

## Environmental Protection Agency

§ 146.1

### § 145.58 Procedure for processing an Indian Tribe's application.

(a) The Administrator shall process a completed application of an Indian Tribe in a timely manner. He shall promptly notify the Indian Tribe of receipt of the application.

(b) A tribe that meets the requirements of § 145.52 is eligible to apply for development grants and primary enforcement responsibility for an Underground Injection Control program and the associated funding under section 1443(b) of the Act and primary enforcement responsibility for the Underground Injection Control Program under sections 1422 and/or 1425 of the Act.

[53 FR 37412, Sept. 26, 1988, as amended at 59 FR 64345, Dec. 14, 1994]

## PART 146—UNDERGROUND INJECTION CONTROL PROGRAM: CRITERIA AND STANDARDS

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AUTHORITY: Safe Drinking Water Act, 42 U.S.C. 300f *et seq.*; Resource Conservation and Recovery Act, 42 U.S.C. 6901 *et seq.*

SOURCE: 45 FR 42500, June 24, 1980, unless otherwise noted.

EDITORIAL NOTE: 1. For a rule-related notice affecting part 146, see 52 FR 26342, July 14, 1987.

2. For a document removing the OMB control number wherever it appeared in part 146, see 58 FR 34370, June 25, 1993.

### Subpart A—General Provisions

#### § 146.1 Applicability and scope.

(a) This part sets forth technical criteria and standards for the Underground Injection Control Program. This part should be read in conjunction with 40 CFR parts 124, 144, and 145, which also apply to UIC programs. 40 CFR part 144 defines the regulatory

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framework of EPA administered permit programs. 40 CFR part 145 describes the elements of an approvable State program and procedures for EPA approval of State participation in the permit programs. 40 CFR part 124 describes the procedures the Agency will use for issuing permits under the covered programs. Certain of these procedures will also apply to State-administered programs as specified in 40 CFR part 145.

(b) Upon the approval, partial approval or promulgation of a State UIC program by the Administrator, any underground injection which is not authorized by the Director by rule or by permit is unlawful.

(Clean Water Act, Safe Drinking Water Act, Clean Air Act, Resource Conservation and Recovery Act: 42 U.S.C. 6905, 6912, 6925, 6927, 6974)

[45 FR 42500, June 24, 1980, as amended at 48 FR 14293, Apr. 1, 1983]

### § 146.2 Law authorizing these regulations.

The Safe Drinking Water Act, 42 U.S.C. 300f *et seq.* authorizes these regulations and all other UIC program regulations referenced in 40 CFR part 144. Certain regulations relating to the injection of hazardous waste are also authorized by the Resource Conservation and Recovery Act, 42 U.S.C. 6901 *et seq.*

[58 FR 63898, Dec. 3, 1993]

### § 146.3 Definitions.

The following definitions apply to the underground injection control program.

*Abandoned well* means a well whose use has been permanently discontinued or which is in a state of disrepair such that it cannot be used for its intended purpose or for observation purposes.

*Administrator* means the Administrator of the United States Environmental Protection Agency, or an authorized representative.

*Application* means the EPA standard national forms for applying for a permit, including any additions, revisions or modifications to the forms; or forms approved by EPA for use in approved States, including any approved modifications or revisions. For RCRA, application also includes the information

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required by the Director under § 122.25 (contents of Part B of the RCRA application).

*Aquifer* means a geological formation, group of formations, or part of a formation that is capable of yielding a significant amount of water to a well or spring.

*Area of review* means the area surrounding an injection well described according to the criteria set forth in § 146.06 or in the case of an area permit, the project area plus a circumscribing area the width of which is either  $\frac{1}{4}$  of a mile or a number calculated according to the criteria set forth in § 146.06.

*Casing* means a pipe or tubing of appropriate material, of varying diameter and weight, lowered into a borehole during or after drilling in order to support the sides of the hole and thus prevent the walls from caving, to prevent loss of drilling mud into porous ground, or to prevent water, gas, or other fluid from entering or leaving the hole.

*Catastrophic collapse* means the sudden and utter failure of overlying "strata" caused by removal of underlying materials.

*Cementing* means the operation whereby a cement slurry is pumped into a drilled hole and/or forced behind the casing.

*Cesspool* means a "drywell" that receives untreated sanitary waste containing human excreta, and which sometimes has an open bottom and/or perforated sides.

*Confining bed* means a body of impermeable or distinctly less permeable material stratigraphically adjacent to one or more aquifers.

*Confining zone* means a geological formation, group of formations, or part of a formation that is capable of limiting fluid movement above an injection zone.

*Contaminant* means any physical, chemical, biological, or radiological substance or matter in water.

*Conventional mine* means an open pit or underground excavation for the production of minerals.

*Director* means the Regional Administrator, the State director or the Tribal director as the context requires, or an authorized representative. When there