

**Notice of Intent to Approve
Big Bend 1-5 SWD UIC Class II Permit Application
EPA UIC Permit ND22184-08837**

PROPOSED ACTION

The United States Environmental Protection Agency is proposing to approve the application from Slawson Exploration CO, INC., for an Underground Injection Control Program Class II injection well aquifer exemption for salt water disposal at the Big Bend 1-5 SWD commercial injection well. The proposed well is located on the New Town peninsula area just south of New Town, ND. Fluids proposed to be injected would come from liquid waste generated by production from both the Bakken and Three Forks Formations. Both the Bakken and Three Forks Formation waters contain high concentrations of chlorides, sodium and some calcium, making the physical characteristics of the two waters very similar with total dissolved solids (TDS) up to 344,000 PPM in this area as published in the Catalog of North Dakota Water Chemistries. These waters have no secondary use and therefore need to be disposed of in Class II wells. Permitted wastes also include fluids produced during the drilling, completion, testing, or stimulation of wells or test holes related to oil and gas operations

The EPA is proposing to approve the aquifer exemption request because it determined that the proposed injection waste disposal activity would not cause endangerment to Underground Sources of Drinking Water (USDWs) in the vicinity of the Big Bend 1-5 SWD well. The bases for this aquifer exemption are: 1.) the aquifers do not currently serve as sources of drinking water (40 CFR 146.4(a)), 2.) the aquifers cannot now and will not in the future serve as sources of drinking water because of depth making recovery of water for drinking water purposes economically impractical (40 CFR 146.4(b)(2)); and 3.) the total dissolved solids (TDS) content of the aquifers is more than 3,000 and less than 10,000 mg/l and the aquifers are not reasonably expected to supply a public water system (40 CFR 146.4(c)). The proposed interval to be exempted is the Inyan Kara Formation of the Dakota Group for a 1,900 foot radius from the surface location (Section 5-T151N-R92W; 2500' FNL & 2400' FWL)

PUBLIC COMMENTS

The proposed requirements and conditions of the aquifer exemption are open to comment from any interested party. Persons wishing to comment upon or object to any aspect of proposal are invited to submit comments, IN WRITING, within 30 days of the Date of Publication, to:

Craig Boomgaard
U.S. Environmental Protection Agency
UIC Unit, 8P-W-UIC
1595 Wynkoop Street
Denver, Colorado 80202-1129
Telephone: 1-800-227-8917 ext. 312-6794, Email: boomgaard.craig@epa.gov

The Administrative Record, including the application and all data submitted by the applicant, the Final Permit and Statement of Basis prepared by the EPA, the proposed aquifer exemption, and public comments received, is available for public inspection at the above location(s) weekdays from 8:00 a.m. to 4:00 p.m. The Final Permit and Statement of Basis prepared by the EPA, and the proposed aquifer exemption will also be available on the EPA Region 8 UIC webpage: <http://www.epa.gov/region8/water/uic>.

Please note that comment opportunities on this permit include compliance under the National Historic Preservation Act (NHPA) and the Endangered Species Act (ESA). As part of its compliance with the NHPA for this permit action, the EPA consulted with the Three Affiliated Tribes of the Fort Berthold Indian Reservation

and the Tribal Historic Preservation Office to ensure that sites of historic or cultural significance are being protected.

PUBLIC HEARING

Within the thirty (30) day period, any interested person may request a public hearing as provided by 40 CFR §124.12. A request for a hearing must be made IN WRITING to the above address and must state the nature of the issues proposed to be raised at the hearing. A public hearing will be held only if significant interest is shown.

FINAL DECISION

All comments received within the thirty (30) day period will be considered in the Final decision. The decision may be to issue, modify, or deny the aquifer exemption request. The Final decision shall become effective thirty (30) days after issuance unless no commenters requested changes to the aquifer exemption, in which case the exemption shall become effective immediately upon issuance.

APPEALS

Within thirty (30) days after a Final decision has been issued, any person who filed comments on the Draft decision or who participated in a public hearing, may petition the Administrator to review the final decision. Any person who failed to file comments or failed to participate in the public hearing may petition for administrative review only to the extent of the changes from the Draft to the Final decision. Commenters are referred to 40 CFR §§ 124.15 through 124.20 for procedural requirements of the appeal process.

DATE OF PUBLICATION

Pending