

§ 144.22

40 CFR Ch. I (7-1-07 Edition)

(5) Upon failure to provide alternative financial assurance pursuant to §144.28(d)(7);

(6) Forty-eight hours after receipt of a determination by the Director pursuant to §144.28(f)(3) that the well lacks mechanical integrity, unless the Director requires immediate cessation;

(7) Upon receipt of notification from the Director pursuant to §144.28(l) that the transferee has not demonstrated financial responsibility pursuant to §144.28(d);

(8) For Class I and III wells:

(i) In States with approved programs, five years after the effective date of the UIC program unless a timely and complete permit application is pending the Director's decision; or

(ii) In States with programs administered by EPA, one year after the effective date of the UIC program unless a timely and complete permit application is pending the Director's decision; or

(9) For Class II wells (except enhanced recovery and hydrocarbon storage), five years after the effective date of the UIC program unless a timely and complete permit application is pending the Director's decision.

(d) *Class II and III wells in existing fields or projects.* Notwithstanding the prohibition in §144.11, this section authorizes Class II and Class III wells or projects in existing fields or projects to continue normal operations until permitted, including construction, operation, and plugging and abandonment of wells as part of the operation, provided the owner or operator maintains compliance with all applicable requirements.

(e) *Requirements.* The owner or operator of a well authorized under this section shall comply with the applicable requirements of §144.28 and part 147 of this chapter no later than one year after authorization.

[48 FR 14189, Apr. 1, 1983, as amended at 49 FR 20181, May 11, 1984; 58 FR 63895, Dec. 3, 1993]

**§ 144.22 Existing Class II enhanced recovery and hydrocarbon storage wells.**

(a) An existing Class II enhanced recovery or hydrocarbon storage injection well is authorized by rule for the

life of the well or project, if the owner or operator injects into the existing well within one year after the date which a UIC program authorized under the SDWA becomes effective for the first time or inventories the well pursuant to the requirements of §144.26. An owner or operator of a well which is authorized by rule pursuant to this section shall rework, operate, maintain, convert, plug, abandon or inject into the well in compliance with applicable regulations.

(b) *Duration of well authorization by rule.* Well authorization under this section expires upon the effective date of a permit issued pursuant to §§144.25, 144.31, 144.33 or 144.34; after plugging and abandonment in accordance with an approved plugging and abandonment plan pursuant to §§144.28(c) and 146.10 of this chapter, and upon submission of a plugging and abandonment report pursuant to §144.28(k); or upon conversion in compliance with §144.28(j).

(c) *Prohibitions on injection.* An owner or operator of a well authorized by rule pursuant to this section is prohibited from injecting into the well:

(1) Upon the effective date of an applicable permit denial;

(2) Upon failure to submit a permit application in a timely manner pursuant to §§144.25 or 144.31;

(3) Upon failure to submit inventory information in a timely manner pursuant to §144.26;

(4) Upon failure to comply with a request for information in a timely manner pursuant to §144.27;

(5) Upon failure to provide alternative financial assurance pursuant to §144.28(d)(7);

(6) Forty-eight hours after receipt of a determination by the Director pursuant to §144.28(f)(3) that the well lacks mechanical integrity, unless the Director requires immediate cessation; or

(7) Upon receipt of notification from the Director pursuant to §144.28(l) that the transferee has not demonstrated financial responsibility pursuant to §144.28(d).

(d) *Requirements.* The owner or operator of a well authorized under this section shall comply with the applicable requirements of §144.28 and part 147 of this chapter. Such owner or operator

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shall comply with the casing and cementing requirements no later than 3 years and other requirements no later than 1 year after authorization.

[49 FR 20181, May 11, 1984, as amended at 58 FR 63896, Dec. 3, 1993]

### § 144.23 Class IV wells.

(a) Injection into existing Class IV wells is authorized for up to six months after approval or promulgation of the UIC Program. Such wells are subject to the requirements of §§144.13 and 144.14(c).

(b) *Closure.* For EPA administered programs only,

(1) Prior to abandoning any Class IV well, the owner or operator shall plug or otherwise close the well in a manner acceptable to the Regional Administrator.

(2) [Reserved]

(3) The owner or operator of a Class IV well must notify the Regional Administrator of intent to abandon the well at least thirty days prior to abandonment.

(c) Notwithstanding the requirements of paragraphs (a) and (b) of this section, injection wells used to inject contaminated ground water that has been treated and is being injected into the same formation from which it was drawn are authorized by rule for the life of the well if such subsurface emplacement of fluids is approved by EPA, or a State, pursuant to provisions for cleanup of releases under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), 42 U.S.C. 9601-9675, or pursuant to requirements and provisions under the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 6901-6992k.

[49 FR 20181, May 11, 1984, as amended at 60 FR 33932, June 29, 1995; 64 FR 68566, Dec. 7, 1999]

### § 144.24 Class V wells.

(a) A Class V injection well is authorized by rule, subject to the conditions in §144.84

(b) *Duration of well authorization by rule.* Well authorization under this section expires upon the effective date of a permit issued pursuant to §§144.25,

144.31, 144.33 or 144.34, or upon proper closure of the well.

(c) *Prohibition of injection.* An owner or operator of a well which is authorized by rule pursuant to this section is prohibited from injecting into the well:

(1) Upon the effective date of an applicable permit denial;

(2) Upon failure to submit a permit application in a timely manner pursuant to §§144.25 or 144.31;

(3) Upon failure to submit inventory information in a timely manner pursuant to §144.26; or

(4) Upon failure to comply with a request for information in a timely manner pursuant to §144.27.

[58 FR 63896, Dec. 3, 1993, as amended at 64 FR 68566, Dec. 7, 1999]

### § 144.25 Requiring a permit.

(a) The Director may require the owner or operator of any Class I, II, III or V injection well which is authorized by rule under this subpart to apply for and obtain an individual or area UIC permit. Cases where individual or area UIC permits may be required include:

(1) The injection well is not in compliance with any requirement of the rule;

NOTE: Any underground injection which violates any authorization by rule is subject to appropriate enforcement action.

(2) The injection well is not or no longer is within the category of wells and types of well operations authorized in the rule;

(3) The protection of USDWs requires that the injection operation be regulated by requirements, such as for corrective action, monitoring and reporting, or operation, which are not contained in the rule.

(4) When the injection well is a Class I, II (except existing enhanced recovery and hydrocarbon storage) or III well, in accordance with a schedule established by the Director pursuant to §144.31(c).

(b) For EPA-administered programs, the Regional Administrator may require an owner or operator of any well which is authorized by rule under this subpart to apply for an individual or area UIC permit under this paragraph only if the owner or operator has been notified in writing that a permit application is required. The owner or operator of a well which is authorized by