

EPA Seeks Comments on Injection Well Permit

Permit Number(s):

CO52211-08936

How to Comment:

The public notice and comments due date is posted at EPA Region 8 UIC program's website:

<https://www.epa.gov/node/99201#public-notice>.

The public will have 30 days from the start of the public notice to provide comments on the proposed permit action.

Submit your comments in writing or by phone to the EPA contact listed below during the comment period. Please reference the applicant's name and permit number(s). You may also comment during a public hearing if one is held.

EPA Contact:

Craig Boomgaard
Boomgaard.craig@epa.gov
Phone: 303-312-6794

Public Hearing

No public hearing is planned at this time. During the comment period, you may ask EPA, using the methods described in the "How to Comment" section of this fact sheet, to hold a formal public hearing. Your request must identify issues to be raised. When there is significant public interest, EPA will hold a hearing to receive public comments and will publish a notice at least 30 days prior.

Additional Information

For additional information, please consult the EPA contact listed above. To learn more about EPA's Underground Injection Control program, or to join our mailing list, visit <https://www.epa.gov/uic/underground-injection-control-epa-region-8-co-mt-nd-sd-ut-and-wy>.

Applicant: Nelson's Autobody

Site Location: Garfield County, Colorado

FACT SHEET

Summary

EPA proposes to approve Nelson's Autobody's request to renew their Nelson's Autobody Carwash injection well permit, a Class V well under an individual permit. Injection will occur into the surficial aquifer at a depth of ten (10) feet below ground surface.

Introduction

This Fact Sheet gives the derivation of site-specific UIC permit conditions and reasons for them. Referenced sections and conditions correspond to sections and conditions in CO52211-08936 (Permit).

EPA UIC permits regulate the injection of fluids into underground injection wells so that the injection does not endanger underground sources of drinking water (USDWs). EPA UIC permit conditions are based upon the authorities set forth in regulatory provisions at 40 CFR parts 2, 124, 144, 146 and 147, and address potential impacts to underground sources of drinking water. In accordance with 40 CFR § 144.35, issuance of this Permit does not convey any property rights of any sort or any exclusive privilege, nor authorize injury to persons or property or invasion of other private rights, or any infringement of other applicable Federal, tribal, state, or local laws or regulations. Under 40 CFR § 144 Subpart D, certain conditions apply to all UIC Permits and may be incorporated either expressly or by reference. General permit conditions for which the content is mandatory and not subject to site-specific differences (40 CFR parts 144, 146 and 147) are not discussed in this document.

Upon the Effective Date when issued, the Permit authorizes the construction and operation of injection well or wells so that the injection does not endanger USDWs. The Permit is issued for ten (10) years or unless terminated for reasonable cause under 40 CFR § 144.40 and can be modified or revoked and reissued under 40 CFR § 144.39 or § 144.41.

The Permit will expire ten (10) years after the effective date or upon delegation of primary enforcement responsibility (primacy) for applicable portions of the UIC Program to an approved state or tribal program, unless the delegated agency has the authority and chooses to adopt and enforce this Permit as a tribal or state permit.

Final Decision and Right to Appeal

EPA will consider all comments received during the comment period and any hearing held and then issue a final decision. You have the right to appeal the decision if you make an official comment during the comment period or participate in a public hearing. If you have this right to appeal, the first appeal must be made to the Environmental Appeals Board within 30 days after the final permit decision has been issued. The final decision can be appealed in federal court only after all agency review procedures have been exhausted. Please refer to 40 CFR §124.19, which outlines the appeal process.

Site Map



Background

Nelson's Autobody operates a car wash for vehicles that are repaired at the facility. No motor vehicle maintenance is performed in the car wash area. As part of this business, the facility operates a Class V dry well. The dry well is six (6) feet in diameter and ten (10) feet deep. The top of the dry well is covered with a manhole cover to prevent surface fluids from entering the dry well and open at the bottom to allow fluids to flow into the surficial underground source of drinking water (USDW). The dry well receives fluids from the car washing activities in the wash bay. The dry well also services the facility bathroom, which has minimal usage, as it is not open to the public but rather is reserved for employee use. This typically includes two to three people per day. The operator estimates approximately 25 gallons per day for both restroom and car wash fluids. Fluids from the car wash and restroom flow into a septic tank with capacity for at least 1,000 gallons and then are discharged to the dry well. The facility was first permitted on August 8, 2014, and on November 6, 2024, Nelson's Autobody submitted an application to renew their permit to allow continued use of their well. Class V wells are generally authorized by rule but can be required to apply for a permit if the protection of USDWs requires the operation to be regulated by additional requirements. In this case, the facility requested to operate a car washing bay on-site to wash cars after maintenance work was done. EPA has determined that fluids from car washes may contain constituents that could pose a risk to USDWs. Therefore, car wash facilities with shallow disposal systems are required to be permitted and monitored to ensure that USDWs at the site are not being impacted. The site has been in compliance with its previous permit and required sampling submittals with no exceedances.

