



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8**

**1595 WYNKOOP STREET  
DENVER, CO 80202-1129**

**Phone 800-227-8917**

**<http://www.epa.gov/region8>**

**UNDERGROUND INJECTION CONTROL PROGRAM**

**Draft Permit**

Class V Shallow Injection Well

Permit No. CO50924-04915

Issued to:

**Colorado Division of Wildlife  
Foothills Wildlife Health Laboratory  
4330 La Porte Avenue  
Fort Collins, Colorado 80521**

Date Prepared: August 2007

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**PART I. AUTHORIZATION TO OPERATE A CLASS V WELL  
AUTHORIZATION TO INJECT**

Pursuant to the Underground Injection Control (UIC) Regulations of the U. S. Environmental Protection Agency (EPA) codified in Title 40 of the Code of Federal Regulations (40 CFR) Parts 124, 144, 146, and 147, the

**Colorado Division of Wildlife  
Foothills Wildlife Health Laboratory  
4330 La Porte Avenue  
Fort Collins, Colorado 80521**

is hereby authorized to inject sanitary waste and a minimal volume of laboratory waste fluid from the laboratories located in the office building into a septic tank/drainfield (septic system). **Under no circumstance shall waste streams from any other sources be injected by Colorado Division of Wildlife (CDOW) Foothills Wildlife Health Laboratory (WHL), into the septic system located east of the office building at 4330 La Porte Avenue, west of Fort Collins, Colorado.**

All conditions set forth herein refer to 40 CFR, Parts 124, 144, 146, and 147 and are regulations that are in effect on the date that this permit becomes effective.

This permit is based on representation made by the applicant and on other information contained in the Administrative Record. Misrepresentation of information or failure to fully disclose all relevant information may be cause for: termination, revocation and reissuance, modification of this permit, and/or formal enforcement action. It is the permittee's responsibility to read and understand all provisions of this permit.

The authorization to inject is issued for a period of ten (10) years from the date it becomes effective, unless the permit is terminated as provided in Part III, Section B. The permit also may be terminated upon delegation of primary enforcement responsibility for the Class V UIC Program to the State of Colorado.

Please be advised that this permit solely pertains to UIC and does **not** preclude any other federal, state, or local regulations that may apply.

Issued this day of \_\_\_\_\_.

This permit shall become effective \_\_\_\_\_.

Stephen S. Tuber  
Assistant Regional Administrator  
Office of Partnerships and Regulatory Assistance

## PART II. SPECIFIC PERMIT CONDITIONS

### A. GENERAL

Copies of all reports and notifications required by this permit shall be signed and certified in accordance with the requirements under Part III E.9 of this permit and shall be submitted to the EPA:

U.S. Environmental Protection Agency - Region 8  
Shallow Well Compliance Lead, Mailcode: 8ENF-UFO  
1595 Wynkoop Street  
Denver, CO 80202-2466

The permit number the UIC Program Director (hereafter referred to as the “Director”) has assigned to this permitted injection well is CO50924-04915. All correspondence should reference the site name and address and include the EPA Permit number.

### B. SHALLOW INJECTION WELL CONSTRUCTION

1. Construction Requirements. This permit requires that the well construction adhere to the information provided in the approved permit application. The septic system construction diagram is included in Appendix A.

2. Proposed Changes. The permittee shall give advance notice to the Director as soon as possible and no later than thirty (30) days **before** any planned physical alterations or additions to the permitted shallow injection well. Alterations of the permitted shallow injection well shall meet all conditions as set forth in this permit. An alteration or addition shall be considered any work performed that affects the quantity or quality of the fluid being injected, or the filtration effectiveness of the drainfield.

After approval by the Director, the permittee shall provide plans, as-built schematics, sketches, or other test data, to EPA within sixty (60) days of completion of the alteration or addition that took place.

### C. CORRECTIVE ACTION

No corrective action is required before the effective date of this permit.

### D. SHALLOW INJECTION WELL OPERATION AND MAINTENANCE

1. Injection Location. Injection shall be limited to the septic system located east of the office building at 4330 La Porte Avenue, west of Fort Collins, Colorado. Any approval granted by the Director for the change in injection location shall be made part of this permit by modification pursuant to the provisions under 40 CFR, Sections 144.39 or 144.41.

