

Arizona Department of Environmental Quality

Underground Injection Control (UIC) High Level Overview of Proposed Rule

December 14, 2018



The Underground Injection Control Program

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

- Permitting
- Construction
- Operation
- 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.



Approach to Developing Proposed Rules

Analyzed the current EPA rule structure.

Studied the rule structure of states with UIC primacy.

Best approach is to use EPA rule structure tailored to meet the needs of Arizona.



Justification for Approach

Focus on Guiding Principles and Design Values

Ensures Stringency Equal to EPA program

Simplify and Expedite EPA Primacy Review Process

Eases Transition for Permittees from EPA to Arizona UIC program



40 C.F.R. Part 145 UIC Program

- Permitting
- Compliance Evaluation
- Enforcement
- Sharing Information

40 C.F.R. Part 144 UIC Program

- Authorization by Rule
- Authorization by Permit
 - Permit Conditions
 - Financial Assurances
- Requirements for Owners/ Operators of UIC wells

40 C.F.R. Part 146 UIC Criteria and Standards

- Criteria for Exempted Aquifers
- Classification of Injection Wells
- Area of Review
- Corrective Action
- Mechanical Integrity
- Plugging and Abandonment

40 C.F.R. Part 124 Procedures for Decision Making

- Application Process
- Modification, Revocation, Reissuance, and Termination
- Draft Permits
- Fact Sheets
- Public Involvement (Notice, Comments, Hearing)
- Issuance and Effective Date of Permit
- Appeals



No More Than Arizona Statutory Ceiling

A.R.S. § 49-104(A)(16)



No Less Than EPA's Requirements Floor

40 C.F.R. § 145.11(a)

Examples of Language Removal

Tribal Lands
Regulation

Authorization
by Rule for
Existing Class
1,2, and 3
wells

Hazardous
Waste
Disposal

Examples of Language Tailored to Arizona

Simplifying
Class V
Notifications
through existing
AZ Notifications

Compliance
with ADHS
Laboratory
Requirements

Arizona
Confidentiality
Requirements

Examples of Discretionary Language

Expiring
Permit
Continuance

Transitioning
from Class II
to Class VI
wells

Names and
Addresses of
nearby
Landowners



ADEQ has sent letters requesting consultation to all 22 recognized tribes in Arizona

We expect to meet with interested Tribal Leaders beginning in January 2019

ADEQ anticipates presenting proposed draft rule language in the 3rd Quarter of 2019.

ADEQ Proposed Communication Schedule

Quarterly updates to stakeholders (via Govdelivery).

Updates for unforeseen developments requiring stakeholder input.

Next Stakeholder Meeting set after initial draft rule is sent to stakeholders

Projected Timeline



Initial Stakeholder Meetings

- 2nd -3rd Quarters of 2018

Provide High Level Program and Rule Overview

- 4th Quarter of 2018

Stakeholder Meetings on Preliminary Draft Rule

- 3rd Quarter of 2019

Formal Rule Process (Public Hearing, GRRC)

- 1st Quarter of 2020

Submit to EPA

- 2nd Quarter of 2020



What pitfalls
do you see?

This is the
part where
we listen
to you

What do you
value?

What
concerns do
you have
about the
schedule?

What
questions do
you have
about UIC
rulemaking?



- To subscribe to ADEQ announcements via GovDelivery, click “subscribe” on bottom right of the ADEQ home page
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