

Issuing a UIC Permit Frequently Asked Questions

What is the effective date of a UIC permit decision?

The effective date of a UIC permit decision is the date on which the permitted activity may commence . However, determining the exact date can be somewhat complicated.

In 40 CFR 124.15 *Issuance and Effective Date of permit*; under (a), after the close of the public comment period (see 124.10) the Director shall issue a final permit decision, and notify the applicant and each person who submitted written comments or requested notice of the final permit decision. Under (b), the final permit decision shall become effective 30 days after the service of notice of the decision unless:

- (1) a later effective date is specified in the decision; or
- (2) review is requested under 124.19 (e.g. the decision is appealed to the Environmental Appeals Board); or
- (3) no comments requested a change in the draft permit in which case the permit shall become effective immediately upon issuance.

In 124.30 *Computation of Time*; under (a), any time period scheduled to begin on the occurrence of an act or event shall begin on the day after the act or event, under (c), if the final day of the time period falls on a weekend or legal holiday the time period shall be extended to the next working day, and under (d), whenever a party or interested person has the right or is required to act within a prescribed period after the service of notice or other paper by mail, 3 days shall be added to the prescribed time.

In simpler terms,

Case 1 - No comments are received on the draft decision: the effective date is the same as the issue date.

Case 2 - Comments are received on draft decision, the decision is issued on a non-holiday weekday, and the 30 day appeal period ends on a non-holiday weekday: the effective date is 30 days after the service of notice (e.g., 30 days after the date of receipt on the Certified Mail ‘green card’, or if faxed 30 days after the date the fax is received) unless a later date is specified.

Case 3 - Comments are received on draft decision, the decision is issued on a non-holiday weekday, and the 30 day appeal period ends on a legal holiday or on the weekend: the effective date is the next working day after 30 days after the service of notice (e.g., 30 days after the date of receipt on the Certified Mail ‘green card’, or if faxed 30 days after the date the fax is received) unless a later date is specified.

Determining the “issue date” and “effective date” for draft and final decisions:

Draft Decision (Permit or Major permit modification): Date stamp the cover letter transmitting the draft decision and enclosed documents with the date the letter is mailed (the “issue date”) ; the corresponding Certified Mail “green card” should have the same date.

The Public comment period begins the day after the decision “issue date”, and shall last at least 30 days.

The Public comment period ends 30 days after the latest date of publication of public notice, unless a later day is specified in the public notice. If 30 days after the latest date of publication of public notice falls on a weekend or legal holiday, the Public comment period ends the next working day unless a later date is specified in the public notice.

Final Decision (Permit or Major permit modification): Date stamp the cover letter transmitting the final decision and enclosed documents with the date the letter is mailed (the “issue date”); the corresponding Certified Mail “green card” should have the same date.

The Final Decision is effective on the “issue date” only if there are no comments received during the public comment period, and the “issue date” and “effective date” on the final decision document should be the same.

The appeal period begins the day after the “issue date”, and shall last at least 30 days.

The appeal period ends 30 days after the final decision has been issued, unless a later day is specified in the decision. If 30 days after the decision falls on a weekend or legal holiday, the appeal period ends the next working day unless a later day is specified in the decision.

The “issue date” and “effective date” on the final decision document should be calculated and date stamped to reflect the above dates.

Region 8 Ground Water Program UIC program Standard Procedure

In order to minimize confusion about the “issue date” and “effective date” of final underground injection control (UIC) permit decisions that have received comments, the Region 8 Ground Water Program’s UIC program will determine the “effective date” of a final UIC permit decision to be the “issue date” plus a standard three days to allow for service of notice by mail plus 30 days, and if that date falls on a legal holiday or weekend, then the ‘effective date’ is the next working day after that date, unless a later date is specified in the decision.