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| C:\Users\ccady\Pictures\DWQ Logos\DEQ_WaterQuality_Final_Primary VerticalCropped.jpg | State of Utah Department of Environmental Quality  Division of Water Quality  195 North 1950 West  Salt Lake City, Utah 84116 | |
| **PERMIT ACTIONS FOR EXISTING**  **UNDERGROUND INJECTION CONTROL (UIC) PERMITS** | | |
| Date: | | |
| Person initiating permit action: | | |
| Select from the following permit action options: | | |
| ❒ Minor Modification | | See Section ‘c’ of Attached Narrative; :  Enter reason for minor modification: |
| ❒ Major Modification | | See Section ‘a’ of Attached Narrative:  Enter cause for modification: |
| ❒ Revoke and Re-Issue | | See Section ‘a’ of Attached Narrative:  Enter cause for revocation and re-issuance: |
| ❒ Termination | | See Section ‘b’ of Attached Narrative:  Enter cause for termination: |
| ❒ Transfer with Modification | | See Section ‘d’ of Attached Narrative |
| ❒ Automatic Transfer | | See Section ‘d’ of Attached Narrative |
| Comply with the instructions in the relevant section(s), a – d, of the following narrative then submit this completed form along with supporting documents to DWQ or the permittee as appropriate. | | |

### Permit Actions for Existing UIC Permits

Relevant federal regulations incorporated-by-reference into R317-7: 40 CFR 124.5, 40 CFR 144.38, §144.39, §144.40, §144.41, §144.52(a)(7)

A UIC permit may be modified, revoked and re-issued, or terminated either at the request of any interested person (including the permittee) or upon the Director's initiative. However, permits may only be modified, revoked and re-issued, or terminated for the reasons specified in sections a) and b) below. All requests shall be in writing and shall contain facts or reasons supporting the request. 40 CFR 124.5(a)

The filing of a request for a permit modification, revocation and re-issuance, or termination on the part of the permittee, does not stay any permit condition. A UIC permit may be transferred according to the procedures given in section d).

* + - 1. Modify or Revoke and Re-Issue Permits (40 CFR 144.39)

When the Director of the Utah Division of Water Quality (hereafter referred to as ‘the Director’) receives any information (for example, inspects the facility, receives information submitted by the permittee as required in the permit, receives a request for modification or revocation and re-issuance, or conducts a review of the permit file), the Director may determine whether or not one or more of the causes listed in paragraphs (1) and (2) of this section a) for modification or revocation and re-issuance or both exist. If cause exists, the Director may modify or revoke and re-issue the permit accordingly, subject to the limitations of paragraph (3) of this section a), and may request an updated application if necessary. When a permit is modified, only the conditions subject to modification are reopened. If a permit is revoked and re-issued, the entire permit is reopened and subject to revision and the permit is re-issued for a new term. If cause does not exist under this section a) or under section c) for minor modifications, the Director shall not modify or revoke and re-issue the permit. If a permit modification satisfies the criteria for minor modifications in section c) the permit may be modified without a draft permit or public review. Otherwise, a draft permit must be prepared and other procedures in 40 CFR 124 must be followed.

* + - * 1. Causes for modification. The following are causes for modification. For Class I hazardous waste injection wells, Class II, Class III or Class VI wells the following may be causes for revocation and reissuance as well as modification; and for all other wells the following may be cause for revocation or reissuance as well as modification when the permittee requests or agrees.

Alterations. There are material and substantial alterations or additions to the permitted facility or activity which occurred after permit issuance which justify the application of permit conditions that are different or absent in the existing permit.

Information. The Director has received information. Permits other than for Class II and III wells may be modified during their terms for this cause only if the information was not available at the time of permit issuance (other than revised regulations, guidance, or test methods) and would have justified the application of different permit conditions at the time of issuance. For UIC area permits, this cause shall include any information indicating that cumulative effects on the environment are unacceptable.

New regulations. The standards or regulations on which the permit was based have been changed by promulgation of new or amended standards or regulations or by judicial decision after the permit was issued. Permits other than for Class I hazardous waste injection wells, Class II, or Class III wells may be modified during their permit terms for this cause only as follows:

1. For promulgation of amended standards or regulations, when:
2. The permit condition requested to be modified was based on a promulgated part 146 regulation; and
3. EPA has revised, withdrawn, or modified that portion of the regulation on which the permit condition was based, and
4. A permittee requests modification in accordance with § 124.5 within ninety (90) days after Federal Register notice of the action on which the request is based.
5. For judicial decisions, a court of competent jurisdiction has remanded and stayed EPA promulgated regulations if the remand and stay concern that portion of the regulations on which the permit condition was based and a request is filed by the permittee in accordance with § 124.5 within ninety (90) days of judicial remand.

Compliance schedules. The Director determines good cause exists for modification of a compliance schedule, such as an act of God, strike, flood, or materials shortage or other events over which the permittee has little or no control and for which there is no reasonably available remedy. See also paragraph (3) under section c) – Minor Modification of Permit.

* + - * 1. Causes for modification or revocation and re-issuance. The following are causes to modify or, alternatively, revoke and re-issue a permit:

Cause exists for termination under section b), and the Director determines that modification or revocation and re-issuance is appropriate.

