

## § 144.84

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

listed in paragraph (a) (2) (iii) as follows:

(A) Sand or other backfill wells (40 CFR 144.81(8) and 146.5(e)(8) of this chapter);

(B) Geothermal energy recovery wells (40 CFR 144.81(11) and 146.5 (e)(12) of this chapter);

(C) Brine return flow wells (40 CFR 144.81(13) and 146.5 (e)(14) of this chapter);

(D) Wells used in experimental technology (40 CFR 144.81(14) and 146.5 (e)(15) of this chapter);

(E) Municipal and industrial disposal wells other than Class I; and

(F) Any other Class V wells at the discretion of the Regional Administrator.

(iii) You must provide a list of all wells owned or operated along with the following information for each well. (A single description of wells at a single facility with substantially the same characteristics is acceptable).

(A) Location of each well or project given by Township, Range, Section, and Quarter-Section, or by latitude and longitude to the nearest second, according to the conventional practice in your State;

(B) Date of completion of each well;

(C) Identification and depth of the underground formation(s) into which each well is injecting;

(D) Total depth of each well;

(E) Construction narrative and schematic (both plan view and cross-sectional drawings);

(F) Nature of the injected fluids;

(G) Average and maximum injection pressure at the wellhead;

(H) Average and maximum injection rate; and

(I) Date of the last inspection.

(3) Regardless of whether your well is in a Primacy State or DI Program you are responsible for knowing about, understanding, and complying with these inventory requirements.

(b) *Information in response to requests.* If you are in one of the DI Programs listed in the table above, the UIC Program Director may require you to submit other information believed necessary to protect underground sources of drinking water.

(1) Such information requirements may include, but are not limited to:

(i) Perform ground water monitoring and periodically submit your monitoring results;

(ii) Analyze the fluids you inject and periodically submit the results of your analyses;

(iii) Describe the geologic layers through which and into which you are injecting; and

(iv) Conduct other analyses and submit other information, if needed to protect underground sources of drinking water.

(2) If the Director requires this other information, he or she will request it from you in writing, along with a brief statement on why the information is required. This written notification also will tell you when to submit the information.

(3) You are prohibited from using your injection well if you fail to comply with the written request within the time frame specified. You can start injecting again only if you receive a permit.

### § 144.84 Do I need to get a permit?

No, unless you fall within an exception described below:

(a) *General authorization by rule.* With certain exceptions listed in paragraph (b) of this section, your Class V injection activity is "authorized by rule," meaning you have to comply with all the requirements of this subpart and the rest of the UIC Program but you don't have to get an individual permit. Well authorization expires once you have properly closed your well, as described in §144.82(b).

(b) *Circumstances in Which Permits or other Actions are Required.* If you fit into one of the categories listed below, your Class V well is no longer authorized by rule. This means that you have to either get a permit or close your injection well. You can find out by contacting the UIC Program Director in your State or EPA Region if this is the case. Subpart D of this Part tells you how to apply for a permit and describes other aspects of the permitting process. Subpart E of this Part outlines some of the requirements that apply to you if you get a permit.

(1) You fail to comply with the prohibition of fluid movement standard in §144.12(a) and described in §144.82(a) (in

## Environmental Protection Agency

## § 144.86

which case, you have to get a permit, close your well, and/or comply with other conditions determined by the UIC Program Director in your State or EPA Region);

(2) You own or operate a Class V large-capacity cesspool (in which case, you must close your well as specified in the additional requirements below) or a Class V motor vehicle waste disposal well in a ground water protection area or sensitive ground water area (in which case, you must either close your well or get a permit as specified in the additional requirements in this subsection). New motor vehicle waste disposal wells and new cesspools are prohibited as of April 5, 2000;

(3) You are specifically required by the UIC Program Director in your State or EPA Region to get a permit (in which case, rule authorization expires upon the effective date of the permit issued, or you are prohibited from injecting into your well upon:

(i) Failure to submit a permit application in a timely manner as specified in a notice from the Director; or

(ii) Upon the effective date of permit denial);

(4) You have failed to submit inventory information to your UIC Program Director, as described in §144.83(a) (in which case, you are prohibited from injecting into your well until you comply with the inventory requirements); or

(5) If you are in a DI State and you received a request from your UIC Program Director for additional information under §144.83(b), and have failed to comply with the request in a timely manner (in which case, you are prohibited from injecting into your well until you get a permit).

### ADDITIONAL REQUIREMENTS FOR CLASS V LARGE-CAPACITY CESSPOOLS AND MOTOR VEHICLE WASTE DISPOSAL WELLS

#### §144.85 Do these additional requirements apply to me?

(a) *Large-Capacity Cesspools.* The additional requirements apply to all new and existing large-capacity cesspools regardless of their location. If you are using a septic system for these type of wastes you are not subject to the additional requirements in this subpart.

(b) *Motor Vehicle Waste Disposal Wells Existing on April 5, 2000.* If you have a Class V motor vehicle waste disposal well these requirements apply to you if your well is located in a ground water protection area or other sensitive ground water area that is identified by your State or EPA Region. If your State or EPA Region fails to identify ground water protection areas and/or other sensitive ground water areas these requirements apply to all Class V motor vehicle wells in the State.

(c) *New Motor Vehicle Waste Disposal Wells.* The additional requirements apply to all new motor vehicle waste disposal wells as of April 5, 2000.

#### §144.86 What are the definitions I need to know?

(a) *State Drinking Water Source Assessment and Protection Program.* This is a new approach to protecting drinking water sources, specified in the 1996 Amendments to the Safe Drinking Water Act at Section 1453. States must prepare and submit for EPA approval a program that sets out how States will conduct local assessments, including: delineating the boundaries of areas providing source waters for public water systems; identifying significant potential sources of contaminants in such areas; and determining the susceptibility of public water systems in the delineated areas to the inventoried sources of contamination.

(b) *Complete Local Source Water Assessment for Ground Water Protection Areas.* When EPA has approved a State's Drinking Water Source Assessment and Protection Program, States will begin to conduct local assessments for each public water system in their State. For the purposes of this rule, local assessments for community water systems and non-transient non-community systems are complete when four requirements are met: First, a State must delineate the boundaries of the assessment area for community and non-transient non-community water systems. Second, the State must identify significant potential sources of contamination in these delineated areas. Third, the State must "determine the susceptibility of community and non-transient non-community water systems in the delineated area to such