



EPA Proposes to Approve the Navajo Nation's Class II Underground Injection Control Program

What is EPA proposing?

The Environmental Protection Agency (EPA) is proposing to approve an application from the Navajo Nation under Section 1425 of the Safe Drinking Water Act (SDWA) to grant the tribe primary enforcement responsibility ("primacy") for the underground injection control (UIC) program for Class II (oil and gas-related) injection wells. The tribe's application requested primacy for Class II wells located (1) within the exterior boundaries of the formal Navajo Reservation, including the three satellite reservations (Alamo, Canoncito and Ramah), but excluding the former Bennett Freeze Area, the Four Corners Power Plant and the Navajo Generating Station, and (2) on Navajo Nation tribal trust and allotted lands outside the exterior boundaries of the formal Navajo Reservation.

If approved as proposed, the tribe would administer and enforce its own program for the existing Class II injection wells and any future wells located within the areas described above. EPA would continue to administer its SDWA UIC program for any Class I, III, IV, and V wells on Navajo Indian lands.

Why is this rule needed?

An Indian tribe may apply for primacy for the UIC program if it meets specific eligibility criteria and administrative and programmatic conditions. EPA conducted an extensive legal and technical review of the Navajo Nation's primacy application and determined that it is eligible to apply for primacy, that the Tribe's Class II UIC program meets all applicable requirements for approval under SDWA Section 1425, and that the tribe is capable of administering an effective Class II UIC program in a manner consistent with the terms and purposes of the SDWA and all applicable regulations.

Overview of the Navajo Nation's Class II UIC Program

The Navajo Nation started developing its Class II UIC program capacity in 1992 by assisting EPA in the implementation and enforcement of the federal Class II UIC regulations on Navajo lands. The Navajo Nation subsequently enacted the Navajo Nation Safe Drinking Water Act (2001), and promulgated the Navajo Nation UIC Regulations (2001, 2006) and the Uniform Regulations for Permit Review, Administrative Enforcement Orders, Hearings and Rulemaking (2001) which provide the laws and regulations to administer and implement a UIC program. The Navajo Nation modeled its Class II UIC program after the federal program. The tribe has qualified UIC program

staff who issue UIC permits pursuant to the tribe's laws and regulations, conduct inspections for verification of compliance with UIC requirements, participate in enforcement actions, and support EPA's annual reporting.

How can I comment on this proposed rule?

EPA is requesting public comment on this proposed rule, the Navajo Nation's application, and EPA's supporting documentation. EPA will consider all comments received within the 30-day public comment period before taking final action.

EPA will schedule a public hearing if sufficient interest is expressed during the public comment period. Any such public hearing will be held no earlier than 30 days after EPA provides notice of the hearing.

Please submit your comments, identified by Docket ID No. EPA-R09-OW-2007-0248, by one of the following methods:

- www.regulations.gov;
- Email: rao.kate@epa.gov;
- Fax: 415-947-3549;
- Mail: Environmental Protection Agency, Ground Water Office (WTR-9), 75 Hawthorne Street, San Francisco, CA 94105-3920; or
- Hand Delivery: Deliver your comments to Kate Rao, Environmental Protection Agency, Ground Water Office (WTR-9), 75 Hawthorne Street, San Francisco, CA 94105-3920;

How can I get more information?

EPA has established a docket for this proposed rulemaking. All documents in the docket are listed in the www.regulations.gov index. Publicly available docket materials are available either electronically at www.regulations.gov or in hard copy at the U.S. Environmental Protection Agency, Ground Water Office (WTR-9), 75 Hawthorne Street, San Francisco, CA 94105-3920. EPA's offices are open for docket review Monday through Friday, between 8:00 am and 4:00 pm, excluding legal holidays. Please contact Kate Rao at rao.kate@epa.gov or (415) 972-3533 if you have any questions or wish to review docket materials. Additionally, this fact sheet and a copy of the federal register notice are available at <http://www.epa.gov/region09/groundwater/navajonation>.