

US EPA ARCHIVE DOCUMENT



EPA Approves the Navajo Nation's Class II Underground Injection Control Program

What is EPA approving?

The Environmental Protection Agency (EPA) is approving the Navajo Nation's application for primacy under Section 1425 of the Safe Drinking Water Act (SDWA) to grant the Tribe primary enforcement responsibility ("primacy") for the underground injection control (UIC) program for Class II (oil and gas-related) injection wells. The Tribe's application requested primacy for Class II wells located: within the exterior boundaries of the formal Navajo Reservation, including the three satellite reservations (Alamo, Canoncito and Ramah), but excluding the former Bennett Freeze Area, the Four Corners Power Plant and the Navajo Generating Station; and on Navajo Nation tribal trust lands and trust allotments outside the exterior boundaries of the formal Navajo Reservation. EPA is approving the Navajo Nation to administer the Class II UIC Program in all of these areas.

EPA's final rulemaking decision is based on a careful and extensive legal and technical review of the Navajo Nation's primacy application, two public comments received, and other relevant information. As a result of the action, the Navajo Nation will administer and enforce its own program for the existing Class II injection wells and any future wells located within the areas described above. EPA will continue to administer its SDWA UIC program for any Class I, III, IV, and V wells on Navajo Indian lands.

Why is this rule needed?

An Indian tribe may apply for primacy for the UIC program if it meets specific eligibility criteria and administrative and programmatic conditions. EPA has determined that the Navajo Nation is eligible to apply for primacy, that the Tribe's Class II UIC program meets all applicable requirements for approval under SDWA Section 1425, and that the Tribe is capable of administering an effective Class II UIC program in a manner consistent with the terms and purposes of the SDWA and all applicable regulations.

Overview of the Navajo Nation's Class II UIC Program

The Navajo Nation started developing its Class II UIC program capacity in 1992 by assisting EPA in the implementation and enforcement of the Federal Class II UIC regulations on Navajo lands. The Navajo Nation subsequently enacted the Navajo Nation Safe Drinking Water Act (2001), and promulgated the Navajo Nation UIC Regulations (2001, 2006) and the Uniform Regulations for Permit Review, Administrative

Enforcement Orders, Hearings and Rulemaking (2001) which provide the laws and regulations to administer and implement a UIC program. The Navajo Nation modeled its Class II UIC program after the Federal program. The Tribe has qualified UIC program staff who issue UIC permits pursuant to the Tribe's laws and regulations, conduct inspections for verification of compliance with UIC requirements, participate in enforcement actions, and support EPA's annual reporting.

How can I get more information?

The final rule, "Navajo Nation, Underground Injection Control (UIC) Program; Primacy Approval," will be published in the *Federal Register* (FR) within the next week. The FR notice, and all supporting documentation for this final rule, can be accessed via the web at www.regulations.gov once the rule is published. The public can also visit the EPA Region 9 Ground Water Office's web site at <http://www.epa.gov/region09/water/groundwater/navajonation/index.html> or contact Kate Rao by email at rao.kate@epa.gov or by phone at 415-972-3533.