

Underground Injection Control / Source Water Protection NDWAC Working Group

The National Drinking Water Advisory Council (NDWAC) was established to provide practical and independent advice, consultation, and recommendations to the Agency on the activities, functions and policies related to the Safe Drinking Water Act (SDWA) as amended. At the April 1997 meeting it was decided that working groups would be formed to address various subjects, one of which was Shallow Injection Wells (Class V)/ Drinking Water Source Protection Program Integration.

In January 1997, EPA entered into a consent decree with the Sierra Club,¹ which alleged that EPA failed to comply with §1421 of the Safe Drinking Water Act (SDWA). Section 1421 requires EPA to publish proposed and final regulations which prevent underground injection that endangers underground sources of drinking water (USDWs). The consent decree requires EPA to regulate wells known to pose a significant threat to USDWs, study the remaining Class V wells, and based on the outcome of the study, publish a notice in the Federal Register either proposing regulations or proposing a decision that no further rule making is necessary in order to fully discharge the Administrator's rule making obligations under §1421 for each remaining Class V well type.

The SDWA requires states to develop comprehensive Source Water Assessment Programs that will: identify Source Water Protection Areas (SWPAs) that supply public tap water; assess water system susceptibility to contamination; and, inform the public of the results. Consistent with the national priority established by the 1996 SDWA Amendments, the proposed Class V rule, 40 CFR 144, Subpart G - Requirements for Owners and Operators of Class V Injection Wells, focuses on motor vehicle waste disposal wells, industrial waste disposal wells, and large capacity cesspools in SWPAs. EPA is proposing to regulate these Class V wells which are located near ground water based drinking water supplies. EPA proposed Revisions to the Underground Injection Control Regulations for Class V Injection Wells (63 FR 40586) on July 17, 1998 with a 90 day comment period.

Class V wells not covered in the proposal described above are currently being studied by EPA. EPA convened a workgroup to assist in developing the methodology for the study on the remaining wells. The workgroup includes representatives of EPA Headquarters, EPA Regions, and several State UIC Programs. The Class V Study Workgroup developed the basic framework for the study and the strategies for obtaining information. Information being collected includes: State regulatory and permitting requirements, contamination incidents, and injectate constituents and concentrations and information on the number and location of wells. Two types of data collection will be used: (1) collection of existing information from State agencies, EPA Regional

offices, organizations and businesses by mail, telephone, and file searches; and (2) enumeration of the number and types of wells in study areas collected by site visits to those areas. The workgroup will continue to assist in the implementation of the study and help design the final report.

The EPA UIC and Source Water programs are proposing that the NDWAC workgroup would have the following mission: 1) make recommendations on how public comment could be addressed in the final Class V rule, 2) discuss source water assessment and protection as it relates to the proposed Class V well regulation, 3) review and provide comments on the Class V Study methodology and regulatory decision rationale for the remaining Class V well types, and, 4) discuss additional source water issues which the working group could address. The workgroup will meet two times with a mid-meeting conference call to update members on the status of the workgroup.

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