2. Injection Fluid Limitation. The permittee shall not inject any hazardous substances, as defined by 40 CFR, Part 261, at any time during the operation of the facility; and further, no substances other than sanitary waste and a minimal volume of laboratory waste fluid from the laboratories located in the office building shall be injected unless allowed by permit modification.

3. Waste Fluid Analysis. The UIC Program is authorized under the Safe Drinking Water Act (SDWA); therefore, the regulatory standards applicable to this permit are those promulgated under the SDWA. These standards include the Primary Drinking Water Standards found in 40 CFR Part 141 (known as Maximum Contaminant Limits [MCLs]) and Health Advisory concentration, (the lifetime concentration, if one exists). Although Health Advisory concentrations are not considered regulatory standards, they are proposed as permit limits in this Draft Permit and become enforceable permit limits when the Final Permit becomes effective. The concentration of any constituent in the injected fluid shall not exceed any MCL, or the Region 8 permit limits. These limits are included in the Total Metals, Volatile Organic Compounds (VOCs), and Semivolatile Organic Compounds (SVOCs) tables in Part II E.1 under "Regulatory Limit."

Title 40 CFR Part 141 also specifies analytical methods that must be used for compliance monitoring under UIC permits. Another analytical method may be used if the laboratory can provide Quality Control information to verify that the alternative analytical method is equivalent to the approved drinking water method. The laboratory performing the analyses for compliance monitoring under this permit shall be approved by the Colorado State Drinking Water Program to perform these analytical methods.

If an analysis of the waste fluid shows that the waste fluid exceeds these permit limits, EPA shall be notified within twenty-four (24) hours, per Part III E.10(c) of this permit. A follow-up sample shall be collected and analyzed immediately. If the second sample confirms the exceedance of permit limits, immediate corrective action must be taken to comply with the requirements in this permit, and EPA must be notified within twenty-four (24) hours after receiving analytical results. EPA will subsequently notify the permittee if injection activities shall cease.

4. Surfacing of Fluids. If, at any time, there is fluid on the top of the ground surface above the drainfield or adjacent to the drainfield resulting from the drainfield overflowing, this is considered a violation of the permit, and the disposal of fluid to the drainfield must cease immediately. The Director shall be notified within twenty-four (24) hours after the drainfield first began to overflow.

5. Best Management Practices. The permittee shall operate the facility in such a way that best environmental management practices are followed. **The WHL personnel shall be trained on the usage of the WHL Standard Operating Procedures (SOPs). The SOP documents shall be available to all facility personnel in the respective work areas and all procedures shall be strictly followed.** To reduce contamination in the fluid waste stream entering the septic tank, waste fluids generated in the General Bench and DNA/PCR laboratories, including accidental spills shall be handled in accordance with applicable sections the Parts B

and C of the WHL SOPs. Parts B and C of the WHL SOPs are found in Appendix B of this permit and are included as requirements under this permit. Solid waste generated in all laboratories at the facilities will be handled and disposed of in accordance with the requirements of the Resource Conservation and Recovery Act (RCRA).

E. SAMPLING, REPORTING OF RESULTS, AND NOTIFICATION REQUIREMENTS

1. Shallow Injection Well Sampling Program. The permittee (or a representative) shall collect waste fluid samples from the septic tank, or last accessible point closest to the drainfield. These sampling techniques shall be utilized to ensure that the fluid sample is representative of the injectate released to the subsurface, and the sample can be analyzed with EPA approved drinking water or equivalent methods. The analyzing laboratory shall utilize the same EPA methods or other methods that have been approved by the Director to make determinations of **Total Metals**, **Volatile Organic Compounds (VOCs)**, and **Semivolatile Organic Compounds (SVOCs)**. The permit limits for these constituents are listed in the following tables.

