

**The Industrial Bank of Kuwait  
(K.S.C.):**

c/o The United Bank of Kuwait P.L.C., 3  
Lombard Street, London EC3V 9DT,  
England, Attn.: Mr. Tareq Zuaiter, Tel.:  
011-44-71/626-3422, FAX: 011-44-71/929-  
3966, Telex: 888441, Swift Address: UBKL  
CB 21.

**Kuwait Real Estate Bank (K.S.C.):**

National Bank of Kuwait, 299 Park Avenue,  
New York, New York 10175, Attn.: Mr.  
Norman Kelly, Tel.: 212/303-9800, FAX:  
212/319-8269.

Dated: February 25, 1991.

**R. Richard Newcomb,**

*Director, Office of Foreign Assets Control.*

Approved: February 27, 1991.

**John P. Simpson,**

*Acting Assistant Secretary (Enforcement).*

[FR Doc. 91-5243 Filed 3-1-91; 11:10 am]

BILLING CODE 4810-25-M



# Sunshine Act Meetings

Federal Register

Vol. 56, No. 44

Wednesday, March 6, 1991

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

## FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

February 28, 1991

**TIME AND DATE:** 10:00 a.m., Thursday, March 7, 1991.

**PLACE:** Room 600, 1730 K Street, N.W., Washington, D.C.

**STATUS:** Closed [Pursuant to 5 U.S.C. § 552b(c)(10)].

**MATTERS TO BE CONSIDERED:** The Commission will consider and act upon the following:

1. *David Hatfield v. Colquest Energy, Inc.*, Docket No. SE 90-122-D. (Issues include whether Colquest's petition for interlocutory review should be granted.

It was determined by a unanimous vote of Commissioners that this item be considered in closed session.

### CONTACT PERSON FOR MORE

**INFORMATION:** Jean Ellen (202) 653-5629/

(202) 708-9300 for TDD Relay 1-800-877-8339 (Toll Free).

Jean H. Ellen,  
Agenda Clerk.

[FR Doc. 91-5361 Filed 3-4-91; 12:02 am]

BILLING CODE 6735-01-M

## SECURITIES AND EXCHANGE COMMISSION Agency Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94-409, that the Securities and Exchange Commission will hold the following meeting during the week of March 4, 1991.

A closed meeting will be held on Tuesday, March 5, 1991, at 2:30 p.m.

The Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C.

552b(c) (4), (8), (9)(A) and (10) and 17 CFR 200.402(a) (4), (8), (9)(i) and (10), permit consideration of the scheduled matters at a closed meeting.

Commissioner Roberts, as duty officer, voted to consider the items listed for the closed meeting in a closed session.

The subject matter of the closed meeting scheduled for Tuesday, March 5, 1991, at 2:30 p.m., will be:

Institution of injunctive actions.  
Institution of administrative proceedings of an enforcement nature.  
Settlement of injunctive actions.  
Opinions.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Kaye Williams at (202) 272-2400.

Dated: February 28, 1991.

Jonathan G. Katz,  
Secretary.

[FR Doc. 91-5382 Filed 3-4-91; 12:02 pm]

BILLING CODE 8010-01-M

# Sunshine Act Meetings

The House of the Federal Reserve System is holding a series of meetings to discuss the Sunshine Act. The meetings will be held on the following dates:

Monday, April 1, 1974  
Tuesday, April 2, 1974

These meetings will be held in the following locations:

Room 3000, Federal Reserve Board  
Washington, D.C.

For more information, contact the following:

Mr. J. Edgar Hoover, Director  
Federal Bureau of Investigation  
Washington, D.C.

It was announced by a spokesman that the following members of the Committee will be attending the meetings:

Mr. J. Edgar Hoover, Director  
Federal Bureau of Investigation  
Washington, D.C.

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Federal Bureau of Investigation  
Washington, D.C.



# Final Part

Wednesday  
March 6, 1991

## Part II

## Environmental Protection Agency

40 CFR Part 147

**Underground Injection Control Program;  
State-Administered Programs;  
Incorporation by Reference Update; Final  
Rule**



**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 147****[FRL-3789-5]****Underground Injection Control Program; State-Administered Programs; Incorporation by Reference Update****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Final rule.

