



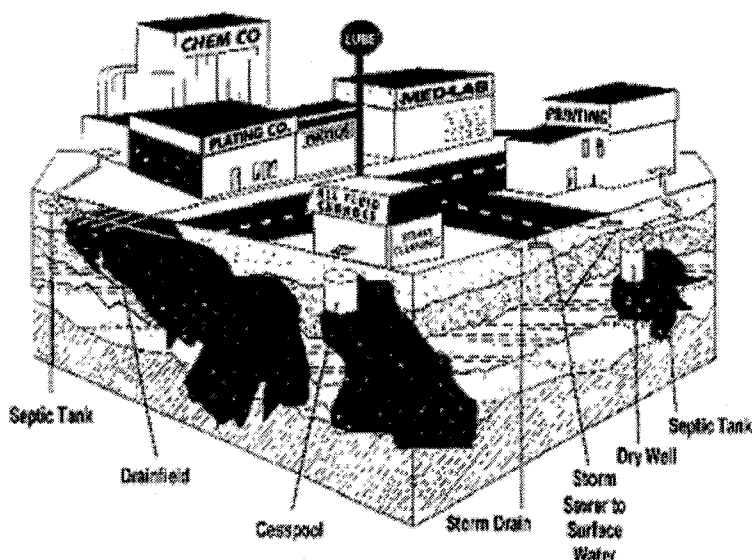
United States  
Environmental Protection  
Agency

Office of Water  
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## FACT SHEET CLASS V INJECTION WELLS

### Proposed Regulatory Requirements As Part of a Comprehensive Management Strategy for Class V Injection Wells



#### What is a Class V injection well?

Underground Injection Control (UIC) Class V Injection Wells are typically shallow disposal systems that are used to place a variety of fluids below the land surface, into or above underground sources of drinking water. Injection wells are regulated by EPA and states through the UIC program in order to protect underground sources of drinking water from contamination.

#### Why are Class V injection wells of concern to EPA?

EPA estimates there are more than one million Class V injection wells currently in the United States. Class V injection wells are located in every state, especially in unsewered areas where the population is likely to depend on

groundwater for its drinking water source. The fluids released by certain types of these wells have a high potential to contain elevated concentrations of contaminants that may endanger drinking water.

The 1996 Amendments to the Safe Drinking Water Act (SDWA) establish source water protection as a national priority. The Amendments require states to establish Source Water Assessment Programs (SWAPs) that fit their particular needs and conditions. A SWAP is complete when states: 1) obtain EPA approval of the state's strategic approach to conducting the assessments; 2) delineate the boundaries of the assessment areas in the state from which one or more public drinking water systems receive supplies of drinking water; and 3) identify, to the extent practical, the origins of regulated and certain unregulated contaminants in the delineated area to determine the susceptibility of public water systems to such contaminants.

Consistent with the national priority established by the 1996 SDWA Amendments, the proposed Class V rule, 40 CFR 144, Subpart G - *Requirements for Owners and Operators of Class V Injection Wells*, focuses on high-risk Class V injection wells in source water protection areas, that are known to pose the greatest threat to underground sources of drinking water:

- motor vehicle waste disposal wells;
- industrial waste disposal wells; and
- large-capacity cesspools.

The proposed Class V regulation would affect the owners and operators of these wells in source water protection areas delineated for community water systems and non-transient non-community water systems that rely on at least one ground water source.

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**Are Class V injection wells currently**

Class V injection wells are regulated by the UIC program, whose governing regulations were promulgated under the authority of Part C of the SDWA. Under the existing federal regulations,

**regulated?**

Class V injection wells are "authorized by rule" (40 CFR 144), which means they do not require a permit if they do not endanger underground sources of drinking water and comply with other UIC program requirements.

The conditions of the rule authorization are twofold: first, basic inventory information about the Class V injection well must be submitted to EPA or the state primacy agency; second, the Class V injection well must be constructed, operated, and closed in a manner which protects underground sources of drinking water. EPA or a state primacy agency may ask for additional information or require a permit in order to ensure that ground water quality is adequately protected. Further, many UIC primacy state programs have additional prohibitions or permitting requirements for certain types of Class V injection wells.