**Table 1: Permit Limits and Approved Analytical Methods for Total Metals**

Parameter Name	Regulatory Limit (µg/L)	Standard Type*	Analytical Methods
Antimony	6	MCL	200.8, 200.9
Arsenic	10	MCL	200.7, 200.8, 200.9
Barium	2,000	MCL	200.7, 200.8
Beryllium	4	MCL	200.7, 200.8, 200.9
Boron	1,400	HA-Lifetime	200.7, 212.3
Cadmium	5	MCL	200.7, 200.8, 200.9
Chromium(total)	100	MCL	200.7, 200.8, 200.9
Copper	1,300	MCL-TT	200.7, 200.8, 200.9
Iron	5,000	Region 8 Permit Limit	200.7, 200.9
Lead	15	MCL-TT	200.8, 200.9
Manganese	800	Region 8 Permit Limit	200.7, 200.8, 200.9
Mercury (inorganic)	2	MCL	245.1, 245.2, 200.8
Molybdenum	40	HA-Lifetime	200.7, 246.1, 246.2
Nickel	100	HA-Lifetime	200.7, 200.8, 200.9
Selenium	50	MCL	200.8, 200.9
Silver	100	HA-Lifetime	200.7, 200.8, 200.9
Strontium	4,000	HA-Lifetime	272.1, 272.2, 200.7
Thallium	2	MCL	200.8, 200.9
Zinc	2,000	HA-Lifetime	200.7, 200.8



**Table 2: Volatile Organic Compounds with Permit Limits (µg/L)**

<b>Parameter Name</b>	<b>CAS No</b>	<b>Permit Limit (µg/L)</b>	<b>Standard Type*</b>
1,1,1,2-Tetrachloroethane	630-20-6	70	HA-Lifetime
1,1,1-Trichloroethane	71-55-6	200	MCL
1,1,2,2-Tetrachloroethane	79-34-5	0.3	HA-Lifetime
1,1,2-Trichloroethane	79-00-5	5.0	MCL
1,1-Dichloroethylene	75-35-4	7.0	MCL
1,2-(cis)Dichloroethylene	156-59-2	70	MCL
1,2-(trans)Dichloroethylene	156-60-5	100	MCL
1,2,3-Trichloropropane	96-18-4	40	HA-Lifetime
1,2,4-Trichlorobenzene	120-82-1	70	MCL
1,2-Dibromomethane (Ethylene Dibromide [EDB])	106-93-4	0.05	MCL
1,2-Dichlorobenzene o-	95-50-1	600	MCL
1,2-Dichloroethane	107-06-2	5.0	MCL
1,2-Dichloropropane	78-87-5	5.0	MCL
1,3-Dichlorobenzene m-	541-73-1	60	HA-Lifetime
1,4-Dichlorobenzene p-	106-46-7	75	MCL
2-Butanone	78-93-3	4,000	HA-Lifetime
2-Chlorotoluene (o-)	95-49-8	100	HA-Lifetime
4-Chlorotoluene (p-)	106-43-4	100	HA-Lifetime
Acetone	67-64-1	7,000	Region 8 Permit Limit
Benzene	71-43-2	5.0	MCL
Bromobenzene	108-86-1	4,000	HA-Ten Day
Bromochloromethane	74-97-5	90	HA-Lifetime
Bromodichloromethane (THM)	75-27-4	80	MCL
Bromoform (THM)	75-25-2	80	MCL
Bromomethane	74-83-9	10	HA-Lifetime
Carbon tetrachloride	56-23-5	5.0	MCL
Chlorobenzene (Monochlorobenzene)	108-90-7	100	MCL
Chlorodibromomethane (Dibromochloromethane)(THM)	124-48-1	80	MCL
Chloroform (THM)	67-66-3	80	MCL
Chloromethane	74-87-3	30	HA-Lifetime
Dichlorodifluoromethane	75-71-8	1,000	HA-Lifetime

Parameter Name	CAS No	Permit Limit (µg/L)	Standard Type*
Dichloromethane (Methylene chloride)	75-09-2	5.0	MCL
Ethylbenzene	100-41-4	700	MCL
Hexachlorobutadiene	87-68-3	1.0	HA-Lifetime
Isopropylbenzene (cumene)	98-82-8	4,000	HA-DWEL
Naphthalene	91-20-3	100	HA-Lifetime
Perchloroethylene (PCE) (Tetrachloroethylene)	127-18-4	5.0	MCL
Styrene	100-42-5	100	MCL
Toluene	108-88-3	1,000	MCL
Total Trihalomethanes		80	MCL
Trichloroethylene (TCE)	79-01-6	5.0	MCL
Trichlorofluoromethane	75-69-4	2,000	HA-Lifetime
Vinyl chloride	75-01-4	2.0	MCL
Xylenes	1330-20-7	10,000	MCL

