

During review of the Non Coal Chapter 11 Regulations by the Environmental Protection Agency (EPA) the following portions of the Code of Federal Register were identified as being deficient or needing references to document how the State meets the Requirements. Based on the comments made by EPA minor changes were made to the regulations.

1) 40 CFR 124.5(d)(1)

(1) If the Director, tentatively decides to terminate. A permit under § 144.40 (UIC) of this chapter, he or she shall issue a notice of intent to terminate. A notice of intent to terminate is a type of draft permit which follows the same procedures as any draft permit prepared under §124.6 of this chapter.

Non Coal Chapter 11 Section 23 Revocation (c)

(c) A revocation requires public notice as specified in Section 3 of Chapter 7 of these regulations and Section 21 of this Chapter.

35-11-112(a)(iv)

(iv) The environmental council shall "Conduct hearings in any case contesting the grant, denial, suspension, revocation, or renewal of any permit, license. Certification, or variance authorized or required by this act.

Comment is considered resolved. In the event of a denial it would follow the same public process as an approval.

2) 40 CFR124(6)(b)

(b) If the Director tentatively decides to deny the permit application, he or she shall issue a notice of intent to deny. A notice of intent to deny the permit application is a type of draft permit which follows the same procedures as any draft permit prepared under this section. See § 124.6. If the Director's final decision (§124.15) is that the tentative decision to deny the permit application was incorrect, he or she shall withdraw the notice of intent to deny and proceed to prepare a draft permit under paragraph (d) of this section.

Chapter 11 section 23 Revocation (c)

(c) a draft decision will be issued as a public notice and will receive public comment.

Once public comment is collected DEQ will make a final decision. If comments reverse decision public notice would be required again. If revocation occurs it than can be challenged to the EQC.

Comment is considered resolved. In the event of a denial it would follow the same public process as an approval.

3) 40 CFR 124.10(a)(2)

(2) No public notice is required when a request for permit modification, revocation and reissuance, or termination is denied under §124.5. Written notice of that denial shall be given to the requester and to the permittee.

EPA comment 1 No public notice is required when a request for permit modification, revocation, and reissuance, or termination is denied under § 124.5(b). Written notice of that denial shall be given to the requester and to the permittee.

EPA comment No requirement to send notice to permittee.

Chapter 11 Section 23 Revocation (a)

(ii) Any interested person, including the operator, may request revocation provided the request is in writing and contains facts or reasons supporting the request. If the Administrator decides that a request for revocation is not justified, he or she shall send the requester **and operator** a brief written response giving the reason(s) for the decision. Denials of requests for revocation are not subject to public notice and comment;

(iii) If the Administrator revokes any Class III well portions of a permit or Research and Development License, he or she shall prepare a letter to the operator specifying the needed changes and additional information.

Chapter 11 Section 23 Revocation (c)

(c) A revocation requires public notice as specified in Section 3 of Chapter 7 of these regulations and Section 21 of this Chapter.

40 CFR 124.10(a)(2) is satisfied by Non Coal Chapter 11 Section 23 (a)(ii) and (a)(iii). WDEQ will add and operator as shown above and the concern should be resolved. The comment is considered resolved.

4) 40 CFR 124(b)(2) Public notice of a public hearing shall be given at least 30 days before the hearing. (Public notice of the hearing may be given at the same time as public notice of the draft permit and the two notices may be combined.

To satisfy the concerns of 40 CFR 124(b)(2) the WDEQ could schedule and advertise a hearing at the time the draft decision is published for public notice. If no objections occurred during the public comment period the hearing would be canceled. Otherwise this would require a statute change.

5) 40 CFR 124.10(c)(2)(i)

(i) For major permits, NPDEA and 404 general permits, and permits that include sewage sludge land application plans under 40 CFR 501.15(a)(2)(ix), publication of a notice in a daily or weekly newspaper within the area affected by the facility or activity; and for EPA-issued NPDES general permits, in the Federal Register.

W.S. § 35-11-406(j)

(j) The applicant shall cause notice of the application to be published in a newspaper of general circulation in the locality of the proposed mining site once a week for four (4) consecutive weeks commencing within fifteen (15) days after being notified by the administrator.

The cited reference meets the requirements of 40 CFR 124.10(c)(2)(i). The comment is considered resolved.

6) 40 CFR 124.12(c)

(c) Any person may submit oral or written statements and data concerning the draft permit. Reasonable limits may be set upon the time allowed for oral statements, and the submission of statements in writing may be required. The public comment period under 124.10 shall automatically be extended to the close of any public hearing under this section. The hearing officer may also extend the comment period by so stating at the hearing.

The WDEQ accepts written comment up until the end of public comment. If an objection is placed and a hearing is scheduled the public comment period is not automatically extended. The public may be granted the opportunity to express concerns at the hearing, however circumstances may limit the amount of public comments that are presented at hearings. To truly meet the intent of this article the WDEQ would have to look at possible statute changes.

7) 40CFR 144.3 "aquifer"

Aquifer- means a geological "formation" group of formations, or part of a formation that is capable of yielding a significant amount of water to a well or spring

Non Coal Chapter 1 Section 2(g)

"Aquifer" is a zone, stratum or group of strata that stores and transmits water in sufficient quantities for a specific use.

The referenced citation meets the requirements of EPA. The comment is considered resolved.

8) 40 CFR 144.3 "contaminant"

Contaminant means any physical, chemical, biological, or radiological substance or matter in water.

The following definition will be added to Non Coal Chapter 11 to satisfy the deficiency identified by EPA.

9) 40 CFR 144.3 "Injection Well"

Injection well means a well into which fluids are being injected

Injection zone- means a geological "formation" group of formations, or part of a formation receiving fluids through a well.

Chapter 11 Section 1(a)

The definition of recovery fluid was modified to the following

(af) "Recovery Fluid" means any material which flows or moves, whether semi-solid, liquid, sludge, gas or other form or state, used to dissolve, leach, gasify, or extract mineral. This may also include restoration fluid

The addition to the definition of recovery fluid such that restoration fluid is also contemplated resolves EPA concerns. The WDEQ considers the comment resolved.