**SUMMARY:** The Safe Drinking Water Act (SDWA) establishes the Underground Injection Control (UIC) program, which is designed to prevent underground injection through wells that may endanger drinking water sources. The SDWA provides for States to apply for and receive approval from EPA to administer their own UIC programs, if they meet EPA's minimum requirements. Forty States and Territories have approved State-administered UIC programs but the State statutes and regulations which are incorporated by reference in the Code of Federal Regulations (CFR) as part of these approved programs have not been updated since 1984. This rule updates the State statutes and regulations which are incorporated by reference and part of the Underground Injection Control (UIC) program under the SDWA.

**EFFECTIVE DATE:** This regulation is effective March 6, 1991. The incorporation by reference of certain publications listed in this regulation is approved by the Director of the Federal Register as of March 6, 1991.

**ADDRESSES:** The public docket and supporting documents for this rulemaking are available for review during normal business hours at the Environmental Protection Agency, Office of Drinking Water (WH-550E), Room 1140 East Tower, 401 M Street SW., Washington, DC, 20460.

**FOR FURTHER INFORMATION CONTACT:** Donald Olson, Office of Drinking Water (WH-550E), EPA, Washington, DC, 20460, Phone: (202) 382-5530.

**SUPPLEMENTARY INFORMATION:****I. Background**

The Agency has promulgated a series of regulations under the authority of part C of the Safe Drinking Water Act (SDWA) (42 U.S.C. 300f *et seq.*). The SDWA is designed to protect the quality of drinking water in the United States and part C of the SDWA specifically mandates regulation of underground injection of fluids through wells.

Section 1421 of the Act requires EPA to propose and promulgate regulations specifying minimum requirements for State programs to prevent well injection which may endanger drinking water sources. EPA promulgated administrative and permitting regulations, now codified in 40 Code of Federal Regulations (CFR) parts 144 and 146, on May 19, 1980 (45 FR 39611), and technical requirements in 40 CFR part 146 on June 24, 1980 (45 FR 42472). The regulations have been amended on several occasions since.

Section 1422 of the SDWA provides that States may apply to EPA for primary responsibility to administer the UIC program. Where States do not seek this responsibility or fail to demonstrate that they meet EPA's minimum requirements, EPA is required to prescribe, by regulation, a UIC program for each State. These direct implementation (DI) programs were promulgated in four phases in 40 CFR part 147, on May 11, 1984 (49 FR 20138), November 15, 1984 (49 FR 45308), May 11, 1987 (52 FR 17680) and October 25, 1988 (53 FR 43096).

The May and November 1984 Federal Registers also described EPA's approval of State-administered UIC programs. For these State-administered programs, part 147 incorporates by reference requirements from appropriate State statutes and regulations. Such requirements were thus made a part of the UIC program under the SDWA. However, the State statutes and regulations which were incorporated by reference as part of the State-administered programs have not been updated since 1984. This rule updates these part 147 incorporation by reference materials for State-administered UIC programs. Today's rule is also recodifying parts of the UIC programs for Kansas and Wisconsin which were approved prior to 1984 but were inadvertently excluded when EPA promulgated its 1984 State program rules.

Sections 1421, 1423, and 1449 of the Safe Drinking Water Act provide that a State program approved by EPA is federally enforceable by EPA and/or citizen's suits in Federal court. The purpose of incorporating by reference the State statutes and regulations which make up the approved UIC program in a primacy State is to ensure that the public, the regulated community, and EPA can easily determine what constitutes the approved UIC program in a State.

Today's rule constitutes a "housekeeping" exercise to ensure that all revisions to State programs that have occurred since 1984 are accurately

reflected in part 147. State UIC program revisions are controlled by EPA regulations at 40 CFR 145.32. Section 145.32(a) requires an authorized State to keep EPA informed of changes to its statutory or regulatory authorities. Section 145.32(b) specifies that when EPA receives a request from a State to modify its program, it shall determine whether the program revision is "substantial." If so, EPA must publish the proposed revision in the Federal Register and provide for public comment before approval. Non-substantial program revisions may be accomplished by a letter from the EPA Regional Administrator to the State. Since the time of initial approval of the State UIC programs, EPA has, by letter, approved a number of non-substantial revisions. Copies of these letters of approval are in the public docket for this rule. Today's rule simply revises the citations in the CFR to reflect these previously approved, non-substantial State program revisions.

