

Public Notice for Opportunity to Comment on North Dakota's Application for a UIC Class VI Program

Bismarck, North Dakota
August 9, 2013

PURPOSE OF PUBLIC NOTICE

In accordance with 40 CFR section 145.32(b)(2), the U.S. Environmental Protection Agency Region 8 (EPA) hereby gives public notice that: (1) the EPA has received a complete program revision package from the State of North Dakota requesting approval of a revision to its section 1422 Underground Injection Control (UIC) program to include Class VI primacy; (2) the EPA has determined the application contains all the required elements; (3) the application is available for inspection and copying at the address appearing below; (4) public comments are requested and (5) any member of the public may request a public hearing.

SUPPLEMENTARY INFORMATION

Class VI wells are wells used for injection of carbon dioxide (CO₂) into underground subsurface rock formations for long-term storage or geologic sequestration. Geologic sequestration refers to a suite of technologies that may be deployed to reduce CO₂ emissions to the atmosphere to help mitigate climate change.

The UIC program was implemented to prevent contamination of underground sources of drinking water (USDWs). These are aquifers capable of yielding enough water to supply a public water system and contain less than 10,000 mg/liter of total dissolved solids that have not been exempted under the provisions of 40 CFR section 146.4. (See 40 CFR section 144.3.)

If the application by the North Dakota Industrial Commission (NDIC) is approved, the NDIC would be responsible for regulating injection into Class VI wells. The program described in the NDIC application requires that any injection into Class VI wells be done in compliance with NDIC-issued permits which will include technical requirements for the protection of USDWs. These requirements include criteria for construction, testing, operation, monitoring and abandonment of Class VI injection wells. At present, there are no Class VI wells in North Dakota.

The EPA has had primary enforcement authority for the UIC Class VI program in North Dakota since the program was implemented in 2011. If the NDIC's application is approved, the NDIC would assume primary enforcement authority for Class VI wells in North Dakota except in Indian country, where EPA will continue to administer the program. North Dakota currently has primacy for the other five classes of injection wells.

The NDIC's submission includes: a letter from the Governor of the State requesting program approval; Class VI 1422 UIC program description; Attorney General's statement; Memorandum of Agreement (MOA) with the Regional Administrator; Memorandum of Understanding with the North Dakota Department of Health and copies of all applicable State statutes and regulations.

DATES AND LOCATION

A public hearing will only be held if requests indicate there is significant public interest. Request for a public hearing will be accepted until September 8, 2013. All written comments on this application must be received by September 8, 2013.

ADDRESSES

Written comments regarding the NDIC's application and requests to hold a hearing should be mailed to Craig Boomgaard, Underground Injection Control Program (8P-W-UIC), U.S. Environmental Protection Agency, Region 8, 1595 Wynkoop Street, Denver, Colorado, 80202-1129, by the deadlines provided above. Copies of the application and pertinent materials are available at the following locations:

- 1) U.S. Environmental Protection Agency, Region 8 Library, 2nd Floor, 1595 Wynkoop Street, Denver, Colorado, 80202-1129. The Library is open from 9 a.m. to 12 p.m. and 1 p.m. to 4 p.m. Monday through Thursday, excluding legal holidays and August 30, 2013. The telephone number for the Library is (303) 312-7226.
- 2) North Dakota Industrial Commission, Oil and Gas Division 1016 East Calgary Avenue, Bismarck, North Dakota, 58503. The Office is open from 8 a.m. to 12 p.m. and 1 p.m. to 5 p.m. Monday through Friday, excluding legal holidays. Please contact Kevin Connors at (701) 328-8020.
- 3) North Dakota Underground Injection Control Program Revision Application to add Class VI wells to its §1422 program: EPA West, Room 3334, 1301 Constitution Avenue, NW, Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the OW Docket is (202) 566-2426.
- 4) Electronic versions are available at the following website: www2.epa.gov/region8/north-dakotas-class-vi-primacy-application

FOR FURTHER INFORMATION CONTACT

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