10) 40 CFR 144.7 (a)

(a) The Director may identify (by narrative description, illustrations, maps, or other means) and shall protect as underground sources of drinking water, all aquifers and parts of aquifers which meet the definition of "underground source of drinking water" in § 144.3, except to the extent there is an applicable aquifer exemption under paragraph (b) of this section or an expansion to the areal extent of an existing Class II enhanced oil recovery or enhanced gas recovery aquifer exemption for the exclusive purpose of Class VI injection for geologic sequestration under paragraph (d) of this section. Other than EPA approved aquifer exemption expansions that meet the criteria set forth in § 146.4(d) of this chapter, new aquifer exemptions shall not be issued for Class VI injection wells. Even if an aquifer has not been specifically identified by the Director, it is an underground source of drinking water if it meets the definition in § 144.

Water Quality Regulations Chapter 8 Section 3 Underground Water Protected

(c) Protection shall be afforded all underground water bodies (including water in the vadose zone). Water being used for a purpose identified in W.S. 35-11-102 and 103(c)(i) shall be protected for its intended use and uses for which it is suitable. Water not being put to use shall be protected for all uses for which it is suitable.

35-11-103(c)(i)

(i) "Pollution" means contamination or other alteration of physical, chemical or biological properties of any waters of the state, including change in temperature, taste, color, turbidity, or odor of waters or any discharge of any acid or toxic material, chemical or chemical compound, whether it be liquid, gaseous, solid, radioactive, or other substance, including wastes, into any waters of the state which creates a nuisance or renders any water harmful, detrimental or injurious to public health, safety or welfare, to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wildlife or aquatic life, or which degrades the water for its intended use, or adversely affects the environment. This term does not mean water, gas, or other material which is injected into a well to facilitate production of oil, or gas, or water, derived in association with oil or gas production and disposal of in a well, if the well-

used either to facilitate production or for disposal purposes is approved by authority of the state, and if the state determines that such injection or disposal well will not result in the degradation of ground surface or water resources.

The above citation meets the requirement of 40 CFR 144.7(a). The comment is considered resolved.

12) 144.7(b)(1)

(1) The Director may identify (by narrative description, illustrations, maps, or other means) and describe in geographic and/or geometric terms (such as vertical and lateral limits and gradient) which are clear and definite, all aquifers or parts thereof which the Director proposes to designate as exempted aquifers using the criteria in 146.4 of this chapter.

Non Coal Chapter 11 Section 11 (b)(ii)(A)

(A) A map and general description identifying and describing in geographic and/or geometric terms (such as vertical and lateral limits and gradient) all aquifers or parts thereof which the applicant proposes to exempt.

The WDEQ proposes the above change to Chapter 11 Section 11(b)(ii)(A). The change meets the requirements of EPA comments and this item is considered resolved.

13) 40 CFR 144.7(b)(2)

(2) No designation of an exempted aquifer submitted as part of a UIC program shall be final until approved by the Administrator as part of a UIC program. No designation of an expansion to the areal extent of a Class II enhanced oil recovery or enhanced gas recovery aquifer exemption for the exclusive purpose of Class VI injection for geologic sequestration shall be final until approved by the Administrator as a revision to the applicable Federal UIC program under part 147 or as a substantial revision of an approved State UIC program in accordance with § 145.32 of this chapter.

The WYDEQ currently requires all Aquifer Exemptions to be done through a program revision. If we decide to exempt under 40 CFR 146.4(c) the regulations will need to be revised to accommodate. The comment is considered resolved.

14) 40 CFR 144.12(a)

(a) No owner or operator shall construct, operate, maintain, convert, plug, abandon, or conduct any other injection activity in a manner that allows the movement of fluid containing any contaminant into underground sources of drinking water, if the presence of that contaminant may cause a violation of any primary drinking water regulation under 40 CFR part 142 or may otherwise adversely affect the health of persons. The applicant for a permit shall have the burden of showing that the requirements of this paragraph are met.

Non Coal Chapter 11 Section 12(a)(xi)

(xi) No operator shall construct, operate, maintain, convert, plug, abandon, or conduct any other injection or mining activity in a manner that allows the movement of fluid containing contaminant into zones or intervals other than those zones authorized in the approved permit or Research and Development License. The operator shall have the burden of showing that the requirements of this paragraph are met.

The WDEQ believes the cited reference meets the intent of 40 CFR 144.12(a). The comment is considered resolved until EPA directs the WDEQ otherwise.

15) 40 CFR144.12 (b)

(b) For Class I, II, III, and VI wells, if any water quality monitoring of an underground source of drinking water indicates the movement of any contaminant into the underground source of drinking water, except as authorized under part 146, the Director shall prescribe such additional requirements for construction, corrective action, operation, monitoring, or reporting (including closure of the injection well) as are necessary to prevent such movement. In the case of wells authorized by permit, these additional requirements shall be imposed by modifying the permit in accordance with §144.39, or the permit may be terminated under § 144.40 if cause exists, or appropriate enforcement action may be taken if the permit has been violated. In the case of well authorized by rule, see §§ 144.21 through 144.24. For EPA administered programs, such enforcement action shall be taken in accordance with appropriate sections of the SDWA.

35-11-103(f)(ii)

Excursion means any unwanted and unauthorized movement of recovery fluid out of the production zone as a result of in situ mining activities

Chapter 11 Section 19 Section 19 (c)(ii)

(ii) If an excursion is not controlled within 60 days following confirmation of the excursion, the Administrator may, after consultation with the Director, terminate the mining operation and revoke the permit or Research and Development License or modify the mining operation and require modification of the permit or Research and Development License. Modifying the operation may include: sampling of additional wells for the parameters listed in 19(c)(i); installation of additional monitor wells; termination of injection in the portion of the well field in which the excursion originated; or a combination of approaches to assure control within the necessary time frames.

35-11-429

Every permit shall (ii) Authorize the administrator to terminate or modify the mining operations if an excursion cannot be controlled or mitigated within the constraints specified in the permit.

The WDEQ believes the citations provided above meet the requirements of 40 CFR 144.12(b). This comment is considered resolved unless directed otherwise by the EPA.

16) 40 CFR 144.17 Records

The Director or the Administrator may require, by written notice on a selective well-by-well basis, an owner or operator of an injection well to establish and maintain records, make reports, conduct monitoring, and provide other information as is deemed necessary to determine whether the owner or operator has acted or is acting in compliance with Part C of the SDWA or its implementing regulations.

35-11-406

(a) Applications for a mining permit shall be made in writing to the administrator and shall contain:

(xv) such other information as the administrator deems necessary or as good faith compliance with the provisions of this act require.