Finally, today's rule will modify the language of the EPA-administered programs to reflect that the hazardous waste injection restrictions found in part 148 are part of the EPA-administered program in those States. (Part 147 already reflects the applicable Federal requirements in nonauthorized States and on Indian lands other than the part 148 requirements.) The part 148 requirements were promulgated on July 26, 1988 (53 FR 28118), and have been modified on various occasions since. As explained in the July 26, 1988 rule, States need not seek authorization to administer part 148 to maintain UIC primacy (53 FR 28120). However, States may wish to do so, assuming the State meets the requirements of both the SDWA and RCRA. See 50 FR 28728 *et seq.* (July 15, 1985) for more details. EPA will modify the codification of existing State programs in part 147 as appropriate when States receive authorization to administer part 148 requirements.

EPA believes today's rule falls under the "good cause" exemptions in section 553(b)(3)(B) of the Administrative Procedure Act (APA) which, upon finding "good cause", authorizes agencies to dispense with public participation and section 553(d)(3) which allows an agency to make a rule effective immediately (thereby avoiding the 30-day delayed effective date otherwise provided for in the APA). Today's rule simply codifies provisions which are already in effect as a matter of law in Federal and approved State programs.



Under section 553 of the APA, an agency may find good cause where procedures are "impracticable, unnecessary, or contrary to the public interest." Public comment is "unnecessary" in this case because the codification of previously approved, non-substantial revisions is merely a technical amendment which will not benefit from notice and comment procedures. A delayed effective date is "unnecessary" and "contrary to public interest" since the codification only reflects existing law. Immediate notice in the Code of Federal Regulations benefits the public by removing outdated citations.

The Agency would also like to note that in certain sections of the regulatory language below, EPA has reprinted existing language for the ease of the reader in locating the proposed changes.

## II. State-by-State Description of Changes

1. Subpart B—Alabama: The Code of Alabama Sections 9-17-1 through 9-17-109 which is incorporated by reference at § 147.50(a)(1) is updated. The Rules and Regulations Governing the Conservation of Oil and Gas in Alabama which is incorporated by reference at § 147.50(a)(2) are updated. The Hazardous Waste Injection Restrictions of 40 CFR part 148 (53 FR 28118, July 26, 1988) are added to the EPA-administered program requirements at § 147.60(a).

2. Subpart C—Alaska: An amendment to the Memorandum of Agreement between EPA Region X and the Alaska Oil and Gas Conservation Commission is codified at § 147.100(b). The Hazardous Waste Injection Restrictions of 40 CFR part 148 are added to the EPA-administered program requirements at § 147.101(a).

3. Subpart D—Arizona: The Hazardous Waste Injection Restrictions of 40 CFR part 148 are added to the EPA-administered program requirements at § 147.151(a).

4. Subpart E—Arkansas: The Hazardous Waste Injection Restrictions of 40 CFR part 148 are added to the EPA-administered program requirements at § 147.205(a).

5. Subpart F—California: The California Public Resources Code and the California Administrative Code sections which are incorporated by reference at § 147.250(a) (1) and (2) are updated. The Hazardous Waste Injection Restrictions of 40 CFR part 148 are added to the EPA-administered program requirements at § 147.251(a).

6. Subpart G—Colorado: The State-administered 1425 program approved on April 2, 1984 (49 FR 13040) is codified at § 147.300. The Hazardous Waste

Injection Restrictions of 40 CFR part 148 are added to the EPA-administered program requirements at § 147.301(a).

7. Subpart H—Connecticut: The State-administered 1422 program approved on March 26, 1984 (49 FR 11179) is codified at § 147.350. The Hazardous Waste Injection Restrictions of 40 CFR part 148 are added to the EPA-administered program requirements at § 147.353(a).

8. Subpart I—Delaware: The State-administered 1422 program approved on April 5, 1984 (49 FR 13525) is codified at § 147.400. The Hazardous Waste Injection Restrictions of 40 CFR part 148 are added to the EPA-administered program requirements at § 147.403(a).

9. Subpart J—District of Columbia: The Hazardous Waste Injection Restrictions of 40 CFR part 148 are added to the EPA-administered program requirements at § 147.451(a).

