

EPA Seeks Comments on Injection Well Permit

Permit Number(s):
CO52329-10798

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-md-sd-ut-and-wy>.

Applicant: Nwestco, LLC
Site Location: Denver County, Colorado

FACT SHEET

Summary

The U.S. Environmental Protection Agency Region 8 (EPA) intends to issue an Underground Injection Control (UIC) permit-related action, under the authority of the Safe Drinking Water Act and UIC Program regulations, to operate Petro Waste Solutions, a Class V well under an individual permit CO52329-10798 (Permit). Injection will occur into the surficial aquifer at a depth of twelve 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 CO52329-10798 (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 data 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.

Background

The Nwestco, LLC (Nwestco) has submitted a Class V Permit renewal application for an industrial disposal permit to inject treated wastewater. The facility was first permitted on November 11, 2015, and on September 23, 2025, Nwestco applied to renew their permit to allow continued use of their well. The dry well is seven feet wide and twelve 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 discharge is from the on-site treatment plant to the dry well. The site is located in northeastern Denver in an industrial park.

Shallow 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. Due to past experience with industrial facilities and the nature of business operations, EPA has determined that these types of fluids may contain constituents that could pose a risk to USDWs. Therefore, these shallow disposal systems are required to be permitted and monitored to ensure that USDWs at the site are not being impacted. The well has been operating for the last ten years, meeting its monitoring requirements with no exceedances of permit limits.

Location Map

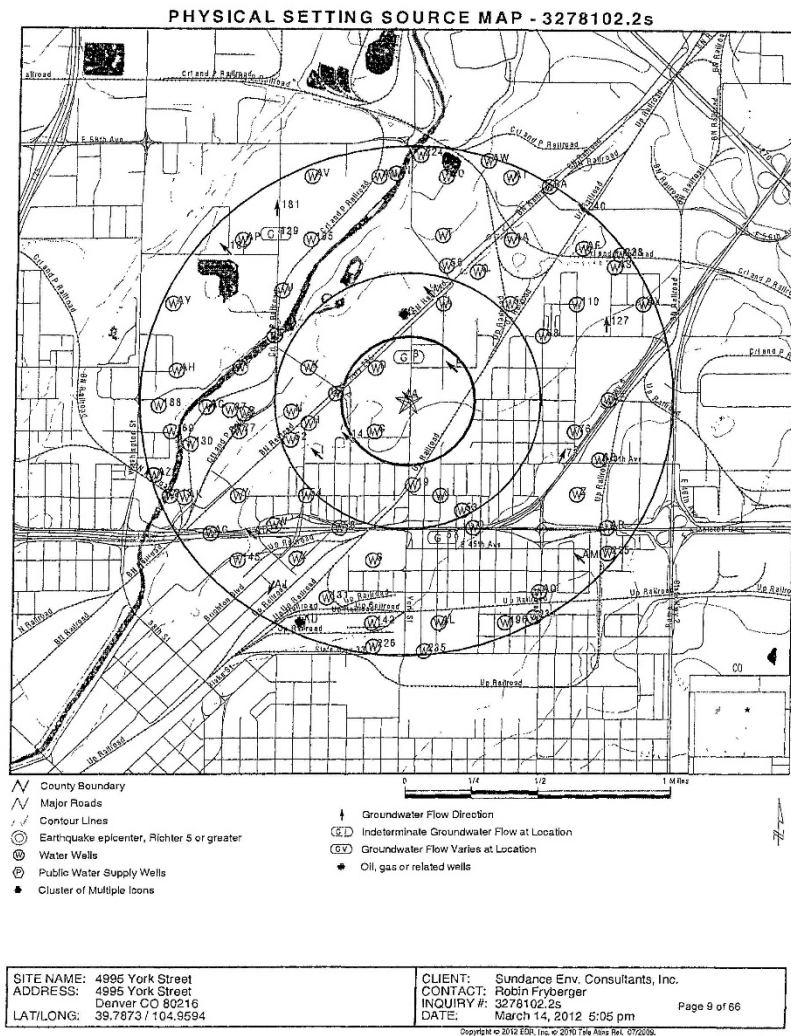


Figure 6

Bases for Permit Condition

Siting: The surficial aquifer, the uppermost USDW, is the injection zone, and the dry well is constructed to a depth of twelve (12) 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, and gravel. The nearest well into the injection zone is located about a quarter of a mile from the site. The area is serviced by public water supplies. As noted above, the injected fluid must not exceed MCLs or otherwise adversely affect human health. Additionally, the distance of approximately 1/4-mile between the point of injection to a water well allows for adequate attenuation of potential constituents to provide protection to the 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: Nwestco 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 seven (7) feet and a depth of twelve (12) feet. The Permit approves the current construction of the well and incorporates these specifications as minimum requirements. The well is also permitted by the Colorado State Engineer's Office. 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 treated wastewater from the on-site treatment plant. 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 fluids that need to be treated in the subsurface.

Sampling and Monitoring Requirements: Since the treatment system injects waste fluids directly into the USDW, the Permit imposes sampling requirements to ensure that the injectate does not exceed drinking water based NPDWS MCLs or other health-based limits. Constituents that may be of concern at this treatment facility are metals and volatile organic compounds (VOCs).

The permit requires VOCs and metals sampling monthly and the results reported quarterly. Required parameters are listed in Attachment III of the permit using methods consistent with 40 CFR 136.3 and/or APPENDIX II of 40 CFR 261.

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 with cement to the surface to prevent fluids entering the aquifer. This closure method meets regulatory requirements and will prevent movement of fluids into USDWs.

Site Security and Manifest Requirements: Since this site is considered a commercial disposal facility that receives fluids from generators other than itself, a site security and manifesting system must be implemented. Site security consists of locked doors during hours the site does not have staff on-site so there is no unsupervised access to the injection system. The manifest requirements document the source of the fluids, the transporter, and the final disposal at the site. The manifest requirements track the generators, transporters, and permittee, volumes, and type of fluids received.

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 for the continued operation of the facility has no potential to effect historic properties because the issuance of this permit to Nwestco is an administrative action and does not authorize any new construction, nor does it authorize any physical modifications to the facility or its operations.

Endangered Species Act (ESA): Section 7(a)(2) of the Endangered Species Act (ESA), 16 U.S.C. § 1536 (a)(2), requires federal agencies to ensure that actions they authorize, fund or carry out are not likely to jeopardize the continued existence of federally listed endangered or threatened species or result in the destruction or adverse modification of designated critical habitat of such species. The EPA has determined this permitting action is an administrative action and will have No Effect on any listed species and is not likely to jeopardize the continued existence of any proposed species listed by the USFWS under the Endangered Species Act within Denver County.