

Questions & Answers on Oregon's Underground Injection Program



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Environmental
Quality

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Q: What is the Underground Injection Control (UIC) Program?

A: The federal government started the Underground Injection Control Program in 1974 as part of the Safe Drinking Water Act. The program's goal is to protect freshwater aquifers from contamination due to underground injection systems.

An underground injection system is a system created to place fluid below the ground or subsurface. The most common underground injection systems in Oregon are stormwater drywells.

The UIC Program is administered under the Code of Federal Regulations 40, parts 144-146. The federal Environmental Protection Agency (EPA) approved the Oregon Department of Environmental Quality (DEQ) for primary enforcement responsibility of the UIC Program in 1984.

In the early 1980s DEQ, in coordination with Oregon State University, surveyed underground injection systems. At that time, only two types were in use: gas wells and other shallow injection systems such as stormwater.

From 1984 to 1999, DEQ did not actively implement the UIC Program (i.e. issue permits, conduct rule authorizations, handle enforcement of systems) with the exception of a few technical assistance and compliance activities.

In 1999, EPA revised the federal UIC rules. DEQ convened an external advisory committee to receive guidance in revising the state UIC regulations. The Oregon Environmental Quality Commission adopted the rule revisions in June 2001 and the new rules went into effect in September 2001.

The 2001 rules did not include fees dedicated to run the program. The only fees available for UIC work are for those underground injection systems that qualify as Water Pollution Control Facility permits (i.e. owners of multiple UICs).

Q: Why is DEQ relinquishing administration of the UIC Program to the federal EPA?

A: Funding levels for the state's UIC Program have been inadequate since the revised Oregon rules came into effect in 2001. That year, federal and state General Funds provided for 2.3 full-time employees (FTEs) assigned to the UIC Program. The Oregon Legislature, during a special session, reduced state General Funds, cutting all state General Funds from the UIC Program.

Currently, EPA provides UIC funding at a level that supports approximately one staff person, which is inadequate to run a statewide program. There is a backlog of 60 to 90 days for approving systems that require DEQ's authorization in order for development to proceed. DEQ has not been able to develop key program implementation policy, including best management practices, operation and maintenance guidance, monitoring guidance, guidance for closing UIC systems, and permit templates. Without these essential program elements, DEQ is unable to provide guidance to the regulated community on the proper monitoring of UIC systems, set clear approval processes for the construction and engineering of UIC systems, or efficiently issue and enforce permits for UIC systems.

With the exception of the City of Portland, which provided funding to DEQ for one staff person to issue the city's UIC permit, DEQ has not been able to issue permits to municipalities that have submitted permit applications.

Q: Has DEQ requested additional funding for the UIC Program?

A: Over the past few years, DEQ has asked EPA for additional federal funding to support the UIC Program. EPA, however, has only about \$11 million that it uses to fund all EPA and state work on UICs nationally, and EPA has been unable to provide additional funding to Oregon.

Earlier this year, DEQ met with the Association of Clean Water Agencies (ACWA), the largest group of municipal UIC stakeholders, to seek short-term funding to support 3.5 additional staff through mid-2007, and support for 5 additional

staff. ACWA and its members, facing their own funding issues, were only able to offer funding for one additional FTE. DEQ appreciates ACWA's efforts, but is unable to run an adequate UIC program without additional resources to support at least 3.5 more staff.

Q: If EPA takes back primacy for Oregon's UIC Program, how would it administer it?

A: At this time, EPA has not specified how it would implement the UIC Program in Oregon. Over the next few months, DEQ will seek to coordinate meetings between EPA and interested or affected parties in Oregon to discuss EPA's response. Pending further discussions and information from EPA, DEQ believes that EPA is likely to have a greater presence in Oregon around UIC issues, but the level of EPA presence is uncertain at this time.

Q: What's the process to transfer the UIC Program from DEQ to EPA?

A: DEQ has developed the following timeline:

- DEQ has started to notify UIC stakeholders that DEQ is beginning the process to relinquish the UIC Program to EPA.
- DEQ will stop accepting new and revised UIC registration applications on Sept. 1, 2006. This information will be posted on DEQ's UIC Program Web Page on or before July 1, 2006.
- DEQ is consulting with the Oregon Department of Justice for advice on repealing or amending existing state UIC regulations (Oregon Administrative Rules, Chapter 340, Division 44) and how to maintain rules needed to allow DEQ to continue to administer the City of Portland's UIC permit. DEQ will likely recommend that the Environmental Quality Commission repeal or amend some or all of the state UIC regulations if Oregon will no longer be implementing the program.
- By July 2006, DEQ will notify all UIC owners who are required to monitor their UIC systems that DEQ will no longer administer the UIC Program, but that the rule authorizations are still in effect. DEQ will not follow up on monitoring conditions of the rule authorizations. EPA may or may not elect to follow up on rule authorizations.

- By Sept. 1, 2006, DEQ will refund fees to jurisdictions that applied for a UIC-specific Water Pollution Control Facilities or National Pollutant Discharge Elimination System permit.
- By Nov. 1, 2006, DEQ will complete the processing of any UIC application submitted to DEQ on or before Sept. 1, 2006.
- After Nov. 1, 2006, DEQ will provide EPA with a CD of DEQ's UIC database.
- DEQ will maintain all UIC paper files unless otherwise requested by EPA.

For more information

For more detailed information about DEQ's UIC Program, see the DEQ Web site at:

<http://www.deq.state.or.us/wq/groundwa/uichome.htm>.

For more details about DEQ's plans to relinquish the program to EPA, please contact DEQ Water Quality Administrator Lauri Aunan, Portland, at (503) 229-5327 (toll-free in Oregon at 1-800-452-4011, x 5327)

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