

## **Underground Injection Control Populating the Quarterly Exceptions List**

**May 25, 2017**

The purpose of this document is to clarify existing instructions that primacy Underground Injection Control (UIC) programs use when preparing Form 7520 Part IV: *Quarterly Exception List*. The existing instructions for populating the Quarterly Exceptions List are derived from Guidance 53, *FY 1987 Reporting Requirements* and Guidance 70, *1991 Reporting Requirements*. The Quarterly Exceptions List is particularly important because, in most instances, it is the only well specific information primacy programs provide to EPA.

In February 2016, the General Accounting Office issued a report, *EPA Needs to Collect Information and Consistently Conduct Activities to Protect Underground Sources of Drinking Water (GAO-16-281)*. The report noted that there are inconsistencies in the criteria state and regional UIC programs use to populate the Quarterly Exceptions List. Inconsistencies in reporting on this form make it challenging to understand the national picture of whether UIC wells with significant non-compliance are acted upon and brought into compliance in a timely manner. The GAO requested that EPA clarify the instructions in order to improve data consistency and completeness. This document is intended to provide those clarifying instructions.

The Quarterly Exceptions List is specific to the types of violations that are considered to be “significant noncompliance” (SNC). Once the SNC violation is identified, the primacy program is expected to issue a formal enforcement action within 90 days unless the well is back in compliance. The well goes on the Quarterly Exception List if, by the end of the second calendar quarter after the SNC violation is identified, the well is still not in compliance and the primacy program has not initiated formal enforcement to correct the violation. If SNC violations are on the path to compliance (i.e., incorporated into an issued formal enforcement action) or returned to compliance, within two calendar quarters, they are not reported on the Quarterly Exception List.

Form 7520 Part IIB: *Compliance Evaluation Significant Noncompliance* defines SNC as: (a) violations that the UIC program director decides endanger or pose a significant potential to endanger underground sources of drinking water (USDW);<sup>1</sup> and (b) violations that are not addressed after enforcement actions. Violations which would rise to the level of a SNC include but are not limited to:

- knowingly submitting false information;
- unauthorized injection; and
- operation of certain wells which have lost mechanical integrity.

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<sup>1</sup> See Memo from Michael B. Cook, “UIC Program Definition of Significant Noncompliance” (December 4, 1986) for factors that the UIC program director should consider in making this determination.

Formal enforcement may be accomplished by EPA and states through a variety of mechanisms, depending on applicable legal authorities. To be considered a formal enforcement action, the selected mechanism must: (1) contain a description of the violation, with a citation to the applicable state/Federal law or rule; (2) state what is required to return to compliance; (3) contain a compliance schedule; and (4) provide the State/EPA with authority to impose penalties for violation of the enforcement document. For example, an EPA administrative order issued pursuant to section 1423(c) of the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300h-2(c), is a formal enforcement action. A formal enforcement action has the intent and effect of bringing a non-compliant injection well back into compliance.

Once a well has been reported on the Quarterly Exceptions List it remains there until it returns to compliance. This is true even if the primacy program issues a formal enforcement action after the well has become an exception. This means that some wells could remain on the exceptions list for a long time as some enforcement actions can take years. All enforcement actions taken after the well has been placed on the Quarterly Exception List are tracked and the well remains on the list through the quarter during which it returned to compliance or a civil or criminal case has been filed by the State Attorney General or the Department of Justice (i.e., it is beyond EPA's jurisdiction).

## **Instructions for Populating the 7520-4 form**

Instructions for filling out the 7520-4 form are located on the reverse side of the form itself. The EPA updated these instructions, as well as the instructions for other 7520 forms, as part of the UIC program's FY 2015 Information Collection Request (ICR) renewal. Below, wording in italics is directly from the form. Clarifications follow in plain font.

### *General*

*Do not leave the form blank. If there are no exceptions, indicate "none".*

The 7520-4 should be included as part of all 7520 submissions even when there are no exceptions to be reported.

### *Section I: Reporting Period*

*All reporting is cumulative over the federal fiscal year and includes activities from October 1 – March 31 (for midyear reporting) and from October 1 – though September 30 (for end of year reporting).*

In FY 2012, the EPA reduced the requirement to submit most 7520s from quarterly to semi-annually. Regions should continue to ask states for the 7520-4 report on a quarterly basis, particularly if there are wells already on their states' Exceptions List which remain to be addressed.

