



Arizona Department of Environmental Quality

Underground Injection Control (UIC) Primacy

November 6, 2019



- UIC Program Background
- Major AZ UIC Primacy Tasks
- Draft AZ UIC Program Rule Stakeholder Review Process
- Your Feedback

What is Underground Injection Control?

An injection well is used to place fluid underground into porous geologic formations. Injected fluids may include water, wastewater, brine (salt water), or water mixed with chemicals.

Section 1421 of the Safe Drinking Water Act (SDWA):

- Establishes a program to regulate wells that inject fluids into aquifers for the purpose of protecting Underground Sources of Drinking Water.
- Underground injection activities are prohibited unless authorized either by rule or permit.



Brine Injection Well Head
San Antonio Water System



Stormwater Drywell
1110 West Washington

UIC Well Class	Description	Current UIC Facilities in Arizona
I	Used to inject hazardous and non-hazardous wastes deep underground.	none
II	Used to inject fluids associated with oil and natural gas production.	none
III	Used to inject fluids to dissolve and extract minerals.	3
IV	Prohibited shallow wells used to inject hazardous wastes.	none
V	Used to inject non-hazardous fluids underground. Includes drywells, large septic systems, and groundwater storage wells.	> 50,000 authorized by rule
VI	Used for injection of carbon dioxide (CO ₂) into underground subsurface rock formations.	none

2019

2020

2021

AZ UIC Primacy Tasks

Draft UIC Program Rule – Phase I

- EPA UIC rules adapted for Arizona
- First of the Arizona UIC program rule will undergo informal stakeholder review in November 2019.

Draft UIC Program Rule – Phase 2

- Licensing Time Frames (LTF) are regulatory permitting conditions specific to Arizona that limit ADEQ's permit application review timelines.
- Program fees must also be written into rule and adequate to sustain the new state program in the long term.

ADEQ Formal Rulemaking

- Notice of Rulemaking Docket Opening published by the Secretary of State on September 27, 2019

Application for Primary Enforcement Authority

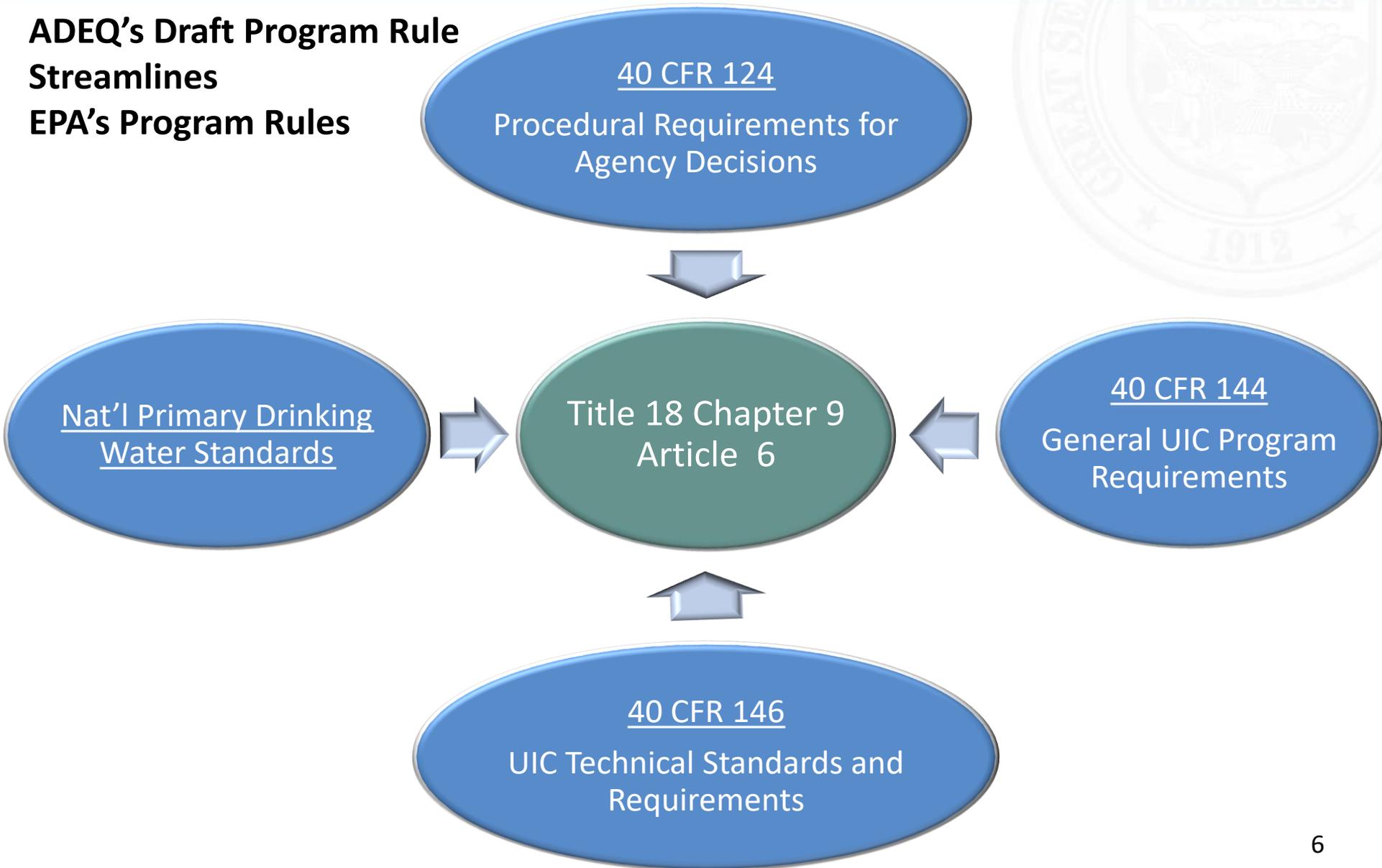
- The following legal documents are also required where a state seeks to obtain UIC primacy:
 - Letter from Arizona's governor requesting EPA approval.
 - Legal program description required under 40 CFR 145.23.
 - Arizona Attorney General's statement as prescribed by 40 CFR 145.24.
 - Memorandum of Agreement between EPA and ADEQ pursuant to 40 CFR 145.25.
 - Other elements as described under 40 CFR 145.22.