**Table 3: Semivolatile Organic Compounds with Permit Limits (µg/L)**

Parameter Name	CAS No	Permit Limit (µg/L)	Standard Type*
1,2,4-Trichlorobenzene	120-82-1	70	MCL
1,2-Dichlorobenzene	95-50-1	600	MCL
1,3-Dichlorobenzene	541-73-1	600	HAL
1,4-Dichlorobenzene	106-46-7	75	MCL
2,4,6-Trichlorophenol	88-06-2	10	DWEL
2,4-Dichlorophenol	120-83-2	20	HAL
2,4-Dinitrotoluene	121-14-2	100	DWEL
2,6-Dinitrotoluene	606-20-2	40	DWEL
2-Chlorophenol	95-57-8	40	HAL
4-Nitrophenol	100-02-7	60	HAL
Acenaphthene	83-32-9	2,000	DWEL
Aldrin	309-00-2	1.0	DWEL
Anthracene	120-12-7	10,000	DWEL
Benzo(a)pyrene	50-32-8	0.2	MCL
di(2-Ethylhexyl) phthalate	117-81-7	6.0	MCL
Butyl benzyl phthalate	85-68-7	7.0	DWEL
Chlordane	57-74-9	2.0	MCL

Parameter Name	CAS No	Permit Limit (µg/L)	Standard Type*
Dieldrin	60-57-1	40	DWEL
Diethyl phthalate	84-66-2	3,000	DWEL
Di-n-butyl phthalate	84-74-2	4,000	DWEL
Endrin	72-20-8	2.0	MCL
Fluorene	86-73-7	1,000	DWEL
Heptachlor	76-44-8	0.4	MCL
Heptachlor epoxide	1024-57-3	0.2	MCL
Hexachlorobenzene	118-74-1	1.0	MCL
Hexachlorobutadiene	87-68-3	1.0	HAL
Hexachlorocyclopentadiene	77-47-4	50	MCL
Hexachloroethane	67-72-1	1.0	HAL
Isophorone	78-59-1	100	HAL
Lindane	58-89-9	0.2	MCL
Naphthalene	91-20-3	0.1	HAL
Pentachlorophenol	87-86-5	1.0	MCL
Phenol	108-95-2	2,000	HAL
Pyrene	129-00-0	1,050	RfD
Toxaphene	8001-35-2	3.0	MCL

<b>HA:</b> Health Advisory. An estimate of acceptable drinking water levels for a chemical substance based on health effects information; a Health Advisory is not a legally enforceable Federal standard, but serves as technical guidance to assist federal, state, and local officials.
<b>HA-Lifetime:</b> The concentration of a chemical in drinking water that is not expected to cause any adverse, noncarcinogenic effects for a lifetime of exposure. The Lifetime HA is based on exposure of a 70-kg adult consuming 2-liters of water per day. The Lifetime HA for Group C carcinogens includes an adjustment for possible carcinogenicity.
<b>HA-DWEL:</b> Drinking Water Equivalent Level. A lifetime exposure concentration protective of adverse, noncancer, health effects that assumes all of the exposure to a contaminant is from drinking water.
<b>HA-Ten Day:</b> The concentration of a chemical in drinking water that is not expected to cause any adverse, noncarcinogenic effects for up to ten days of exposure for a 10- kg child consuming 1-liter per day.
<b>MCL:</b> Maximum Contaminant Level. The highest level of a contaminant allowed in drinking water. MCLs are set as close to the MCLG as feasible using the best available analytical and treatment technologies and taking cost into consideration. MCLs are enforceable standards.
<b>MCLG:</b> Maximum Contaminant Level Goal. A non-enforceable, health goal that is set at a level at which no-known or anticipated-adverse effect on the health of persons occurs and that allows an adequate margin of safety.
<b>Region 8 Permit Limit:</b> Permit limit calculated by Region 8 Drinking Water Toxicologist based on human-health criteria.
<b>RfD:</b> Reference Dose. An estimate (with uncertainty spanning perhaps an order of magnitude) of a daily oral exposure to the human population (including sensitive subgroups) that is likely to be without an appreciable risk of deleterious effects during a lifetime.
<b>SDWR:</b> Secondary Drinking Water Regulations. Nonenforceable Federal guidelines regarding cosmetic effects (such as tooth or skin discoloration), or aesthetic effects (such as taste, odor, or color) of drinking water.
<b>TT:</b> Treatment Technique. A required process intended to reduce the level of a contaminant in drinking water.
<b>10-4 Cancer Risk:</b> The concentration of a chemical in drinking water corresponding to an excess estimated lifetime cancer risk of 1 in 10,000.

