

Arizona Primacy Underground Injection Control (UIC) Overview of Stakeholder Input

August 3, 2018



The Underground Injection Control Program

EPA regulates injection wells used to place fluids underground for Storage or Disposal

- Construction
- Operation
- Permitting
- Closure

The Safe Drinking Water Act (SDWA) allows States to assume primacy of UIC if certain requirements are met.

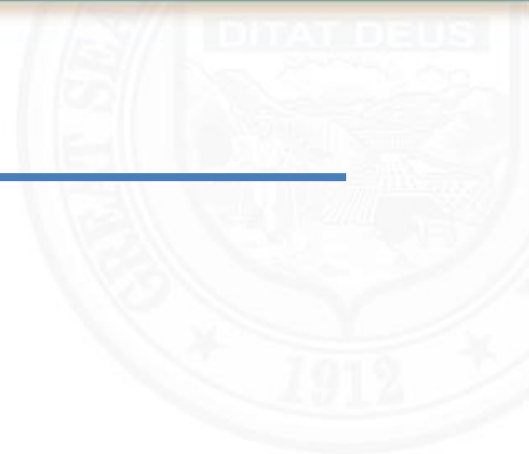
- Arizona must satisfy EPA requirements to obtain UIC primacy.



Pros and Cons to AZ UIC Primacy

Pros

Cons



Streamlining

- Faster Permitting
- Reduce duplication
- Permit Timeframes (LTF)

Local Control

- ADEQ expertise on state's groundwater and water laws
- Easier access to local regulator

Adequate funding and expertise

- limited staff resources
- “Rubber stamping” permits
- “Pay for play” fee system
- Lack of AZ expertise and experience with UIC
- Cost for permitting
- Loss of other Federal Program oversight (NEPA, ESA)

Local political influence

- lack of EPA oversight
- lack of stringency

UIC coordination with APP

- UIC Aquifer Exemption versus AZ Aquifer Reclassification
- AWQs versus Drinking Water Standards

EPA Oversight:

- Technical expertise
- Distance from local politics
- Exemptions for saline aquifers
- Public review including cultural & environmental impacts
- Simple no cost Class V well notification; online forms

Lengthy Permitting

- Burdensome reporting requirements – particularly for Class III
- Lengthy NEPA and NHPA
- Lack of alignment between ADEQ and EPA
- Permitting Timelines
- Lack of regulatory clarity in current program
- Duplication and misalignment between UIC and APP

Environmental Protection

- Aquifer Exemptions
- Insufficient environmental protection

Questions on other Federal Programs And Tribes

- Tribal consultations
- Endangered species, NEPA, cultural resources

Questions on Public Participation and Protection

- Private right to action
- Public notice and public participation
- Enforcement, monitoring, contamination
- Protection of private wells
- “Pay for play” permitting fee structure

Guiding Principles and Design Values

Develop a clear streamlined permitting process

Ensure AZ has sufficient technical expertise

Develop sufficient funding source(s) that are not reliant upon granting permit approval

Ensure AZ UIC is as careful in approving permits as EPA

Ensure that APP and UIC programs are compatible

Develop simplified permit reporting requirements

Ensure coordination and alignment with EPA

Ensure the AZ UIC program meets other applicable federal program requirements, including tribal consultation

Ensure adequate protection of individual private rights

Develop a robust enforcement program

Develop a robust public participation process



- 1 Develop a clear streamlined permitting process
- 2 Ensure AZ has sufficient technical expertise
- 3 Develop sufficient funding source(s) that are not reliant upon granting permit approval
- 4 Ensure AZ UIC is as careful in approving permits as EPA
- 5 Ensure that APP and UIC programs are compatible
- 6 Develop simplified permit reporting requirements
- 7 Ensure coordination and alignment with EPA
- 8 Ensure the AZ UIC program meets other applicable federal program requirements, including tribal consultation
- 9 Ensure adequate protection of individual private rights
- 10 Develop a robust enforcement program
- 11 Develop a robust public participation process

Projected Timeline



Initial Stakeholder Meetings

- Summer 2018

Send High Level Program and Rule Components

- Fall 2018

Stakeholder Meetings on Preliminary Draft Rule

- Spring 2019

Formal Rule Process (Public Hearing, GRRC)

- Winter 2019

Submit to EPA

- Spring 2020