Bases for Permit Conditions

Siting: The surficial aquifer, the uppermost USDW, is the injection zone, and the dry well is constructed to a depth of ten (10) feet below ground surface with injection occurring at the open bottom of the well. Class V wells are allowed to inject into a USDW provided that the injectate does not exceed maximum contaminant levels (MCLs) for National Primary Drinking Water Standards (NPDWS), other health-based standards, or otherwise adversely affect the health of persons. See 40 C.F.R. §§ 144.12 and 144.82(a).

The total depth of the surficial aquifer is not known at the site. The surficial aquifer consists of unconsolidated sediments, clay, sand, boulders, and gravel. The nearest domestic well is located on-site and is screened at a depth of approximately 120 feet to 160 feet below land surface, into the injection zone. As noted above, the injected fluid must not exceed MCLs or otherwise adversely affect human health. Additionally, the septic system treatment together with the over 100 feet of distance between the point of injection to the drinking water well allows for adequate attenuation of potential constituents to provide protection to the drinking water well.

Prohibition of fluid movement: Section I.1 of the permit incorporates the prohibition of fluid movement into a USDW regulatory requirement. The regulations discuss this requirement at 40 C.F.R. § 144.12 and 144.82(a) for Class V wells. This permit condition prohibits the Permittee from any injection activity that would cause a contaminant to enter a USDW if it would cause a violation of a primary drinking water standard, other health-based standard, or may otherwise adversely affect the health of persons. This prohibition also serves as a limit on what can be injected into this well. Importantly, injected fluids must meet all MCLs for NPDWSs and cannot otherwise adversely affect human health. This Permit is being issued to impose sampling requirements to ensure these standards are met. More information on this sampling is detailed below.

Well Construction: Nelson's Autobody is required to follow the requirements in Attachment I for well construction found in the Permit. Current construction of the dry well has a diameter of six (6) feet and a depth of ten (10) feet. The Permit approves the current construction of the well and incorporates these specifications as minimum requirements. Additions to the well that increase protection to USDWs are allowed under the Permit only if the well maintains these minimum requirements.

Injection fluid limitation: The Permit prohibits any injection of fluids that would violate the prohibition of fluid movement in Section I.1. Because this well injects into a USDW, this means that the injectate cannot exceed MCLs, other health-based limits, or otherwise adversely affect human health. Injection of any hazardous waste is strictly prohibited. The Permit further specifies that injection fluids are limited to the wastewater from the car wash and the single onsite bathroom. If other fluids are to be injected, they must be sampled and approved in writing by EPA prior to the addition of these fluids to the waste stream. The fluid limitation ensures that only authorized fluids are injected, which are evaluated by EPA to ensure they meet the regulatory standards in 40 C.F.R. §§ 144.12 and 144.82(a).

Alterations and Workover: Should any alterations or workovers be planned, the Permittee must notify the EPA 30 days in advance. If alterations or workovers constitute a well construction change under Section A. of the Permit, the Permittee must get prior written approval through the process outlined in the Permit. This provision ensures that the well construction will continue to meet the minimum standards in the regulations and the Permit and provide protection to the USDW.

Surfacing of fluids: Operation of the Class V injection well with surfacing fluid visible at the ground surface is prohibited. Upon discovery, the injection of fluid into the injection well must cease immediately. Notification to the Director must be provided within twenty-four (24) hours after discovery. This prevents fluids from exposing surface activities to potential risks, such as sewage fluids that need to be treated in the subsurface.

Sampling and Monitoring Requirements: Due to the fact that the car wash injects waste fluids directly into the USDW, the Permit imposes sampling requirements to ensure that the injectate does not exceed NPDWS MCLs or other health-based limits. Constituents that may be of concern at a car wash are metals and volatile organic compounds (VOCs).

The permit requires semi-annually sampling of metals and VOCs. Required parameters are listed in Attachment III of the permit using methods consistent with 40 CFR 136.3 and/or 40 CFR 2.

Closure Requirements (40 CFR § 146.10(c)): The Permit requires that the well be closed in accordance with 40 C.F.R. § 146.10(c). The Permittee must supply all information associated with the closure of the permitted Class V injection well as required in the

Permit Attachment IV to EPA. The closure plan includes pumping the dry well to remove liquids, sludge, and solids at the bottom of the well, disinfecting the well with a chlorine solution, then filling the dry well to the surface to prevent fluids entering the aquifer. This closure method meets regulatory requirements and will prevent movement of fluids into USDWs.

Considerations Under Other Federal Law (40 CFR § 144.4)

National Historic Preservation Act: Section 106 of the National Historic Preservation Act of 1966, as amended (NHPA), 54 U.S.C. § 306108, requires federal agencies to consider the effects of their undertakings on historic properties and provide the Advisory Council on Historic Properties a reasonable opportunity to comment on the undertaking. Federal undertakings include any project, activity, or program funded by or under the jurisdiction of a federal agency. The EPA has determined that a decision to issue a Class V injection well permit constitutes an undertaking subject to the NHPA and its implementing regulations at 36 CFR part 800.

In accordance with 36 C.F.R. § 800.3(a)(1), the EPA has determined that this permit re-issuance is for the continued operation of the facility, which does not have the potential to affect historic properties because the issuance of this permit to Nelson's Autobody does not authorize any new construction, nor does it authorize any physical modifications to the facility or its operations.