

## Environmental Protection Agency

## § 146.8

dependence; and historical practices in the area.

(c) If the area of review is determined by a mathematical model pursuant to paragraph (a) of this section, the permissible radius is the result of such calculation even if it is less than one-fourth ( $\frac{1}{4}$ ) mile.

[45 FR 42500, June 24, 1980, as amended at 46 FR 43161, Aug. 27, 1981; 47 FR 4999, Feb. 3, 1982]

### § 146.7 Corrective action.

In determining the adequacy of corrective action proposed by the applicant under 40 CFR 144.55 and in determining the additional steps needed to prevent fluid movement into underground sources of drinking water, the following criteria and factors shall be considered by the Director:

- (a) Nature and volume of injected fluid;
- (b) Nature of native fluids or by-products of injection;
- (c) Potentially affected population;
- (d) Geology;
- (e) Hydrology;
- (f) History of the injection operation;
- (g) Completion and plugging records;
- (h) Abandonment procedures in effect at the time the well was abandoned; and
- (i) Hydraulic connections with underground sources of drinking water.

(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 46 FR 43162, Aug. 27, 1981; 48 FR 14293, Apr. 1, 1983]

### § 146.8 Mechanical integrity.

(a) An injection well has mechanical integrity if:

- (1) There is no significant leak in the casing, tubing or packer; and
- (2) There is no significant fluid movement into an underground source of drinking water through vertical channels adjacent to the injection well bore.

(b) One of the following methods must be used to evaluate the absence of significant leaks under paragraph (a)(1) of this section:

(1) Following an initial pressure test, monitoring of the tubing-casing annulus pressure with sufficient frequency to be representative, as determined by the Director, while maintaining an annulus pressure different from atmospheric pressure measured at the surface;

(2) Pressure test with liquid or gas; or

(3) Records of monitoring showing the absence of significant changes in the relationship between injection pressure and injection flow rate for the following Class II enhanced recovery wells:

(i) Existing wells completed without a packer provided that a pressure test has been performed and the data is available and provided further that one pressure test shall be performed at a time when the well is shut down and if the running of such a test will not cause further loss of significant amounts of oil or gas; or

(ii) Existing wells constructed without a long string casing, but with surface casing which terminates at the base of fresh water provided that local geological and hydrological features allow such construction and provided further that the annular space shall be visually inspected. For these wells, the Director shall prescribe a monitoring program which will verify the absence of significant fluid movement from the injection zone into an USDW.

(c) One of the following methods must be used to determine the absence of significant fluid movement under paragraph (a)(2) of this section:

(1) The results of a temperature or noise log; or

(2) For Class II only, cementing records demonstrating the presence of adequate cement to prevent such migration; or

(3) For Class III wells where the nature of the casing precludes the use of the logging techniques prescribed at paragraph (c)(1) of this section, cementing records demonstrating the presence of adequate cement to prevent such migration;

(4) For Class III wells where the Director elects to rely on cementing records to demonstrate the absence of significant fluid movement, the monitoring program prescribed by § 146.33(b)

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shall be designed to verify the absence of significant fluid movement.

(d) The Director may allow the use of a test to demonstrate mechanical integrity other than those listed in paragraphs (b) and (c)(2) of this section with the written approval of the Administrator. To obtain approval, the Director shall submit a written request to the Administrator, which shall set forth the proposed test and all technical data supporting its use. The Administrator shall approve the request if it will reliably demonstrate the mechanical integrity of wells for which its use is proposed. Any alternate method approved by the Administrator shall be published in the FEDERAL REGISTER and may be used in all States unless its use is restricted at the time of approval by the Administrator.

(e) In conducting and evaluating the tests enumerated in this section or others to be allowed by the Director, the owner or operator and the Director shall apply methods and standards generally accepted in the industry. When the owner or operator reports the results of mechanical integrity tests to the Director, he shall include a description of the test(s) and the method(s) used. In making his/her evaluation, the Director shall review monitoring and other test data submitted since the previous evaluation.

(f) The Director may require additional or alternative tests if the results presented by the owner or operator under §146.8(e) are not satisfactory to the Director to demonstrate that there is no movement of fluid into or between USDWs resulting from the injection activity.

[45 FR 42500, June 24, 1980, as amended at 46 FR 43162, Aug. 27, 1981; 47 FR 4999, Feb. 3, 1982; 58 FR 63898, Dec. 3, 1993]

**§ 146.9 Criteria for establishing permitting priorities.**

In determining priorities for setting times for owners or operators to submit applications for authorization to inject under the procedures of §144.31 (a), (c), (g) or §144.22(f), the Director shall base these priorities upon consideration of the following factors:

(a) Injection wells known or suspected to be contaminating underground sources of drinking water;

(b) Injection wells known to be injecting fluids containing hazardous contaminants;

(c) Likelihood of contamination of underground sources of drinking water;

(d) Potentially affected population;

(e) Injection wells violating existing State requirements;

(f) Coordination with the issuance of permits required by other State or Federal permit programs;

(g) Age and depth of the injection well; and

(h) Expiration dates of existing State permits, if any.

(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]

**§ 146.10 Plugging and abandoning Class I, II, III, IV, and V wells.**

(a) Requirements for Class I, II and III wells. (1) Prior to abandoning Class I, II and III wells, the well shall be plugged with cement in a manner which will not allow the movement of fluids either into or between underground sources of drinking water. The Director may allow Class III wells to use other plugging materials if the Director is satisfied that such materials will prevent movement of fluids into or between underground sources of drinking water.

(2) Placement of the cement plugs shall be accomplished by one of the following:

(i) The Balance method;

(ii) The Dump Bailer method;

(iii) The Two-Plug method; or

(iv) An alternative method approved by the Director, which will reliably provide a comparable level of protection to underground sources of drinking water.

(3) The well to be abandoned shall be in a state of static equilibrium with the mud weight equalized top to bottom, either by circulating the mud in the well at least once or by a comparable method prescribed by the Director, prior to the placement of the cement plug(s).

(4) The plugging and abandonment plan required in 40 CFR 144.51(o) and 144.52(a)(6) shall, in the case of a Class