The permittee shall notify the Director in advance of any modifications in procedures that might result in changes in chemical components of the fluid waste stream. After reviewing the proposed changes, the Director may add additional monitoring requirements as deemed necessary for the protection of underground sources of drinking water.

Sampling shall consist of analysis of the injection fluids, performed:

- **monthly** for **SVOCs** as are detected using method 8270C, 525.2, or an equivalent method,
- **quarterly** for **total metals** (the metals to be monitored under this permit are found in Appendix C) and **VOCs** as detected using method 8260B, 524.2 or an equivalent method

Whenever there is a change in the composition of injection fluids, another fluid sample shall be collected within thirty (30) days and analytical results shall be submitted to the Director within thirty (30) days of the sample collection date.

2. Sampling Information. Records of any monitoring activity required under this permit shall include:

- (a) The date, exact place, and the time of fluid sampling;
- (b) The name of the individual(s) who performed the fluid sampling;
- (c) A certification by the individual(s) who performed the sampling as to the date, exact place, and the time of the sampling;
- (d) The name and address of the laboratory that performed the analysis of the fluid;
- (e) The exact sampling method(s) used to take the samples;
- (f) The date the fluid sample was sent to the laboratory;
- (g) The date(s) laboratory analyses were performed;
- (h) The name of the individual(s) who performed the analyses;
- (i) The analytical techniques or methods and quality control used by laboratory personnel; and
- (j) The results of the analyses.

3. Reporting of Results. The permittee shall report analytical results of samples analyzed for **SVOCs** at **one (1) month intervals**. The first sample shall be collected within thirty (30) days of the effective date of this permit. The report of the analyses of the fluid shall be sent to the Director no later than four (4) weeks after the samples have been collected.

The permittee shall report analytical results of samples analyzed for **total metals** and **VOCs** at **three (3) month intervals**. The report of the analyses of the fluid shall be sent to the Director no later than four (4) weeks after the samples have been collected. **The first analyses are due no later than January 1, 2007**, and subsequent reports are due no later than January 1, April 1, July 1, and October 1 of each year.

The report of analytical results from sampling performed within thirty (30) days of an approved change in waste stream components shall be submitted to the Director within four (4) weeks of sample collection.

4. Permit Limits. The fluid to be injected shall be wastewater from the office building as specified in Part II D.2 and subject to the analysis requirements of Part II D.3 and Appendix C. The limits for this permit are included in the list of constituents required for sampling in the **total metals**, **VOCs** and **SVOCs** tables found in Part II E.1 under “Permit Limit.” Any unauthorized injectate or any exceedance of a permit limit or requirement shall be considered noncompliance with this permit and may result in an enforcement action.

5. Notification Requirements. WHL SOPs require that used formaldehyde is stored on site for disposal off site. WHL SOPs dictate how formaldehyde spills are handled so that formaldehyde is not allowed to enter the septic system. If more than one (1) gallon of formaldehyde or greater accidentally enters the 1,000 gallon septic tank, the permit limit for formaldehyde, which is 1,000 mg/L, would be exceeded. If that unlikely event should occur, WHL shall immediately plug the outlet of the septic tank leading to the drainfield, report the incident to EPA within twenty-four (24) hours per Part III.E.10(c,) and have the tank pumped before continuing discharge from the septic tank to the drainfield.