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**What are the proposed regulatory requirements?**

As the first step in the strategy for Class V injection well management, EPA is proposing to regulate three types of UIC Class V wells in Source Water Protection Areas for community and non-transient non-community water systems that use groundwater as follows:

1. **Large-capacity Cesspools**
  - New cesspools would be prohibited
  - Existing cesspools would be phased out over 5 years
2. **Industrial Waste Disposal Wells**
  - Would be prohibited from exceeding drinking water standards or other health-based limits at the point of injection
  - Must meet drinking water standards within 90 days of the completion of its local SWAP
3. **Motor Vehicle Waste Disposal Wells**
  - Two options are being co-proposed: a) ban motor vehicle wells completely; or b) owners would be allowed to receive a waiver from the ban and apply for a permit that would require waste to meet drinking water standards at the point of injection

- Must close well or apply for a waiver within 90 days of the completion of its local SWAP (states may grant a one-year extension)

If states do not complete their SWAP by the extended deadline of May 2003 -- these requirements would apply statewide.

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**Didn't EPA propose regulations for Class V injection wells in 1995?**

In August 1995, the Administrator signed a notice of proposed rulemaking. In this notice, EPA proposed not to adopt additional federal regulations for any types of Class V injection wells. Instead, EPA proposed to address the risks posed by certain wells using existing authorities and a Class V management strategy designed to (1) speed up the closure of potentially endangering wells; and (2) promote the use of best management practices to ensure that other Class V injection wells of concern do not endanger underground sources of drinking water.

In 1995, EPA received many comments from some states and industries that use Class V injection wells that supported the proposal to not impose more regulations for Class V wells. In general, these commenters supported the rule because it provided maximum flexibility to states to use existing authorities to address high-risk site specific factors. However, EPA also received a number of comments that raised concerns about the proposal, primarily from states and an environmental group. In particular, several commenters questioned whether a UIC program without additional requirements for high-risk well types, including Class V industrial waste disposal wells and cesspools, could prevent endangerment to drinking water sources as required by the SDWA.

The 1995 approach proposed to address all Class V injection wells regardless of the level of risks they pose to underground sources of drinking water, with one regulatory approach, and did not provide a clear set of regulatory requirements for different categories of wells based on their level of risk. As a result, the

proposed rule did not adequately address high-risk wells that threaten public drinking water supplies. EPA now believes that specific regulatory requirements are necessary to control the risks posed by industrial and motor vehicle waste disposal wells, and large-capacity cesspools in delineated source water protection areas.

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**Why are the new regulations being proposed?**

EPA believes that it is necessary to establish more specific minimum standards for certain high risk wells. In addition to establishing these minimum standards, the revised Class V UIC regulations will:

- satisfy the requirements under the SDWA Section 1421, which require the Administrator to publish proposed regulations for state UIC programs
- integrate UIC regulations with the new programs for source water protection
- fulfill certain EPA obligations under a 1997 court decree.

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**What about the other types of Class V injection wells?**

Other types of Class V injection wells are not covered under the current proposal because more information is needed to determine whether additional federal regulation for these other well types is necessary, and if so what that additional regulation would entail. Examples of well types currently under study include: agricultural drainage; stormwater drainage; large-capacity septic systems; and, geothermal wells. As the second step in the strategy, EPA is undertaking further study to assess risks, fill existing information gaps, and provide a factual basis for any further regulatory action. For information about the study, contact Anhar Karimjee at (202) 260-3862 (Email: [whitehurst.lee@epamail.epa.gov](mailto:whitehurst.lee@epamail.epa.gov))

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**How do I get more information?**

*The Proposed Revisions to the Underground Injection Control Regulations for Class V Injection Wells* were published in the Federal Register on July 29, 1998 (63 FR 40586). The proposed regulation is written in the "plain English" format.

For more information, contact the Safe Drinking

Water Hotline at 1-800-426-4791 (email: [hotline-sdwa@epamail.epa.gov](mailto:hotline-sdwa@epamail.epa.gov)) or Robyn Delehanty at (202) 260-1993 (Email: [delehanty.robyn@epamail.epa.gov](mailto:delehanty.robyn@epamail.epa.gov)).

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**Can the public provide comments on the proposed rule?**

The proposal asks for comments on a number of variations to the proposed approach for these well types. These include, applicability to Primacy States, linkage with SWPA and the well types chosen for regulation, and other points that might affect you. We recommend that you read the preamble carefully and consider submitting comments. EPA originally accepted public comments on the proposed regulation until September 28, 1998. The Agency has now reopened the comment period until November 30, 1998. Address written comments to the UIC Class V, W-98-5 Comment Clerk, Water Docket (MC-4101); U.S. Environmental Protection Agency; 401 M Street, SW, Washington, DC 20460. Comments may be submitted electronically to [ow-docket@epamail.epa.gov](mailto:ow-docket@epamail.epa.gov).



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