### *Section II: Well Class and Type*

*Enter the well class and type of each well in SNC for two or more consecutive quarters. For Class I wells, specify IH for hazardous waste, IM for Municipal Waste and Ii for industrial waste. For Class II wells, specify IID for saltwater disposal, IIR for enhanced recovery and IIIH for liquid hydrocarbon storage.*

No clarification.

### *Section III – Name and address of Owner/Operator*

*Enter the name of the primary contact for the injection well. Use multiple lines of the form if needed. (You may use one form for each contact)*

In consultation with the states, "owner/operator" has been defined in National UIC Database as primary contact. Generally, that will be the owner or operator. The well itself can be identified by the unique ID along with additional information about the responsible party.

### *Section IV – Well ID no. (Permit no)*

*Enter the primacy agency-assigned I.D. number of the injection well in SNC. If the well has a UIC permit number, enter this as the I.D. number.*

The exceptions list is well specific; it is important that a unique well can be identified from primacy agency records if necessary. If the well in SNC is within an area permit, the well must still have a unique well identifier.

*Section V – Summary of Violations*

*Enter the date the SNC violation was first identified as a violation and place an X in the appropriate column. In the event that there were multiple SNC violations for a single well, enter each violation and the date it was identified on a separate line.*

This is the date of the original SNC violation (s). It is important that each SNC violation be listed, so that sequential enforcement action dates and return to compliance for that violation can be tracked. A given well has returned to compliance when all of the underlying violations are resolved.

*Section VI – Summary of Enforcement*

*Enter the date of an enforcement action was taken against the SNC violation and place an X in the appropriate column. In the event that there were multiple enforcement actions, enter each enforcement action and the date it was taken on a separate line.*

This is the date of the first enforcement action. The subsequent enforcement actions and dates are entered on separate lines.

*Section VII – Date Compliance Achieved*

*Enter the date compliance is achieved for each violation.*

Each initial violation should be linked to a return to compliance date.



## Instructions and Definitions

The Quarterly Exceptions list is used to track wells reported in significant noncompliance (SNC) on EPA Form 7520-2B for two or more consecutive quarters without being addressed with a formal enforcement action or being returned to compliance. Any SNC reported on Form 7520-4 shall be reported until the well in SNC is returned to compliance. The well is removed from the exceptions list in the subsequent reporting period.

Do not leave the form blank. If there are no exceptions, indicate none.

### Section I - Reporting Period

All reporting is cumulative over the federal fiscal year, and includes activities from October 1- March 31 (for midyear reporting) and from October 1- September 30 (for end of year reporting).

### Section II - Well Class and Type

Enter the well class and type of each well in SNC for two or more consecutive quarters. For Class I wells, specify IH for hazardous waste, IM for municipal waste, Ii for industrial waste. For Class II wells, specify IID for saltwater disposal, IIR for enhanced recovery, IIH for liquid hydrocarbon storage.

### Section III - Name and Address of Owner/Operator

Enter the name and address of the primary contact for the injection well. Use multiple lines of the form if needed. (You may use one form for each owner/operator.)

### Section IV - Well ID No. (Permit No.)

Enter the primary agency-assigned I.D. number of the injection well in SNC. If the well has a UIC permit number, enter this as the I.D. number.

### Section V - Summary of Violations

Enter the date the SNC violation was first identified and place an "X" in the appropriate column. In the event that there were multiple SNC violations for a single well, enter each violation and the date it was identified on a separate line.

### Section VI - Summary of Enforcement

Enter the date an enforcement action was taken against the SNC violation and place an "X" in the appropriate column. In the event that there were multiple enforcement actions, enter each enforcement action and the date it was taken on a separate line.

### Section VII - Date Compliance Achieved

Enter the date compliance is achieved for each violation.

#### Paperwork Reduction Act

The public reporting and record keeping burden for this collection of information is estimated to average 2 hours per response. Burden means the total time, effort, or financial resource expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal Agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to the collection of information; search data sources; complete and review the collection of information; and, transmit or otherwise disclose the information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including the use of automated collection techniques to Director, Collection Strategies Division, U.S. Environmental Protection Agency (2822), 1200 Pennsylvania Ave., NW., Washington, DC 20460. Include the OMB control number in any correspondence. Do not send the completed forms to this address.

EPA Form 7520-4 (12-31-15) Revised