The release of an unauthorized fluid as described in Part II.D.2 into the septic tank will be considered a permit violation subject to enforcement action. If more than one (1) gallon of unauthorized fluid is released into the septic tank, the WHL shall immediately plug the outlet of the septic tank leading to the drainfield, report the incident to EPA within twenty-four (24) hours in accordance with Part III.E.10(c), and have the septic system fluids sampled before continuing discharge from the septic tank to the drainfield.

## F. RECORD KEEPING

1. Record Retention Requirement. The permittee shall retain records of all monitoring activity and results (whether or not required by this permit) and other information required by this permit for the time periods specified below. These time periods may be extended at the request of the Director at any time. The following types of records should be retained.

### 2. Records to Retain and Retention Time

- (a) All data required to complete the Permit Application form for this permit for a period of at least three (3) years after the Permit Application was submitted.
- (b) Copies of all reports required by this permit for at least three (3) years after the reports were submitted.
- (c) Records regarding the nature and composition of all injected fluids. The permittee shall continue to retain these records for a period of three (3) years after the closure of the injection well system unless the records are delivered to the Director or written approval to discard the records is obtained from the Director. This period may be extended by request of the Director at any time.
- (d) Records of monitoring information as specified under Part II E.2.

- (e) Records of when the two underground storage vaults connected to the necropsy laboratory are pumped, by whom, and disposal procedures for the pumped fluids. These records shall be retained for period of at least three (3) years.

## G. PLUGGING AND ABANDONMENT

1. Plugging and Abandonment Requirements. The method for plugging and abandonment of any shallow injection well shall not allow the movement of a fluid containing any contaminant into any underground source of drinking water (USDW), if the presence of that contaminant may cause a violation of the primary drinking water standards under 40 CFR Part 141, other health-based standards, or may otherwise adversely affect the health of persons.

2. Notice of Plugging and Abandonment. The permittee shall notify the Director in writing and provide a Plugging and Abandonment Plan at least thirty (30) calendar days before plugging and abandonment of the shallow injection well. The Plugging and Abandonment Plan must meet the requirements found in the section above.

3. Plugging and Abandonment Plan Approval. The permittee shall plug and abandon the well as provided in the Plugging and Abandonment Plan. The Plugging and Abandonment method must be approved by EPA prior to the plugging and abandonment of the shallow injection well. EPA reserves the right to change the manner in which the shallow injection well will be plugged and abandoned if it is deemed that the designated closure method is not protective of any USDW.

4. Cessation of Injection Activity. After a cessation of injection for two (2) years, the permittee shall plug and abandon the well in accordance with the Plugging and Abandonment Plan unless the permittee:

- (a) provides notice to the Director; and
- (b) demonstrates that the well will be used in the future; and
- (c) describes actions or procedures satisfactory to the Director that will be taken to ensure that the well will not endanger underground sources of drinking water during the period of temporary abandonment.

5. Plugging and Abandonment Report. Within sixty (60) calendar days after plugging the well, the permittee shall submit a narrative report to the Director. The person who performed the plugging operation shall certify per the requirements found in Part III E.9(d) that the report is accurate. The report shall consist of either: (1) a statement that the well was plugged in accordance with the approved Plugging and Abandonment Plan; or (2) a statement that the actual plugging procedures differed from the plan, including the different procedures that were followed with supporting justification for the selected closure method.

## PART III. GENERAL PERMIT CONDITIONS

### A. EFFECT OF PERMIT

The permittee is allowed to engage in underground injection in accordance with the conditions of this permit. The permittee, as authorized by this permit, shall not construct, operate, maintain, convert, plug and/or abandon, or conduct any other injection activity in a manner that allows the movement of contaminated fluid into any USDW, if the presence of that contaminant may cause a violation of any primary drinking water regulation under 40 CFR, Part 141 or otherwise adversely affect the health of persons. Any underground injection activity not authorized in this permit or otherwise authorized by permit or rule is prohibited.

Issuance of this permit does not convey property rights of any sort or any exclusive privilege; nor does it authorize any injury to persons or property, any invasion of other private rights, or any infringement of state or local law or regulations. Compliance with the terms of this permit does not constitute a defense to any enforcement action brought under the provisions of Section 1431 of the Safe Drinking Water Act (SDWA); or any other law governing protection of public health or the environment for any imminent and substantial endangerment to human health, or the environment; nor does it serve as a shield to the permittee's independent obligation to comply with all UIC regulations.

