

Environmental Protection Agency

§ 147.2201

(4) The Regional Administrator may specify other requirements in addition to or in lieu of the requirements set forth in paragraphs (b) (1) through (3) of this section, as needed to protect USDWs.

§ 147.2155 Requirements for all wells—area of review.

Notwithstanding the alternatives presented in §146.6 of this chapter, the area of review shall be a minimum fixed radius as described in §146.6(b) of this chapter.

Subpart SS—Texas

§ 147.2200 State-administered program—Class I, III, IV, and V wells.

Requirements for Class I, III, IV, and V wells. The UIC program for Class I, III, IV, and V wells in the State of Texas, except for those wells on Indian lands, is the State-administered program approved by EPA pursuant to section 1422 of the SDWA. Notice of this approval was published on January 6, 1982 (47 FR 618); the effective date of this program is February 7, 1982. This program consists of the following elements, as submitted to EPA in the State's program application:

(a) *Incorporation by reference.* The requirements set forth in the State statutes and regulations cited in this paragraph are hereby incorporated by reference and made a part of the applicable UIC program under the SDWA for the State of Texas. This incorporation by reference was approved by the Director of the Federal Register on June 25, 1984.

(1) Injection Well Act, Texas Water Code sections 27.002, 27.011 (Vernon Supp. 1984);

(b) *Other laws.* The following statutes and regulations, although not incorporated by reference except for select sections identified in paragraph (a) of this section, are also part of the approved State-administered UIC program:

(1) Texas Water Code Annotated, Chapter 5 (Vernon 1972 and Supp. 1982);

(2) Injection Well Act, Texas Water Code Annotated, Chapter 27 (Vernon 1972 and Supp. 1982);

(3) Rules of Texas Department of Water Resources, Chapter 27; Rules of

Texas Water Development Board, Chapter 22.

(c) The Memorandum of Agreement between EPA Region VI and the Texas Department of Water Resources, signed by the EPA Regional Administrator on October 11, 1981.

(d) *Statement of legal authority.* "Underground Injection Control Program—Attorney General's Statement for Class I, III, IV, and V Injection Wells," signed by the Attorney General of Texas, June 11, 1981.

(e) The Program Description and any other materials submitted as part of the application or as supplements thereto.

(f) Certain Class V wells are under the UIC program of the Texas Railroad Commission approved on April 23, 1982, under the authorities cited in §147.2201 of this part.

[49 FR 20197, May 11, 1984, as amended at 53 FR 43091, Oct. 25, 1988]

§ 147.2201 State-administered program—Class II wells

The UIC program for Class II wells in the State of Texas, except for those wells on Indian lands, is the program administered by the Railroad Commission of Texas, approved by EPA pursuant to section 1425 of the SDWA. Notice of this approval was published in the FEDERAL REGISTER on April 23, 1982 (47 FR 17488). The effective date of this program was May 23, 1982. This program consists of the following elements, as submitted to EPA in the State's program application:

(a) *Incorporation by reference.* The requirements set forth in the State statutes and regulations cited in this paragraph are hereby incorporated by reference and made a part of the applicable UIC program under the SDWA for the State of Texas. This incorporation by reference was approved by the Director of the Federal Register on June 25, 1984.

(1) Injection Well Act, Texas Water Code Annotated sections 27.031 and 27.033 (Vernon Supp. 1984);

(2) Texas Natural Resources Code Annotated sections 85.041, 85.045, 85.046 and 85.052 (Vernon 1978 and Supp. 1982);

(3) Rules Having Statewide General Application to Oil, Gas, and Geothermal Resource Operations, sections

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.051.02.02.000 to .051.02.02.080 (Railroad Commission of Texas, Oil and Gas Division, Revised 12-22-81), amended as follows:

(i) Amendment to 16 TAC section 3.9 (section .051.02.02.009) issued December 21, 1981, effective April 1, 1982;

(ii) Amendment to 16 TAC section 3.46 (section .051.02.02.046) issued December 21, 1981, effective April 1, 1982.

(iii) Amendment to 16 TAC section 3.71 (section .051.02.02.074) issued December 21, 1981, effective April 1, 1982.

(b) *Other laws.* The following statutes and regulations, although not incorporated by reference, are also part of the approved State-administered UIC program:

(1) Texas Water Code, Chapters 26, 27 and 29 (Vernon 1972 and Supp. 1982);

(2) Texas Natural Resources Code, Chapters 81, 85-89, 91 and 141 (Vernon 1978 and Supp. 1982);

(3) General Rules of Practice and Procedure, Subchapters A-J (Railroad Commission of Texas, adopted November 24, 1975, revised December 1980).

(c)(1) The Memorandum of Agreement between EPA Region VI and the Railroad Commission of Texas, signed by the EPA Regional Administrator on March 24, 1982.

(2) Letter from Director of Underground Injection Control, Railroad Commission of Texas, to Chief, Ground Water Protection Section, EPA Region VI, "Re: Letter of Clarification—UIC Program Application," March 21, 1982.

(d) *Statement of legal authority.* "Statement of Legal Authority of the Railroad Commission of Texas to conduct the Underground Injection Control Program," signed by Special Counsel, Railroad Commission of Texas, as submitted with "State of Texas Underground Injection Control Program Application for Primacy Enforcement Authority," prepared by the Railroad Commission of Texas, January 15, 1982.

(e) The Program Description and any other materials submitted as part of the application or as supplements thereto.

[49 FR 20197, May 11, 1984, as amended at 53 FR 43091, Oct. 25, 1988]

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§ 147.2205 EPA-administered program—Indian lands.

(a) *Contents.* The UIC program for all classes of wells on Indian lands in the State of Texas is administered by EPA. This program consists of the UIC program requirements of 40 CFR parts 124, 144, 146, 148, and any additional requirements set forth in the remainder of this subpart. Injection well owners and operators, and EPA shall comply with these requirements.

(b) *Effective date.* The effective date for the Indian lands program for the State of Texas is November 25, 1988.

[53 FR 43091, Oct. 25, 1988, as amended at 56 FR 9419, Mar. 6, 1991]

Subpart TT—Utah

§ 147.2250 State-administered program—Class I, III, IV, and V wells.

The UIC program for Class I, III, IV, and V wells in the State of Utah, except those on Indian lands, is administered by the Utah Department of Health, Division of Environmental Health, approved by EPA pursuant to Section 1422 of the SDWA. Notice of this approval was published in the FEDERAL REGISTER on January 9, 1983 (47 FR 2321). The effective date of this program is February 10, 1983. Changes to Utah's regulations for Class I wells were made on May 15, 1990, in response to modification of national rules as promulgated by 53 FR 28188, July 26, 1988. Utah's rules were effective July 20, 1990. The revised rules, Program Description, Attorney General's statement, and Memorandum of Agreement were approved as a minor program modification on October 3, 1990. This program consists of the following elements as submitted to EPA:

(a) *Incorporation by reference.* The requirements set forth in the State statutes and regulations cited in this paragraph are hereby incorporated by reference and made a part of the applicable UIC program under the SDWA for the State of Utah. This incorporation by reference was approved by the Director of the Federal Register on June 25, 1984.

(1) Utah Water Pollution Control Act, Utah Code Annotated, Title 26, Chapter 11, Sections 2, 8, and 10 (1989);