Chapter 11 Section 2. General Requirements.

All applications for mining permits and amendments must be submitted in a format satisfactory to the Administrator. The applicant shall provide information that is complete, current, presented clearly and concisely, and supported by appropriate references to technical and other written material. The Administrator may require the applicant to supplement the application with information beyond that specifically required by these rules if the Administrator believes that additional information is necessary to make an informed decision.

35-11-430

The operator shall maintain records at the mine site of all information resulting from monitoring activities required in the permit.

Maintain records

Chapter 11 Section 17 (b)(i)(D)

(b) The Operator shall

(i) retain records of all monitoring information including the following

(D) information requested by the Administrator for inclusion in the Annual Report as required by W.S. 35-11-411

Make Reports- Required annual report as dictated by Administrator

The References listed above meet the requirements of 40 CFR 144.17. The WDEQ considers this comment resolved unless directed otherwise by EPA.

17) 40 CFR 144.31(b)

(b) Who applies? When a facility or activity is owned by one person but is operated by another person, it is the operator's duty to obtain a permit.

Proposed change to Chapter 11 Section 2 General Requirements

It is the operator's responsibility to make application for and obtain a permit in accordance with these regulations. All applications for mining permits and amendments must be submitted in a format satisfactory to the Administrator. The applicant shall provide information that is complete, current, presented clearly and concisely, and supported by appropriate references to technical and other written material. The Administrator may require the applicant to supplement the application with information beyond that specifically required by these rules if the Administrator believes that additional information is necessary to make an informed decision.

The change showed above meets the requirement of 40 CFR 144.31(b). This comment is considered resolved.

18) 40 CFR 144.31(c)

(c) Time to apply. Any person who performs or proposes an underground injection for which a permit is or will be required shall submit an application to the Director in accordance with the UIC program as follows.

See previous response. The comment is considered resolved.

19) 40 CFR 144.31(c)(2)

(2) For new injection wells, except new wells in projects under § 144.21(d) or authorized by an existing area permit under § 144.33(c) a reasonable time before construction to begin.

Non Coal Chapter 11 Section 11 Aquifer Classification and Exemption (b)(ii)(C)

(C) Analysis of the amenability of the receiving strata to the proposed mining methods; and a timetable of planned development of the receiving strata.

Additionally we require a timetable for each wellfield in Chpt 11 Section 6 (a)(i)(C)

35-11-411 Annual Report

(a)(iii) A revised schedule or timetable of operations and reclamation and an estimate of the number of acres to be affected during the next one year period.

The references listed above meet the requirements of 40 CFR.31(c)(2) and the comment is considered resolved.

20) 40 CFR 144.31(d)

(d) Completeness. The Director shall not issue a permit before receiving a complete application for a permit except for emergency permits. An application for a permit is complete when the Director receives an application form and supplemental information which are completed to his or her satisfaction. The completeness of any application for a permit shall be judged independently of the status of any other permit application or permit for the same facility or activity.

The WDEQ has no language that states a permit shall be judged independently of the status of any other permit application or permit for the same facility or activity. The WDEQ believes this is more stringent than the EPA. If the EPA demonstrates that a stringency concern is involved please indicate to the WDEQ the concern.

21) 40 CFR 144.31(e)

(e) Information Requirements. All applicants for Class I, II, III, and V permits shall provide the following information to the Director using the application form provided by the Director. Applicants for Class VI permits shall follow criteria provided in §146.82

(3) Up to four SIC codes which best reflect the principle products or service provided by the facility

The WDEQ requires permits to describes in great detail the principle products and services provided by the facility. Is there a requirement by States to provide EPA SIC codes? If not what purpose would the SIC code provide the state. The SIC code would be 1094 for most of the Class III wells in the State. The SIC code 1094 is for vanadium, radium, or uranium ores. This is a very general description and the specificity in the permit is much more detailed. If by not including the SIC code creates a stringency concern please indicate the basis for such concern.

(4) The operators name, address, telephone number, ownership status, and status as Federal, State, private, public, or other entity.

35-11-406(a) contains all the information that is asked for in this requirement with the exception of a telephone number. Operators are the applicants. If not requiring a phone number in the regulations is a stringency concern please indicate the basis for such concern.

(7) A topographic map (or other map if a topographic map is unavailable) extending one mile beyond the property boundaries of the source depicting the facility and each of its intake and discharge structures; each of its hazardous waste treatment, storage, or disposal facilities; each well where fluids from the facility are injected underground; and those wells, springs, and other surface water bodies, and drinking water wells listed in public records or otherwise know to the applicant within a quarter mile of the facility property boundary.

The requirements to have a distance on the topographic map is can be rectified by the following change. The change displayed below will resolve EPAs concern, and therefore the comment is considered resolved.

Chapter 11 Non Coal Section 2

(d) The Administrator shall review the permit or Research and Development Testing License application and determine its suitability for publication in accordance with W.S. § 35-11-406 (2003). A permit or Research and Development Testing License shall be issued by the Director upon the recommendation of the Administrator. **In meeting the requirements of 35-11-406(a)(iii)(ix) the map should extend a mile beyond the permit boundary.**

22) 40 CFR 144.31(e)(10)

(10) A plugging and abandonment plan that meets the requirements of § 146.10 of this chapter and is acceptable to the Director.

WDEQ outlines acceptable plugging and abandonment procedures in Chapter 8 of Water Quality Regulations. These procedures were approved by the Director when the rules were implemented. If the operator deviates from the listed procedures the operator applies for a deviance at which WDEQ will evaluate the merits of the request and make a decision. WDEQ believes this comment is resolved, however if a stringency concern exists please indicate the basis of such concern.

23) 40 CFR 144.35(a)

(a) Except for Class II and III wells, compliance with a permit during its term constitutes compliance, for purposes of enforcement, with Part C of the SDWA. However, a permit may be modified, revoked, and reissued, or terminated during its term for case set forth in 144.39 and 144.40.

Need more explanation it clearly excludes Class III however 35-11-405 and 35-11-409 meet requirements.

24) 40 CFR 144.38(a)

Transfer by modification. Except as provided in paragraph (b) of this section a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued under § 144.39(b)(2)), or a minor modification made (under § 144.41(d)), to identify the new permittee and incorporate such other requirements as may be necessary under the Safe Drinking Water Act.

