

# Rulemaking Concepts and Issues

## Revision of Underground Injection Control Class I Nonhazardous Rules for Drinking Water Treatment Residuals

### Applicability

- Class I nonhazardous waste wells disposing of only
  - Desalination concentrate, or
  - Drinking water treatment residuals

### Purpose (two-fold)

- Implement House Bill (HB) 2654 authorizing a general permit for the use of a Class I injection well to inject only nonhazardous brine from desalination operations or nonhazardous drinking water treatment residuals
- Amend technical standards to be substantially equivalent to federal standards for wells authorized to inject only nonhazardous brine from desalination operations or nonhazardous drinking water treatment residuals

### Affected rules 30 TAC

- Chapter 50 (relating to Action on Applications and Other Authorizations)
- Chapter 305 (relating to Consolidated Permits)
- Chapter 331 (relating to Underground Injection Control)

### General permit (a new concept for UIC)

- Add new Subchapter L in Chapter 331 for the new general permit
- Authorize the commission to issue a general permit for a Class I injection well to inject only nonhazardous brine from desalination operations or nonhazardous drinking water treatment residuals
- Notice of a draft general permit
  - Published in the *Texas Register* and newspaper(s)
  - 30-day comment period
  - Formal response to comments published in the *Texas Register*
  - A public meeting may be held to take additional comment
- Require a Notice of Intent for a facility to be covered under the general permit
  - The executive director can deny authorization under a general permit for specific reasons
  - The executive director is to provide a written explanation of the basis for denial
- An individual permit may be required if the general permit will not protect ground or fresh surface water from pollution due to specific site conditions
- Provide no opportunity for a contested case hearing for the general permit (issuance, amendment, renewal, revocation, etc.) nor for wells authorized under the general permit
- If authorization for a Class I well cannot fall under the general permit, authorization would be processed under 30 TAC §50.113(d)(5) (pertaining to applications for disposal of desalination concentrate)
- Maximum term of a general permit is ten (10) years
- After notice and comment, a general permit may be amended, revoked, etc. pending commission approval

### Revised standards for Class I wells authorized under the general permit

- Area of review
  - One-quarter (1/4) mile (minimum) or the area within the cone of influence versus 2-1/2 mile minimum area of review for Class I wells
- Construction standards
  - Cased and cemented to prevent the movement of fluids into or between underground sources of drinking water versus additional requirements for cementing other Class I wells
- Operating requirements
  - Annulus pressure approved by the executive director versus maintenance of an annulus pressure at least 100 psi greater than the injection tubing pressure for other Class I wells
- Monitoring and testing
  - Mechanical integrity testing every five (5) years versus annually for other Class I wells
- Reporting requirements
  - Notice of completion of construction in lieu of a detailed completion report prior to commencement of injection for other Class I wells
- Closure standards do not specify the following items that are required for other Class I wells
  - A pressure fall-off test, mechanical integrity test, noise logs, temperature logs, pipe evaluation logs, cement bond logs or activation logs
  - Flushing the well with a nonhazardous buffer fluid
  - Tagging of each plug
  - Placement of a monument or other permanent marker at the well
  - Deed recordation

### Enhanced oil recovery

- An injection well authorized by the Railroad Commission to use nonhazardous desalination concentrate or nonhazardous drinking water treatment residuals as an injection fluid for enhanced recovery purposes will not require a permit from the TCEQ.

### Minor modification to a permit

- A minor modification may not be used to add a waste stream other than desalination concentrate or drinking water treatment residuals to the permit of a Class I injection well.

### Fees

- A fee of \$100 for notice of intent and notice of change
- Payment of annual facility and waste management fees for wells authorized under the general permit

### Pre-injection units

- Options for authorization of pre-injection units associated with Class I wells authorized under the general permit
  - No authorization because none is required by federal rules
  - Registration under 30 TAC §331.7(d) (requires a technical review)
  - Authorization within the general permit
    - General prohibitions similar to 30 TAC §335.4 for industrial and hazardous waste facilities
    - Technical standards of 30 TAC Chapter 317 for design of sewerage systems may apply