

Minnesota Pollution Control Agency

Water Quality Division

REQUEST FOR COMMENTS

Planned New Rule Governing the Underground Injection Control Program, Minn. R. ch. 7089.

Subject of Rule. The Minnesota Pollution Control Agency (MPCA) requests comments on its plan to develop new rules governing the state administration of an Underground Injection Control (UIC) regulatory program. The MPCA is considering rules that establish a state permitting and enforcement program for UIC wells. The UIC program is currently administered in the state of Minnesota by the United States Environmental Protection Agency (USEPA) under 40 CFR 147.1201. The MPCA plans to incorporate portions of these federal regulations and other existing state permitting and enforcement rules into this new Chapter 7089 in order to bring together all applicable requirements under a single rule chapter. The incorporation of applicable federal regulations is also necessary for the state of Minnesota, through the MPCA, to acquire delegation for administering this program from the USEPA. At this time, the MPCA seeks comments on this subject matter and the development process of the proposed chapter.

The UIC program consists of five classes of wells; Class I, II, III, IV, V. The different wells are defined as the following:

Class I

Class I wells are used to inject hazardous wastes or dispose of non-hazardous industrial waste and treated municipal sewage below the deepest underground source of drinking water.

Class II

Class II wells are used to dispose of fluids associated with the production of oil and natural gas, enhanced oil recovery, and storage of liquid hydrocarbons. These wells normally inject below the deepest underground source of drinking water, except in cases where the Underground Source of Drinking Water (USDW) contains producible quantities of oil or gas.

Class III

Class III wells are used to inject fluids for the extraction of minerals.

Class IV

Class IV wells are used to dispose of hazardous or radioactive wastes into or above an underground source of drinking water.

Class V

Class V wells are wells that serve greater than 20 persons per day or are not included in the other classes. Generally these wells inject nonhazardous fluid into or above an underground source of drinking water. These wells are commonly referred to as "shallow injection wells," "underground discharge systems," or "septic systems."

Under the anticipated state program, the MPCA plans to ban all Class I, II, III, and IV wells within the state due to the geology and environment in Minnesota. Class V wells will at first be permitted by rule. **Eventually, particular categories of Class V wells may be required to obtain discharge permits, depending on the volume and quality of the effluent discharged by those well categories.**

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Persons affected. The rule would likely affect any business (industrial, commercial, or serving greater than 20 persons per day) with a wastewater discharge in an *unsewered* area. Examples of businesses in unsewered areas that will be affected are automotive service stations, car washes, restaurants, hotels, resorts, storm water drainage wells and other systems that fall under the definition of a Class V well. The MPCA will use the existing Minn. R. ch. 7080 Individual Sewage Treatment Systems Advisory Committee to comment on the planned rule.

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Statutory Authority. Minn. Stat. § 115.03 authorizes the MPCA to adopt rules to establish permitting and enforcement practices to abate water pollution.

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Public Comment. Written or oral comments, questions and requests for more information on this planned rule should be addressed to:

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