WDEQ does not allow automatic transfers. In regards to modifications to the permit Non Coal Chapter 11 Section 14(c)(iv)

(c) A non-significant revision to any Class III well portion of a permit or Research and Development License shall meet the requirements of Chapter 7 of these regulations, except that a non-significant revision shall be for the following reasons:

(iv) To allow for a change in ownership or operational control of a facility where the Administrator determines that no other change in the permit or Research and Development License is necessary provided that a written agreement is submitted in a format and on forms required by the Administrator containing a specific date for transfer of permit or Research and Development License responsibility, coverage, and liability between the current and new operator.

Non Coal Chapter 7 Section 1(a)

(a) A mine permit or Research and Development Testing License may be revised in accordance with this Chapter and upon approval by the Administrator, if the operator submits a request to the Division.

WDEQ believes the referenced material above meet the requirement of the comment. If the EPA believes there is a stringency issue please indicate the basis of such claim.

25) 40 CFR 144.39(a)(2)

(a) Information. The Director has received information. Permits other than for Class II and III wells may be modified during their terms for this cause only if the information was not available at the time of permit issuance (other than revised regulations, guidance, or test methods) and would have justified the application of different permit conditions at the time of issuance. For UIC area permits (§ 144.33), this cause shall include any information indicating that cumulative effects on the environment are unacceptable

Will get back?

35-11-409(a)

(a) The director shall revoke a mining permit if at any time he determines that the permit holder intentionally misstated or failed to provide any fact that would have resulted in the denial of a mining permit and which good faith compliance with the policies, purposes, and provisions of this act would have required him to provide.

Chapter 11 Section 14(b)

(b) The occurrence of any of the following with regards to the Class III Well portion of a permit or Research and Development Testing License shall result in the operator being required to revise the permit or Research and Development Testing License. These revisions shall be treated as significant revisions and require public notice as specified in Chapter 7 of these regulations and Section 21 of this Chapter. In addition, the fact sheet will be updated for these revisions:

- (i) Any material or substantial alterations or additions to the facility which occurred after issuance of the permit or license, which justify the application of permit or license conditions that are different or absent in the existing permit or license, including:

WDEQ believes the above references resolve EPA concerns. If the EPA continues to have a stringency concern, please indicate the basis of such concern. This comment is considered resolved.

26) 40 CFR 144.40(a)(3)

- (3) A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by permit modification or termination;**

Non Coal Chapter 11 Section 14 b(v)

- (b) The occurrence of any of the following with regards to the Class III Well portion of a permit or Research and Development License shall result in the operator being required to revise the permit or Research and Development License. These revisions shall be treated as significant revisions and require public notice as specified in Chapter 7 of these regulations and Section 21 of this Chapter. In addition, the fact sheet will be updated for these revisions:

(v)A determination is made that the activity endangers human health or the environment and can only be regulated to acceptable levels by a permit revision

35-11-412 License Revocation or Suspension

- (a) The director shall revoke an operator's license
 - (i) If at any time he becomes aware of the existence of any fact, reason, or condition that would have caused him to deny an application for a mining permit whether or not such condition existed at the time of application.
 - (ii) If he determines that the operator intentionally misstated or failed to provide any fact that would have resulted in the denial of a license and which good faith compliance with the policies, purposes and provisions of this act would have required him to provide.
- (b) The director may suspend the license if he determines the operator is in substantial violation of the terms of the license or of the provisions of this act. The suspension shall be lifted when the violation have been corrected to the director's satisfaction. No suspension shall be unreasonably prolonged.

WDEQ believes the above referenced citations meet the intent of 40 CFR 144.40(a)(3). The comment is considered resolved. If EPA continues to have a stringency concern, please indicate the basis of such concern.

27) 40 CFR 144.41

Upon the consent of the permittee the Director may modify a permit to make the correction or allowance for changes in the permitted activity listed in this section, without following the procedures of Part 124, Any permit modification not processed as a minor modification under this section must be made for cause and with part 124 draft permit and public notice as required in 144.29 Minor modification may only

Non Coal Chapter 11 Section 14(c)

(c) A non-significant revision to any Class III well portion of a permit or Research and Development License shall meet the requirements of Chapter 7 of these regulations, except that a non-significant revisions with operator consent shall be for the following reasons only:

The following change listed above should resolve EPA concerns. The comment is considered resolved. If EPA continues to have stringency concerns please indicate the basis of such concern.

28) 40 CFR 144.51(f)

(f) Permit actions. This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

35-11-405 Permit defined; no mining operation without valid permit; when validity terminated:

(a) A mining permit is the certification that the trust of land described may be mined by an operator licensed to do so in conformance with an approved mining and reclamation plan. No mining operation may be commenced or conducted on land for which there is not in effect a valid mining permit to which the operator possesses the rights.

35-11-415 Duties of Operators

(a) Every operator to whom any permit or license is issued shall comply with all requirements of this act, the rules and regulations promulgated hereunder, and reclamation plans and other terms and conditions of any permit or license.

(b) The operator; pursuant to an approved surface mining permit and mining plan and reclamation plan, or any approved revision thereto shall

(ii) Conduct all surface mining and reclamation activities within the permit area in conformity with the approved plan.

WYDEQ requires that as shown above have a permit and regardless of permit also comply with the Environmental Quality Act, regulations, mining plans, and reclamation plans. Regardless if a

modification is occurring to a permit they are obligated to fulfill the commitments. WYDEQ considers this comment resolved. If EPA has stringency concerns please indicate the basis of such concern.

29) 40 CFR 144.51(i)(2)

2) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit.

35-11-109(a)(vi)

(vi) Designate authorized officers, employees or representatives of the department to enter and inspect any property, premise or place, except private residences, on or at which an air, water or land pollution source is located or is being constructed or installed, or any premises in which any records required to be maintained by a surface coal mining permittee are located. Persons so designated may inspect and copy any records during normal office hours, and inspect any monitoring

The above reference provides DEQ the ability to have access and copy records as required by 40 CFR 144.51(i)(2). The terms reasonable and normal office hours comparable and are not a stringency issue. WYDEQ considers the comment resolved. If EPA continues to have stringency concerns please indicate the basis for such concern.

30) 40 CFR 144.51 (i)(4)

4) Sample or monitor at reasonable times for the purposes of assuring permit compliance or as otherwise authorized by the SDWA, any substances or parameters at any location.