The Director has received notification (as required in the permit, see paragraph (4) under section c) – Minor Modification of Permit) of a proposed transfer of the permit. A permit also may be modified to reflect a transfer after the effective date of an automatic transfer (see paragraph (2) of section d) – Transfer of Permit) but will not be revoked and re-issued after the effective date of the transfer except upon the request of the new permittee.

A determination that the waste being injected is a hazardous waste as defined in 40 CFR 261.3 either because the definition has been revised, or because a previous determination has been changed.

* + - * 1. Facility siting. Suitability of the facility location will not be considered at the time of permit modification or revocation and reissuance unless new information or standards indicate that a threat to human health or the environment exists which was unknown at the time of permit issuance.

If the Director tentatively decides to modify or revoke and re-issue a permit under this section a), the Director shall prepare a draft permit under § 124.6 incorporating the proposed changes. The Director may request additional information and, in the case of a modified permit, may require the submission of an updated application. In the case of revoked and re-issued permits the Director shall require the submission of a new application. 40 CFR 124.5(c)(1)

In a permit modification under this section a), only those conditions to be modified shall be reopened when a new draft permit is prepared. All other aspects of the existing permit shall remain in effect for the duration of the unmodified permit. When a permit is revoked and re-issued under this section a), the entire permit is reopened just as if the permit had expired and was being re-issued. During any revocation and re-issuance proceeding the permittee shall comply with all conditions of the existing permit until a new final permit is re-issued. 40 CFR 124.5(c)(2)

* + - 1. Termination of Permit 40 CFR 144.40
         1. The Director may terminate a permit during its term, or deny a permit renewal application for the following causes:

Noncompliance by the permittee with any condition of the permit;

The permittee's failure in the application or during the permit issuance process to disclose fully all relevant facts, or the permittee's misrepresentation of any relevant facts at any time; or

A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by permit modification or termination;

* + - * 1. The Director shall follow the applicable procedures in 40 CFR 124 in terminating any permit under this section b).

If the Director tentatively decides to terminate a permit under this section b) where the permittee objects, the Director shall issue a notice of intent to terminate. A notice of intent to terminate is a type of draft permit which follows the same procedures as any draft permit prepared under 40 CFR 124.6. 40 CFR 124.5(d)(1)

* + - 1. Minor Modification of Permit 40 CFR 144.41

Upon the consent of the permittee, the Director may modify a permit to make the corrections or allowances for changes in the permitted activity listed in this section c), without following the procedures of 40 CFR 124. Any permit modification not processed as a minor modification under this section c) must be made for cause and with 40 CFR 124 draft permit and public notice as required in section a). Minor modifications may only:

* + - * 1. Correct typographical errors;
        2. Require more frequent monitoring or reporting by the permittee;
        3. Change an interim compliance date in a schedule of compliance, provided the new date is not more than 120 days after the date specified in the existing permit and does not interfere with attainment of the final compliance date requirement; or
        4. Allow for a change in ownership or operational control of a facility where the Director determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittee has been submitted to the Director.
        5. Change quantities or types of fluids injected which are within the capacity of the facility as permitted and, in the judgment of the Director, would not interfere with the operation of the facility or its ability to meet conditions described in the permit and would not change its classification.
        6. Change construction requirements approved by the Director pursuant to 40 CFR 144.52(a)(1) (establishing UIC permit conditions), provided that any such alteration shall comply with the requirements of 40 CFR 144 and 40 CFR 146.
        7. Amend a plugging and abandonment plan which has been updated.
      1. Transfer of Permit 40 CFR 144.38 and 144.52(a)(7)
         1. Transfers by Modification. Except as provided in paragraph (2) of this section d), a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and re-issued (under paragraph (2)(ii) under section a)), or a minor modification made (under paragraph (4) of section c)) to identify the new permittee and incorporate such other requirements as may be necessary under the Safe Drinking Water Act.
         2. Automatic Transfers. As an alternative to transfers under paragraph (1) of this section d), any UIC permit for a well not injecting hazardous waste [Class I Hazardous] or injecting carbon dioxide for geologic sequestration [Class VI] may be automatically transferred to a new permittee if:

The current permittee notifies the Director at least 30 days in advance of the proposed transfer date referred to in paragraph (2)(ii) of this section d); **and**

The notice includes a written agreement between the existing and new permittee containing a specific date for transfer of permit responsibility, coverage, and liability between them, and the notice demonstrates that the following financial responsibility requirements of 40 CFR 144.52(a)(7) will be met by the new permittee; **and**

1. The permittee, including the transferor of a permit, is required to demonstrate and maintain financial responsibility and resources to close, plug, and abandon the underground injection operation in a manner prescribed by the Director until:

40 CFR 144.52(a)(7)

1. The well has been plugged and abandoned in accordance with an approved plugging and abandonment plan and submitted a plugging and abandonment report; or
2. The well has been converted; or
3. The transferor of a permit has received notice from the Director that the owner or operator receiving transfer of the permit, the new permittee, has demonstrated financial responsibility for the well.
4. The permittee shall show evidence of such financial responsibility to the Director by the submission of a surety bond, or other adequate assurance, such as a financial statement or other materials acceptable to the Director.

The Director does not notify the existing permittee and the proposed new permittee of intent to modify or revoke and re-issue the permit. A modification under this paragraph may also be a minor modification under section c) – Minor Modification of Permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in paragraph (2)(ii) of this section d).