Submit Application to EPA

EPA Review and Approval

AZ Draft UIC Program Rule Structure

**ADEQ's Draft Program Rule
Streamlines
EPA's Program Rules**



What is in the Draft Program Rule?



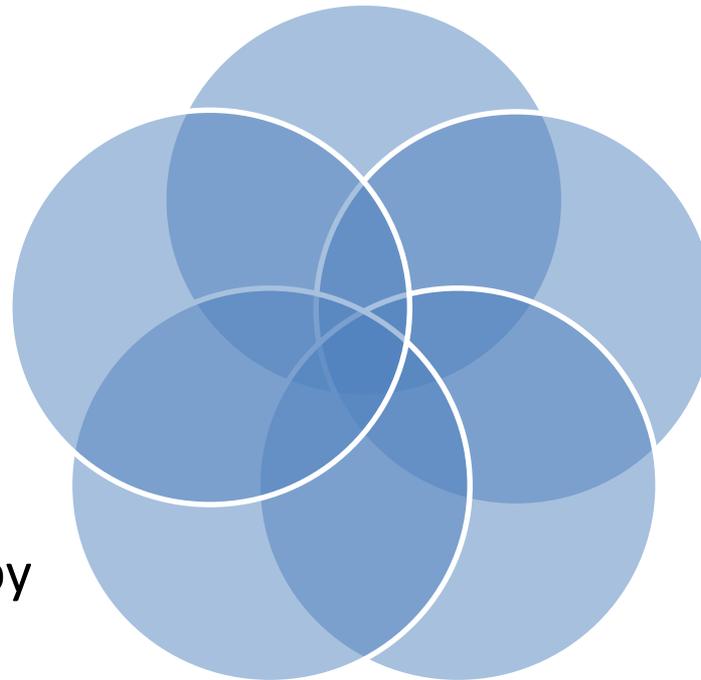
General Requirements for Arizona UIC Program

Technical
Requirements
Specific to Each
Well Class

Authorization
by Permit (all
Well Classes)

Authorization by
Rule (Class V
wells only)

Public
Participation



“One-stop” Program Rule

- Implements a clear, concise, and streamlined permitting process.
- Ensures AZ UIC is as careful in administering the program as EPA.
- Ensures coordination and alignment between ADEQ and EPA.
- Ensures a robust public participation process.

Guiding Principle and Design Value

Ensure AZ UIC Program meets other applicable federal program requirements including tribal consultation.

National Environmental Protection Act (NEPA)

Not applicable to a UIC program administered by the State of Arizona.

National Historic Preservation Act (NHPA)

ADEQ will meet its AZ State Historic Preservation Act (SHPA) duties through the program permit process.

Endangered Species Act (ESA)

ESA Section 7 does not apply to State program

ADEQ will meet its Section 9 duties through the program permit process; —as is currently done with AZPDES.

Guiding Principle and Design Value

Ensure AZ UIC Program meets other applicable federal program requirements including tribal consultation.

Partnership

- Continued partnership between the State and Tribal Nations

Communication

- Enhanced communication between the State and Tribal Nations

Mutual Understanding

- Continuous efforts toward a mutual understanding of:
 - Factors important to each sovereign nation and the State.
 - ADEQ's process following acquisition of UIC primacy.
 - Future interactions between Tribal nations and the State following an approval for UIC primacy

Notice of Rulemaking Docket Opening

- Published: September 27, 2019

Informal Stakeholder Review of Draft UIC Program Rule

- Webinar: November 6, 2019

Informal Stakeholder Comments Due

- November 26, 2019

Informal Stakeholder Review Follow-Up Meeting

- December 13, 2019

Formal Rule Process (NPRM, Public Hearing, NFRM)

- Spring/Summer 2020



What is good?

What is wrong?

What is missing?

What is unclear?

Thank you for attending!

We sincerely hope to hear from you. Your feedback will be considered in the final version of the AZ UIC Primacy Application and Rule.

Please submit your questions and comments to the AZ UIC Primacy Project email address:

uic@azdeq.gov

ADEQ will send a GovDelivery Email with a link to the draft rule

Do you, our customers, understand when the rules apply to you, and what that means?

- Is the applicability section clear?
- Are requirements clear for Class I (brine disposal) and Class VI (carbon sequestration) wells?
- Could Financial Responsibility requirements be more clear, for example would using Aquifer Protection Permit (APP) Financial Requirements provide more clarity?

- To subscribe to ADEQ announcements via GovDelivery, click “subscribe” on bottom right of the [ADEQ home page](#)
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