35-11-109)(vi)

(a) In addition to any other powers and duties imposed by law, the director of the department shall:

(iv) Designate authorized officers, employees or representatives of the department to enter and inspect any property, premise, or place, except private residence, on or at which an air, water, or land pollution source is located or is being constructed or installed, or any premises in which any records required to be maintained by a surface coal mining permittee are located. Persons so designated may inspect and copy any records during normal office hours, and inspect any monitoring equipment or method of operation required to be maintained pursuant to this act at any reasonable time upon presentation of appropriate credentials, and without delay, for the purpose of investigating actual or potential sources of air, water, or land pollution and for determining compliance or noncompliance with this act, and any rule, regulations, standards, permits, or orders promulgated hereunder. For surface coal mining operations, right of entry to or inspection of any operation, right of entry to or inspection of any operation, premises, records, or equipment shall not require advance notice. The owner, occupant or operator

shall receive a duplicate copy of all reports made as a result of such inspections within thirty (30) days. The department shall reimburse any operator for the reasonable costs incurred in producing copies of the records requested by the department under this section.

The above referenced citation meets the requirements of 40 CFR 144.51 (i)(4). The comment is considered resolved. If EPA continues to have stringency concerns please indicate the basis of such concern.

31) 40 CFR 144.51(j)(3)(i)

(i) The date, exact place, and time of sampling.

35-11-430(b) has all the required information that 40 CFR 144.51(j)(3)(i). The WYDEQ realizes that to EPA it may seem confusing to have standards in statute and in regulation. The WYDEQ has successfully managed the two location as it has regulated a number of different licensee/permittees. This is not a stringency issue and unless otherwise noted by EPA the concern is considered resolved.

32) 40 CFR 144.51(k)

(k) Signatory Requirement. All applications, reports, or information submitted to the Administrator shall be signed and certified.

Non Coal Chapter 11 Section 2(g)

(g) All applications shall be signed by a responsible corporate officer All reports required by permits (including Annual Reports, Quarterly Monitoring Reports, and reports related to excursion monitoring and control) or other information required by the Administrator which pertain to ClassIII injection wells shall be signed by a responsible corporate officer or duly authorized representative. Any responsible corporate officer or duly authorized representative signing a document under this Section shall make the following certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for known violations

The above reference meets the requirements 40CFR 144.51(k). If the EPA continues to have stringency concerns please indicate the basis of such concern.

33) 40 CFR 144.51(l)(2)

(2) Anticipated noncompliance. The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements

Non Coal Chapter 11 Section 18 Noncompliance

(a) The operator shall

(i) Verbally report to the Administrator any noncompliance which may endanger public health or environment, within 24 hours of the time the operator becomes aware of the occurrence.

(ii) Provide written report to the Administrator within five days of the operator becoming aware of the noncompliance occurrence. The Administrator of the Land Quality Division will forward one copy to the Administrator of the Water Quality Division.

It could be interpreted that if the operator is aware of future noncompliance they would be obligated to report such instances to the WDEQ. This comment is considered resolved. If the EPA has stringency concerns, please indicate the basis of such concern.

34) 40 CFR 144.51(m)

(m) Requirement prior to commencing injection. Except for new wells authorized by an area permit under 133.33(c), a new injection well may not commence injection until construction is complete; and

1) the permittee has submitted notice of completion of construction to the Director; and

2)

(i) The Director has inspected or otherwise reviewed the new injection well and finds it is in compliance with the conditions of the permit; and

(ii) The permittee has not received notice from the Director of his or her intent to inspect or otherwise review the new injection well within 13 days of the date of the notice in paragraph (m)(1) of this section, in which case prior inspection or review is waived and the permittee may commence injection. The Director shall include in his notice a reasonable time period in which he shall inspect the well.

Non coal Chapter 11 Section 8

(j) Section 11(b) Except for all new wells authorized by an area permit under Subjection 2(e) of this chapter, The operator may not commence injection in a new injection well until construction is complete and: the operator has demonstrated mechanical integrity. The

operator shall submit notice of completion of construction and demonstrated mechanical integrity in the quarterly monitoring reports.

(i) The operator has submitted notice of completion of construction to the Administrator; and

(ii) With respect to inspection and review:

(A) The Administrator has inspected or otherwise reviewed the new injection well and finds the well is in compliance with the permit or Research and Development Testing License; or

(B) The operator has not received notice from the Administrator of the intent to inspect or otherwise review the new injection wells within 13 days of the date of the notice in paragraph (b)(i) of this subsection, in which case prior inspection or review is waived and the operator may commence injection. If notice is given, the Administrator shall include in the notice a reasonable time period in which he or she shall inspect the well.

WDEQ will reject the proposed change such that it mirrors the federal language.

35) 40 CFR 144.52(a)(1)

(1) Construction requirements as set forth in part 146. Existing wells shall achieve compliance with such requirements according to a compliance schedule established as a permit condition. The owner or operator of a proposed new injection well shall submit plans for testing, drilling, and construction as part of the permit application. Except as authorized by an area permit, no construction may commence until a permit has been issued containing construction requirements (144.11). New wells shall be in compliance with these requirements prior to commencing injection operations. Changes in construction plans during construction may be approved by the Administrator as a minor modification (144.41). No such changes may be physically incorporated into construction of the well prior to approval of the modification by the Director.

Non Coal Chapter 11 Section 8(i)

(i) No Class III well construction may commence until a permit or Research and Development License has been issued which includes well construction information in accordance with the requirements of Section 8 of this Chapter.

Non Coal Chapter 11 Section 2 (c)

(c) No in situ mining shall commence or be conducted unless a valid permit or Research and Development ~~Testing~~ License has been issued to the operator from the Department. Applications for a permit or Research and Development ~~Testing~~ License shall be filed with the Administrator. The applicant shall file two copies of the application to the Administrator in a format required by the Administrator.

Non Coal Chapter 11 Section 8 (j)

(j) The operator may not commence injection in a new injection well until construction is complete and the operator has demonstrated mechanical integrity. The operator shall

submit notice of completion of construction and demonstrated mechanical integrity in the quarterly monitoring reports

Non Coal Chapter 11 Section 8 (a)

(a) Methods for well construction shall:

- (i) Be approved by the Administrator and included in the permit or Research and Development License application
- (ii) Constitute a condition of the permit
- (iv) The Administrator may grant a deviation from the requirements, except those in Section 8 (g) provided the operator can supply documentation of reliability, mechanical integrity, design and construction to protect groundwaters of the state.

