

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

DATE: JUL 27 1991

19,951

SUBJECT: Five-year review of Class II and III permits. Ground-Water Program Guidance No. 26 (GWPG #26) UIC

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TO: Water Division Directors Regions I - X
Water Supply Branch Chiefs
UIC Representatives

PURPOSE

The litigants have requested clarification as to what comprises permit "review" at least once every five years for Class II and III UIC permits under §122.9(c).

BACKGROUND

The regulations provide that UIC permits for Class II and III wells can be issued for a period up to the operating life of the facility. Since there is no natural expiration and reissuance of the permit, the Director is required to "review" a Class II or III UIC permit at least every 5 years to determine whether it should be modified, revoked and reissued, or terminated.

GUIDANCE

"Review" of the permit under §122.9(c) does not mandate a full scale formal review process. It requires the Director, at a minimum, to review the file. If the Director is satisfied, he need not take any further action. If, however, the Director determines that the permit should be modified, revoked and reissued, terminated, or a minor modification made as provided in §§122.15, 122.16 and 122.17 then he may request further information from the permittee (See §122.7(h)) and proceed with the modification, revocation or termination process.

IMPLEMENTATION

Regional offices are instructed to use this guidance in operating UIC programs where EPA has primary enforcement responsibility. They are further instructed to make this guidance available to States working towards primacy and to advise the State Director that these interpretations represent EPA policy.

FILING INSTRUCTIONS

This guidance should be filed as Ground-Water Program
Guidance No. 26.

ACTION RESPONSIBILITY

For further information on this guidance contact:

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