10. Subpart K—Florida: The Florida Administrative Code sections which are incorporated by reference at § 147.500(a)(2) are updated. The Hazardous Waste Injection Restrictions of 40 CFR part 148 are added to the EPA-administered program requirements at § 147.501(a).

11. Subpart L—Georgia: The State-administered 1422 program approved on April 19, 1984 (49 FR 15553) is codified at § 147.550. The Hazardous Waste Injection Restrictions of 40 CFR part 148 are added to the EPA-administered program requirements at § 147.553(a).

12. Subpart M—Hawaii: The Hazardous Waste Injection Restrictions of 40 CFR part 148 are added to the EPA-administered program requirements at § 147.601(a).

13. Subpart N—Idaho: The title of § 147.651 is revised and the Hazardous Waste Injection Restrictions of 40 CFR part 148 are added to the EPA-administered program requirements at § 147.651(a).

14. Subpart O—Illinois: The Hazardous Waste Injection Restrictions of 40 CFR part 148 are added to the EPA-administered program requirements at § 147.703(a).

15. Subpart P—Indiana: The Hazardous Waste Injection Restrictions of 40 CFR part 148 are added to the EPA-administered program requirements at § 147.751(a).

16. Subpart Q—Iowa: The Hazardous Waste Injection Restrictions of 40 CFR part 148 are added to the EPA-administered program requirements at § 147.801(a).

17. Subpart R—Kansas: The incorporation by reference, Memorandum of Agreement, Statement of Legal Authority, and Program Description materials for the State-administered 1422 program are

repromulgated at § 147.850 (a) through (e). These materials were inadvertently removed during a previous rulemaking action (49 FR 45291). The Kansas Administrative Regulations sections which are incorporated by reference at 147.850(a) are updated. The Hazardous Waste Injection Restrictions of 40 CFR part 148 are added to the EPA-administered program requirements at § 147.860(a).

18. Subpart S—Kentucky: The Hazardous Waste Injection Restrictions of 40 CFR part 148 are added to the EPA-administered program requirements at § 147.901(a).

19. Subpart T—Louisiana: An amendment to Statewide Order No. 29-N-1 which is incorporated by reference at § 147.950(a)(2) is added. Amendments to Statewide Order No. 29-B which is incorporated by reference at § 147.950(a)(3) are added. Amendments to the Memorandum of Agreement which are incorporated by reference at § 147.950(b)(1) are added. A new statement from the Attorney General which is incorporated by reference at § 147.950(c)(3) is added. The Hazardous Waste Injection Restrictions of 40 CFR part 148 are added to the EPA-administered program requirements at § 147.951(a).

20. Subpart U—Maine: The introductory paragraph for the incorporation by reference section has been revised whereby the language "State of Maine" has replaced the language "State of Louisiana" at § 147.1000(a). The Hazardous Waste Injection Restrictions of 40 CFR part 148 are added to the EPA-administered program requirements at § 147.1001(a).

21. Subpart V—Maryland: The State-administered 1422 program approved on April 19, 1984 (49 FR 15553) is codified at § 147.1050. The Hazardous Waste Injection Restrictions of 40 CFR part 148 are added to the EPA-administered program requirements at § 147.1053(a).

22. Subpart W—Massachusetts: The Hazardous Waste Injection Restrictions of 40 CFR part 148 are added to the EPA-administered program requirements at § 147.1101(a).

23. Subpart X—Michigan: The Hazardous Waste Injection Restrictions of 40 CFR part 148 are added to the EPA-administered program requirements at § 147.1151(a).

24. Subpart Y—Minnesota: The Hazardous Waste Injection Restrictions of 40 CFR part 148 are added to the EPA-administered program requirements at § 147.1201(a).

25. Subpart Z—Mississippi: The Hazardous Waste Injection Restrictions of 40 CFR part 148 are added to the



EPA-administered program requirements at § 147.1252(a).

26. Subpart AA—Missouri: The Missouri Code of State Regulations incorporated at § 147.1300(a)(2) are revised and updated, and the Missouri Statutes are added to § 147.1300(a)(3). The Hazardous Waste Injection Restrictions of 40 CFR part 148 are added to the EPA-administered program requirements at § 147.1303(a).

27. Subpart BB—Montana: The Hazardous Waste Injection Restrictions of 40 CFR part 148 are added to the EPA-administered program requirements at § 147.1351(a).