The EPA identified concerns in regards to no construction occurring before a permit is issued and new wells shall be in compliance with these requirements prior to commencing operations. The above references clearly indicate that no construction can occur until a permit is issued. Additionally all injection wells must meet MIT requirements and construction requirements. For wells not under an area permit the requirements in 40 CFR 144.51(m) apply. Based on these citations the comment is considered resolved. If EPA still has stringency concerns, please indicate the basis for such concerns.

36) 40 CFR 144.52(a)(6)

(6) After cessation of operations of two years the owner or operator shall plug and abandon the well in accordance with the plan unless he:

(i) Provides notice to the Regional Administrator.

(ii) Describes actions or procedures, satisfactory to the Regional Administrator that the owner or operator will take to ensure that the well will not endanger USDWs during the period of temporary abandonment. These actions and procedures shall include compliance with the technical requirements applicable to active injection wells unless waived by the Regional Administrator.

Non Coal Chapter 11 Section 10(e)

The WDEQ proposes to reject the proposed change such that the language mirrors 40 CFR 144.52(a)(6). The comment is considered resolved. If EPA continues to have stringency concerns, please indicate the basis of such concern.

37) 40 CFR 144.52 (a)(7)(i)(C)

(C) The transferor of a permit has received notice from the Director that the owner or operator receiving transfer of the permit, the permittee, has demonstrated financial responsibility for the well.

35-11-408

A permit holder desiring to transfer his permit shall apply to the administrator. The potential transferee shall file with the administrator a statement of qualifications to hold a permit as though he were the original applicant for the permit and shall further agree to be bound by all of the terms and conditions of the original permit. The administrator shall

recommend approval or denial of the transfer to the director. No transfer of a permit will be allowed if the current permit holder is in violation of this act, unless the transferee agrees to bring the permit into compliance with the provision of this act.

The administrator approves or denies a transfer. One of the criteria that must be met is that the transferee agrees to be bound by all of the terms and conditions of the original permit. This includes the financial assurances to cover the cost estimate liability. The administrator does not approve a transfer until the bonding analysis ensures the financial assurance mechanisms are in place. The above citation meets the requirements of 40 CFR 144.52 (a)(7)(i)(C). The comment is considered resolved. If EPA continues to have stringency concerns, please indicate the basis for such concern.

38) 40 CFR 144.52(a)(9)

(9) Additional conditions The Director shall impose on a case by case basis such additional conditions as are necessary to prevent the migration of fluids into underground sources of drinking water.

Non Coal Chapter 11 Section 2

All applications for mining permits and amendments must be submitted in a format satisfactory to the Administrator. The applicant shall provide information that is complete, current, presented clearly and concisely, and supported by appropriate references to technical and other written material. The Administrator may require the applicant to supplement the application with information beyond that specifically required by these rules if the Administrator believes that additional information is necessary to make an informed decision.

Water Quality Regulations Chapter 8 Section 3 Underground Water Protected

(c) Protection shall be afforded all underground water bodies (including water in the vadose zone). Water being used for a purpose identified in W.S. 35-11-102 and 103(c)(i) shall be protected for its intended use and uses for which it is suitable. Water not being put to use shall be protected for all uses for which it is suitable

35-11 429

(iv) Prohibit any significant change in mining technique, method of operation, recovery fluid used, mining and reclamation plans or other activities that would jeopardize reclamation or protection of any waters of the state unless a permit revision has been approved by the director pursuant to this act;

While WDEQ believes the citations above meet the requirements of 40 CFR 144.52(a)(9) it recognizes EPA may still have concerns with the above item. This will have to be an item we discuss and possibly correct at the next available opportunity.

39) 40 CFR 144.52(b)(1)

(1) In addition to conditions required in all permits the Director shall establish conditions in permits as required on a case-by-case basis to provide for and assure compliance with applicable requirements of the SDWA and parts 144, 145, 146, 124

Non Coal Chapter 11 Section 2

All applications for mining permits and amendments must be submitted in a format satisfactory to the Administrator. The applicant shall provide information that is complete, current, presented clearly and concisely, and supported by appropriate references to technical and other written material. The Administrator may require the applicant to supplement the application with information beyond that specifically required by these rules if the Administrator believes that additional information is necessary to make an informed decision.

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35-11 429

(iv) Prohibit any significant change in mining technique, method of operation, recovery fluid used, mining and reclamation plans or other activities that would jeopardize reclamation or protection of any waters of the state unless a permit revision has been approved by the director pursuant to this act;

While WDEQ believes the citations above meet the requirements of 40 CFR 144.52(b)(1) it recognizes EPA may still have concerns with the above item. This will have to be an item we discuss and possibly correct at the next available opportunity.

40) 40 CFR 144.55 (b)(2)

New injection wells. No owner or operator of a new injection well may begin injection until all required corrective actions has been taken.

Non Coal Chapter 11, Section 8(j)

(j)The operator may not commence injection in a new injection well until construction is complete and the operator has demonstrated mechanical integrity. The operator shall submit notice of completion of construction and demonstrated mechanical integrity in the quarterly monitoring reports.

Non Coal Chapter 11 Section 11 (b)(i)(A)

(b) An aquifer, or a portion thereof, which meets the criteria for an Underground Source of Water as defined in Section 1 of this Chapter may be designated as an "exempted aquifer":

- (i) If it meets the following criteria:
 - (A) it does not currently serve as a source of water for uses described in Chapter 8 of Water Quality Rules and Regulations.

According to the following section, the operator has to demonstrate mechanical integrity prior to injecting, and if the MIT fails and requires corrective action, then it has not demonstrated mechanical integrity. Additionally as part of the corrective action groundwater that serves as a source of water cannot be exempted. Those wells have to be plugged and abandoned prior to issuance of a permit and aquifer exemption. With this WDEQ believes they meet the requirements of 40 CFR 144.55 (b)(2). If EPA continues to have stringency concerns, please indicate the basis for such concern.

41) 40 CFR 146.4(b) It cannot now and will not in the future serve as a source of drinking water because:

WDEQ appreciates the concern but when referencing federal regulation the requirements for the State are that we reference the date. This comment is considered resolved.

