - UIC Class II Specialist, State Programs (WY 1425)	<i>Ground Water/UIC</i>	(303) 312-6254
<b><u>Margo Smith</u></b>	Engineer - UIC Class II Specialist, State Programs (MT 1425)	<i>Ground Water/UIC</i>	(303) 312-6318

<b><u>Douglas K. Minter</u></b>	<b>UIC Shallow Well Team Leader - Class V</b>	<i>Ground Water/UIC</i>	(303) 312-6089
<b><u>Valois Shea</u></b>	Class V Team	<i>Ground Water/UIC</i>	(303) 312-6276
<b><u>Wendy Cheung, PhD.</u></b>	Engineer - Class V, Carbon Sequestration, Class III Uranium Class I, II and III Permits	<i>Ground Water/UIC</i>	(303) 312-6242
<b><u>Andrew M. Gaydosh</u></b>	<b>Assistant Regional Administrator</b>	<i>Office of Enforcement and Compliance Assistance</i>	(303) 312-6406
<b><u>Elisabeth (Liz) Evans</u></b>	<b>Technical Enforcement Program Director</b>	<i>Technical Enforcement Program</i>	(303) 312-6217
<b><u>Nathan M. Wiser</u></b>	UIC Class 1, II and III Compliance & Enforcement Leader	<i>Technical Enforcement Program</i>	(303) 312-6211
<b><u>Carol Hutchings</u></b>	UIC Class V Compliance & Enforcement Leader	<i>Technical Enforcement Program</i>	(303) 312-6485
<b><u>Britta Campbell-Copt</u></b>	UIC Financial Responsibility Specialist, Class V Enforcement	<i>Technical Enforcement Program</i>	(303) 312-6229



**State UIC Agency Mailing List for FY08 Guidance**

Mr. David Dillon  
Colorado Oil and Gas Conservation Commission  
1120 Lincoln St., Suite 801  
Denver, Colorado 80203

Mr. George Hudak  
Montana Board of Oil and Gas Conservation  
2535 St. John's Avenue  
Billings, Montana 59102

Mr. Mark Bohrer  
North Dakota Industrial Commission, Oil and Gas Division  
600 East Boulevard Avenue Department 405  
Bismarck, North Dakota 58505-0840

Mr. Carl Anderson  
North Dakota Department of Health, Division of Water Quality  
1200 Missouri Avenue  
Bismarck, North Dakota 58505

Ms. Anita Yan  
South Dakota Department of Environment and Natural Resources  
523 East Capitol  
Pierre South Dakota 57501

Mr. Dan Jarvis  
Utah Division Oil, Gas and Mining  
P.O. Box 145801  
Salt Lake City, Utah 84114

Ms. Candace Cady  
Utah DEQ Division of Water Quality  
P.O. Box 144870  
Salt Lake City, Utah 84114

Mrs. Janie Nelson  
Wyoming Oil and Gas Conservation Commission  
P. O. Box 2640  
Casper, Wyoming 82602

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Wyoming DEQ Water Quality Division  
122 West 25th St.  
Cheyenne, Wyoming 82002