### B. PERMIT ACTIONS

1. Modification, Reissuance, or Termination. The Director may, for cause or upon a request from the permittee, modify, revoke and reissue, or terminate this permit in accordance with 40 CFR, Sections 124.5, 144.12, 144.39, and 144.40. Also, the permit is subject to minor modifications for cause as specified in 40 CFR, Section 144.41. The filing of a request for a permit modification, revocation and reissuance, termination, the notification of planned changes, or anticipated noncompliance on the part of the permittee does not stay the applicability or enforceability of any permit condition.

2. Conversions. The Director may, for cause or upon a request from the permittee, allow conversion of the well from a Class V injection well to a non-Class V well.

3. Transfers. This permit is not transferable to any person except after notice is provided to the Director and the requirements of 40 CFR, Section 144.38 is complied with. The Director may require a modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the SDWA.

### C. SEVERABILITY

The provisions of this permit are severable, and if any provision of this permit or the application of any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be thereby affected.

## D. CONFIDENTIALITY

In accordance with 40 CFR, Part 2 and 40 CFR, Section 144.5, any information submitted to EPA pursuant to this permit may be claimed as confidential by the submitter. Any such claim shall be asserted at the time of submission by stamping the words "**Confidential Business Information**" on each page containing such information. If no claim is made at the time of submission, EPA may make the information available to the public without further notice. If a claim is asserted, the validity of the claim shall be assessed in accordance with the procedures in 40 CFR, Part 2 (Public Information). Claims of confidentiality for the following information will be denied:

- The name and address of the permittee; and
- Information about the existence, absence, or level of contaminants in drinking water.

## E. GENERAL DUTIES AND REQUIREMENTS

1. Duty to Comply. The permittee shall comply with all conditions of this permit, except to the extent and for the duration such noncompliance is authorized by an emergency permit. Any permit noncompliance constitutes a violation of the SDWA and is grounds for: termination, revocation and reissuance, modification of this permit, and/or formal enforcement action. Such noncompliance may also be grounds for enforcement action under the Resource Conservation and Recovery Act (RCRA).

### 2. Continuation of Expiring Permit.

(a) Duty to Reapply. If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must submit a complete application for a new permit at least one hundred and eighty (180) days before this permit expires.

(b) Permit Extensions. The conditions of an expired permit may continue in force in accordance with 5 U.S.C. 558(c) until the effective date of a new permit, if:

- (i) The permittee has submitted a timely application that is a complete application for a new permit; and
- (ii) The Director, through no fault of the permittee, does not issue a new permit with an effective date on or before the expiration date of the previous permit.

(c) Enforcement. When the permittee is not in compliance with the conditions of the expiring or expired permit the Director may choose to do any or all of the following:

- (i). Initiate enforcement action based upon the permit that has been continued;
- (ii). Issue a notice of intent to deny the new permit. If the permit is denied, the owner or operator would then be required to cease the activities



- authorized by the continued permit or be subject to enforcement action for operating without a permit;
- (iii). Issue a new permit under 40CFR Part 124 with appropriate conditions; or
  - (iv). Take other actions authorized by these regulations.

(d) State Continuation. An EPA issued permit does not continue in force beyond its expiration date under Federal law if at that time a State has primary enforcement authority. A State authorized to administer the UIC program may continue either the EPA or State-issued permits until the effective date of the new permits, only if State law allows. Otherwise, the facility or activity is operating without a permit from the time of expiration of the old permit to the effective date of the State-issued new permit.

3. Penalties for Violations of Permit Conditions. Any person who violates any requirement of the UIC Program is subject to enforcement action under Section 1423 of the Safe Drinking Water Act (SDWA) (42 U.S.C. Section 300h-2, **et seq.**). Violations of this permit may be subject to such other actions pursuant to RCRA. If the violation is willful, criminal penalties and/or imprisonment may result in accordance with Title 18 of the United States Code.

