

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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DATE:

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SUBJECT:

Changes to construction plans occurring during the drilling of a well. Ground-Water Program Guidance No. 22 (GWPG #22)

UIC

FROM:

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TO:

Water Division Directors Regions I - X
Water Supply Branch Chiefs
UIC Representatives

PURPOSE

The purpose of this guidance is to define how permitting authorities (States or Regions) should handle approval of changes to construction plans which may occur during the drilling of a well.

BACKGROUND

The regulations state at §122.42(a) that changes in construction plans during construction may be approved by the Director as minor modifications of the permit under §122.17(f)(2). However, such changes may not be physically incorporated into construction of the well prior to approval of the modification by the Director.

The litigants have requested clarification of the approval process since §122.17 is silent on the subject, and they are concerned that an operator may be required to halt construction for an indefinite period for minor changes in the construction plans.

Changes in construction plans that may occur during drilling and construction of a well will fall into two categories:

A. Major Changes

These are changes that necessitate a detailed review by the Director and may lead to changes in operating parameters or corrective action requirements.

1. A change in the injection formation.
It is possible that after drilling and logging of a well, the operator finds that a formation other than that described in the permit is a preferable injection formation because of better permeability or other characteristics. The Director needs to review carefully the effects of using this different formation on the area of review, the corrective action requirements and the pressure limitations. This change may entail the submission of additional data on the part of the operator.
2. A material change in the setting depth or cementing of surface casing.
This casing is the most important as far as protection of USDWs. Any change in the permitted requirements must be carefully examined and adequately supported by additional data.

As part of the permit conditions, the Director must require a written description of these changes and give his approval before they can be executed.

B. Minor Changes

All other changes, and these are much more likely to occur, are minor changes; they include but are not limited to changes in the number of casing strings; changes in the size or material of intermediate and production casings; changes in the completion of the well (e.g. size and type of screen); changes in the exact setting of screens or injection intervals within the permitted injection formation; and changes in the type of cement used.

For these changes it is important that the Director give a quick approval since delays in construction and completion of the well are very costly to the operator.

The approval process can, for these minor changes, be handled in either of the following ways:

1. The Director may elect to have one of his representatives (such as the engineer

in charge of the permit) present during the drilling of the well, and empowered to approve minor changes.

2. The Director may require that oral reports of these minor changes be made to him or his representative and give oral or written approval. If he chooses to give written approval he should do so within seven days of the request since it would be unduly burdensome to the operator to wait any longer.

In either case the Director must require as a permit condition that a detailed written description of all changes be submitted along with the information required at §§146.14(b), 146.24(b) and 146.34(b) prior to granting approval for operation of the well.

IMPLEMENTATION

Regional offices are instructed to use this guidance in operating UIC programs where EPA has primary enforcement responsibility. They are further instructed to make this guidance available to States working towards primacy and to advise the State Director that these interpretations represent EPA policy.

FILING INSTRUCTIONS

This guidance should be filed as Ground Water Program Guidance No. 22.

ACTION RESPONSIBILITY

For further information on this guidance contact:

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