42) 40 CFR 146.6(b)(2) In the case of an application for an area permit under 122.39 a fixed width of not less than one fourth mile for the circumscribing area may be used. In determining the fixed radius, the following factors shall be taken into consideration. Chemistry of injected and formation fluids; hydrogeology, population and ground water use and dependence; and historical practices in the area

Adjacent lands defined in 35-11-103(e)(vii), “means all lands within ½ mile of the proposed permit area”, also known as “adjacent areas”

Non Coal Chapter 11 Section 4(ix)

- (ix) For groundwater within the permit area and on adjacent lands
 - (A) The names (or numbers) description, and a map of all wells or water supply or monitoring and all wells which penetrate the production zone.

WDEQ has a fixed review groundwater uses under adjacent lands out to ½ mile. WDEQ does not understand where the need to extend beyond ½ mile exists. If EPA has a concern with stringency please indicate a scenario where ½ mile area of review was not sufficient.

43) 40 CFR 146.8

In conducting and evaluating the tests enumerated in this section or others to be allowed by the Director, the owner or operator and the Director shall apply methods and standards generally accepted in the industry. When the owner or operator reports the results of mechanical integrity tests to the Director, he shall include a description of the test(s) and the method(s) used. In making his/her evaluation, the Director shall review monitoring and other test data submitted since the previous evaluation

Chapter 11 Section 9(a) A schedule and methods for Mechanical Integrity Testing shall be approved by the Administrator and included in the permit or Research and Development License application (per Section 5(a)(xvi) of this Chapter) and shall constitute requirements of the permit. The schedule and methods shall meet the following requirements:

Guideline 4, Reference Document 8 (G)(3)

3. The results of the MIT shall be reported quarterly to the LQD. Reference Document 1, General Information, Attachment V contains a link to a spreadsheet for reporting the details of test. The required information includes:

- a. Well identification
- b. Date of the MIT
- c. Method of testing and testing details such as the following
 - i. Packer depth
 - ii. Initial pressure
 - iii. Final pressure
 - iv. Pressure loss
- d. Casing type
- e. Depth of casing
- f. Results of test
- g. Next test date
 1. The report shall also include
 - a. Description of the method of plugging or repair of wells that failed the MIT
 - b. Result of the repair of plugging
 - c. Statement that the wells were plugged in accordance with the permit or prior approval was granted by the administrator for a different method.

WDEQ considers this comment resolved. If EPA continues to have stringency concerns, please indicate the basis for such concern.

44) 40 CFR 146.8(f)

The Director may require additional or alternative tests if the results presented by the owner or operator under § 146.8(e) are not satisfactory to the Director to demonstrate that there is no movement of fluid into or between USDWs resulting from the injection activity.

Chapter 11, Section 9(a)(v) If the Administrator determines that a well lacks mechanical integrity, he or she shall give written notice of this determination to the operator of the well. Unless the Administrator requires immediate cessation, the operator shall cease injection into, or production from the well within 48 hours of receipt of the Administrator's determination. The Administrator may allow plugging of the well or require the operator to perform such additional construction, operation, monitoring, reporting, and corrective action as is necessary to prevent the movement of fluid into unauthorized zones or onto the surface caused by the lack of mechanical integrity. The operator may resume injection or production upon written notification from the Administrator that the operator has demonstrated mechanical integrity.

WDEQ believes we meet the requirements of 40 CFR 146.8(f). The comment is considered resolved. If EPA continues to have stringency concerns, please indicate the basis for such concern.

45) 40 CFR 146.34(a)(2)

A map showing the injection well or project area for which a permit is sought and the applicable area of review. Within the area of review, the map must show the number or name and location of all existing producing wells, injection wells, abandoned wells, dry holes, public water systems and water wells. The map may also show surface bodies of waters, mines (surface and subsurface), quarries and other pertinent surface features including residences and roads, and faults if known or suspected. Only information of public record and pertinent information known to the applicant is required to be included on this map.

35-11-406(a)(ix)

(ix) a map based upon public records showing the boundaries of the land to be affected, its surrounding immediate drainage area, the location and names, where known, of all roads, railroads, public or private, rights of way and easements, utility lines, lakes, streams, creeks, springs, and other surface water courses, oil wells, gas wells, water wells, and the probable limits of **underground mines and surface mines**, whether active or inactive, on or immediately adjacent to the land to be affected.

The above reference resolves the concern of EPA. Quarries are considered surface mines in the State. The above comment is considered resolved.

46) 40 CFR 146.34(a)(3)

A tabulation of data reasonably available from public records or otherwise known to the applicant on wells within the area of review included on the map required under paragraph (a)(2) of this section which penetrate the proposed injection zone. Such data shall include a description of each well's type, construction, date drilled, location, depth, record of plugging and completion, and any additional information the Director may require. In cases where the information would be repetitive and the wells are of similar age, type, and construction the Director may elect to only require data on a representative number of wells.

Chapter 11, Section 4(a)(ix-x)

(ix) For groundwater within the permit area and on adjacent lands:

(A) The names (or numbers), descriptions, and a map of all wells installed for water supply or monitoring and all wells which penetrate the production zone. The description shall include: names of present owners, well completion data, producing interval(s), and variations in water level to the extent such information is available in the public records and from a reasonable inspection of the property.

(B) A list and map of all adjudicated and permitted groundwater rights.

(x) A list and map of all abandoned wells and drill holes, giving location, depth, producing interval(s), type of use, condition of casing, plugging procedures and date of completion for each well or drill hole within the permit area and on adjacent lands to the extent such information is available in public records and from a reasonable inspection of the property.

The above references meet the intent of 40 CFR 146.34(a)(3). The comment is considered resolved. If EPA continues to have stringency concerns please indicate the basis for such concern.

47) 40 CFR 146.34(a)(4)

Maps and cross sections indicating the vertical limits of all underground sources of drinking water within the area of review, their position relative to the injection formation, and the direction of water movement, where known, in every underground source of drinking water which may be affected by the proposed injection:

Chapter 11, Section 4(a)(xii)

(xii) Aquifer characteristics for the water saturated portions of the receiving strata and aquifers which may be affected by the mining process, which may include, but is not limited to, aquifer thickness, velocity and direction of groundwater movement, storage coefficients or specific yields, transmissivity or hydraulic conductivity and the direction(s) of preferred flow under hydraulic stress in the saturated zones of the receiving strata. The extent of hydraulic connection between the receiving strata and overlying and underlying aquifers, and the hydraulic characteristics of any influencing boundaries in or near the proposed well field area(s) shall be determined and described. Information needed to meet the requirements of Section 8(d) of this Chapter shall also be provided.