4. Need to Halt or Reduce Activity Not a Defense. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

5. Duty to Mitigate. The permittee shall take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with this permit.

6. Proper Operation and Maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) that are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes, but is not limited to, effective performance, adequate funding, adequate operator staffing and training. This provision requires the implementation of Best Management Practices specified under Part II D.5 to achieve compliance with the conditions of this permit.

7. Duty to Provide Information. If at any time, the Director issues a written request for information: to determine whether cause exists for modifying; to revoke and reissue, or terminate this permit; or to determine compliance with this permit, the permittee shall furnish the requested information within the time specified. The permittee also shall furnish to the Director upon request copies of records required to be kept by this permit.

8. Inspection and Entry. The permittee shall allow the Director, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:

- (a) Enter upon the permittee's premises where a regulated facility or activity is located or conducted or where records must be kept under the condition of this

- permit;
- (b) Have access to and copy, at reasonable times, records that must be kept under conditions of this permit;
- (c) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- (d) Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the SDWA, any substances or parameters at any location.

9. Signatory Requirements. All reports or other information requested by the Director shall be signed and certified as follows.

- (a) All reports required by this permit and other information requested by the Director shall be signed as follows:
  - (i) for a corporation—by a responsible corporate officer, such as a president, secretary treasurer, or vice president of the corporation in charge of principal business function, or any other person who performs similar policy or decision-making functions for the corporation;
  - (ii) for partnership or sole proprietorship—by general partner or the proprietor, respectively; or
  - (iii) for municipality, state, federal, or other public agency—by either a principal executive or a ranking elected official.
- (b) A duly authorized representative of the official designated in paragraph (a) above also may sign only if:
  - (i) the authorization is made in writing by a person described in paragraph (a) above;
  - (ii) the authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, or a position of equivalent responsibility. A duly authorized representative may thus be either a named individual or any individual occupying a named position; and
  - (iii) the written authorization is submitted to the Director.
- (c) If an authorization under paragraph (b) of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph (b) of this section must be submitted to the Director prior to or together with any reports, information or applications to be signed by an authorized representative.

- (d) Any person signing a document under paragraph (b) of this section shall make the following certification:

*I certify under the penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.*

10. Reporting of Noncompliance.

- (a) Anticipated Noncompliance. The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity that may result in noncompliance with permit requirements.
- (b) Compliance Schedules. Reports of compliance or noncompliance with or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted **no later than thirty (30) calendar days following** each schedule date. The permittee will be notified by EPA in writing upon being subject to such a compliance schedule.
- (c) Twenty-four (24) Hour Reporting.
- (i) **The permittee shall report to the Director any noncompliance that may endanger health or the environment.** Information shall be provided, either orally or by leaving a message, within twenty-four (24) hours from the time the permittee becomes aware of the circumstances by telephoning **303-312-6211 and asking for the EPA Region 8 UIC Program Compliance and Enforcement Director (during normal business hours)**, or by contacting the **EPA Region 8 Emergency Operations Center at 303.293.1788 (for reporting at all other times)**. The following information shall be included in the verbal report:
- Any monitoring or other information which indicates that any contaminant may cause endangerment to a USDW.
  - Any noncompliance with a permit condition or malfunction of the injection system which may cause fluid migration into or between underground sources of drinking water.

- (ii) Written notice of any noncompliance that may endanger health or the environment **shall be provided to the Director within five (5) calendar days** of the time the permittee becomes aware of the noncompliance. The written notice shall contain a description of the noncompliance and its cause; the period of noncompliance including exact dates and times; if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to prevent or reduce recurrence of the noncompliance.
- (d) Other Noncompliance. The permittee shall report all other instances of noncompliance not otherwise reported at the time of analysis submission. The reports shall contain the information listed in Part III E.10 of this permit.
- (e) Other Information. When the permittee becomes aware that any relevant facts were not submitted in the permit application, or incorrect information was submitted in a permit application or in any report to the Director, the permittee shall submit such correct facts or information within fourteen (14) calendar days of the time such information becomes known.

11. Oil Spill and Chemical Release Reporting. The operator shall comply with all other reporting requirements related to oil spills and chemical releases or other potential impacts to human health or the environment by contacting the National Response Center (NRC) at 1.800.424.8802 or 202.267.2675, or through the NRC website at <http://www.nrc.uscg.mil/index.htm>.