Non Coal Chapter 11 Section 4(ix)

(ix) For groundwater within the permit area and on adjacent lands

(A) The names (or numbers) description, and a map of all wells or water supply or monitoring and all wells which penetrate the production zone.

The above references meet the requirements of 146.34(a)(4). Please indicate more thoroughly the stringency concerns with the above comment.

48) 40 CFR 146.34(a)(7)

Qualitative analysis and ranges in concentrations of all constituents of injected fluids. The applicant may request Federal confidentiality as specified in 40 CFR part 2. If the information is proprietary an applicant may, in lieu of the ranges in concentrations, choose to submit maximum concentrations which shall not be exceeded. In such a case the applicant shall retain records of the undisclosed concentrations and provide them upon request to the Director as part of any enforcement investigation.

Chapter 11, Section 16 (a)(ii)(A): (A) The nature of the injected fluids with sufficient frequency, and at least monthly, to yield representative data on the

characteristics of the fluid. Whenever the injection fluid is modified to the extent that the previous analysis is incorrect or incomplete, a new analysis shall be provided to the Administrator;

Guideline 4 Section VI(D)(2-3) (This is part of the mine operation plan that must be submitted with the application):

2. Recovery fluid(s) or lixiviant Describe the lixiviant proposed to be used including its chemical makeup and concentration.
3. Description of mining processes.
 - a. Provide a description of chemical reactions that may occur during mining as a result of recovery fluid injection. If the process is to be held confidential as a trade secret, provide a statement to that effect in accordance with W.S. § 35-11-1101(a) and request that these pages be removed from the permit and be retained in the confidential files.
 - b. Major chemical reactions or physical processes anticipated at each step in the process should be described. This section should identify the composition and average and maximum volume of fluid to be injected during operation. Special processes and reactions, such as those involved in ion exchange, reverse osmosis, or high pressure water injection should also be identified in this section. The anticipated volume and composition of waste waters or materials generated by the mining operation should be described.

49) 40 CFR 146.34(a)(11)

Schematic or other appropriate drawings of the surface and subsurface construction details of the well

Non Coal Chapter 11 Section 5(a)(xiv)

- (xiv) A detailed description of the typical proposed well completion for monitoring, injection and recovery wells, as required by Section 8 of this Chapter.

Non Coal Guideline 4 Reference document 8 Well Construction Methods

Introduction The applicant shall describe the different steps and procedures used to install and complete wells. Often this step and procedures used for injection and production wells are the same and can be combined. Different procedures for monitor wells shall be explained. The topics to be addressed include but are not limited to the following:

B Well Construction Methods

Describe the steps and methods used to construct the wells. This would include the use of pilot holes, type of drill rig used, and use of drilling mud or other drilling fluids. Typical well completion schematics are also required within the permit application.

The above references meet the intent of 146.34(a)(11). The comment is considered resolved. If EPA continues to have stringency concerns, please indicate the basis of such concerns.

50) 146.34(a)(14) Contingency plan to cope with all shut-ins or well failures so as to prevent the migration of contaminating fluids into underground sources of drinking water.

Non Coal Chapter 11 Section 5(a)(xx)

(xx) A description of measures employed to prevent an excursion, and contingency and corrective action plans to be implemented in the event of an excursion, in accordance with Section 19 and 20 of this Chapter.

Non Coal Chapter 11 Section 1 (k)

(k) Excursion means any unwanted and unauthorized movement of recovery out of the production zone as a result of mining activities.

EPA expressed concerns that an excursion does not cover restoration fluids. WDEQ altered the definition of recovery fluid such that restoration fluid is considered. With the change the comment is considered resolved. If EPA continues to have stringency concerns please indicate the basis of such concerns.

51) 40 CFR 146.34(a)(15)

A certificate that the applicant has assured, through a performance bond, or other appropriate means, the resources necessary to close, plug, or abandon, the well as required by 40 CFR 144.52(a)(7)

Non Coal Chapter 11 Section 6 Application Content Requirements

(a) All applications for a permit shall include, at a minimum, the information and materials related to reclamation required in: W.S. §§ 35-11-428 and 429 (~~2003~~); Chapter 1, Chapter 2, Section 1, and Chapter 3, Section 2 (excepting Subsections (b)(ii) and (iii), (c)(iv), and (h) and with respect to subsection (k)(i), as modified in Section 56(a)(iv) of this Chapter); and

(iii) A plan for well repair, plugging, and conversion as required by Section 10 of this Chapter.

Chapter 11 Section 2(e) The area permit does not allow for the construction of non-bonded infrastructure.

35-11-417(c) and 35-11-411(a)(iii) and (d)

Guideline 4 Reference Document 1 -Attachment IX: In Situ Annual Report Format, Section V. Reclamation Performance Bond Estimate

WDEQ financial assurance for abandonment of wells is a major portion of the financial assurances held for these companies. Regulations speak of maintaining cost estimates for all reclamation costs which abandonment of wells are included. WDEQ regulations meet the intent of 40 CFR 146.34(a)(15). If EPA has specific stringency concerns please indicate the basis to such claim.

52) 40 CFR 146.34(b)(6)

The status of corrective actions on defective wells in the area of review.

Chapter 11 Section 5. Application content requirements- Mine (operations) Plan:

Section 5(a)(xvii) A corrective action plan, for any wells which are improperly sealed, completed, or abandoned, consisting of such steps or modifications as are necessary to prevent movement of fluid into unauthorized zones as required by Section 20 of this Chapter.

Chapter 11 Section 8(j) Except for all new wells authorized by an area permit under Subjection 2(e) of this chapter, the operator may not commence injection in a new injection well until construction is complete and:

(i) The operator has submitted notice of completion of construction to the Administrator: and

(ii) With respect to inspection and review:

(A) The Administrator has inspected or otherwise reviewed the new injection well and finds the well is in compliance with the permit or Research and Development Testing License; or

(B) The operator has not received notice from the Administrator of the intent to inspect or otherwise review the new injection wells within 13 days of the date of the notice in paragraph (b)(i) of this subsection, in which case prior inspection or review is waived and the operator may commence injection. If notice is given, the Administrator shall include in the notice a reasonable time period in which he or she shall inspect the well.

The above references meet the intent of 40 CFR 146.34(b)(6). If EPA has continues to have stringency concerns please indicate the basis of such concern.