28. Subpart CC—Nebraska: The Nebraska Revised Statutes sections are incorporated by reference at § 147.1400(a)(2). Chapter 57 of the Nebraska Revised Statutes which is codified at § 147.1400(b)(1) is updated. The sections of the Nebraska Environmental Protection Act and the title 122 Rules and Regulations for Underground Injection and Mineral Production Wells which are incorporated by reference at § 147.1401(a) (1) and (2) are updated. The sections of the Nebraska Environmental Protection Act which are codified at § 147.1401(b)(1) are updated. The Hazardous Waste Injection Restrictions of 40 CFR part 148 are added to the EPA-administered program requirements at § 147.1403(a).

29. Subpart DD—Nevada: The Hazardous Waste Injection Restrictions of 40 CFR part 148 are added to the EPA-administered program requirements at § 147.1451(a).

30. Subpart EE—New Hampshire: The introductory paragraph for 147.1500 has been revised to reflect the change in name of the State agency administering the UIC program. The Hazardous Waste Injection Restrictions of 40 CFR part 148 are added to the EPA-administered program requirements at § 147.1501(a).

31. Subpart FF—New Jersey: The New Jersey Statutes Annotated and New Jersey Administrative Code sections incorporated by reference at § 147.1550(a) (1) and (2) are updated. The Hazardous Waste Injection Restrictions of 40 CFR part 148 are added to the EPA-administered program requirements at § 147.1551(a).

32. Subpart HH—New York: The Hazardous Waste Injection Restrictions of 40 CFR part 148 are added to the EPA-administered program requirements at § 147.1651(a).

33. Subpart II—North Carolina: The State-administered 1422 program approved on April 19, 1984 (49 FR 15553) is codified at § 147.1700. The Hazardous Waste Injection Restrictions of 40 CFR part 148 are added to the EPA-

administered program requirements at § 147.1703(a).

34. Subpart JJ—North Dakota: The North Dakota Century Code, North Dakota Administrative Code sections and the Memorandum of Agreement which are incorporated by reference at § 147.1750(a) (1), (2) and (b) are updated. Chapter 43-02-03 of the North Dakota Administrative Code incorporated by reference at § 147.1750(a)(3) is added. The North Dakota Century Code and North Dakota Administrative Code sections which are incorporated by reference at § 147.1751(a) (2) and (4) are updated. Chapter 61-28 of the North Dakota Century Code which is codified at § 147.1751(b)(3) is updated. The Hazardous Waste Injection Restrictions of 40 CFR part 148 are added to the EPA-administered program requirements at § 147.1752(a).

35. Subpart KK—Ohio: The Hazardous Waste Injection Restrictions of 40 CFR part 148 are added to the EPA-administered program requirements at § 147.1805(a).

36. Subpart MM—Oregon: The first sentence of the introductory paragraph has been revised to reflect the addition of the 1425 program. The Oregon Administrative Rules sections incorporated by reference at § 147.1900(a)(2) are updated. The Oregon Revised Statutes and Oregon Administrative Rules sections which are codified at § 147.1900(b) (1) and (2) are updated. The Hazardous Waste Injection Restrictions of 40 CFR part 148 are added to the EPA-administered program requirements at § 147.1901(a).

37. Subpart NN—Pennsylvania: The Hazardous Waste Injection Restrictions of 40 CFR part 148 are added to the EPA-administered program requirements at § 147.1951(a).

38. Subpart OO—Rhode Island: The Hazardous Waste Injection Restrictions of 40 CFR part 148 are added to the EPA-administered program requirements at § 147.2001(a).

39. Subpart PP—South Carolina: The Hazardous Waste Injection Restrictions of 40 CFR part 148 are added to the EPA-administered program requirements at § 147.2051(a).

40. Subpart QQ—South Dakota: The Administrative Rules of South Dakota sections which are incorporated by reference at § 147.2100(a)(2) are updated. The section title is revised and the Hazardous Waste Injection Restrictions of 40 CFR part 148 are added to the EPA-administered program requirements at § 147.2101(a).

41. Subpart RR—Tennessee: The Hazardous Waste Injection Restrictions of 40 CFR part 148 are added to the EPA-

administered program requirements at § 147.2151(a).

42. Subpart SS—Texas: The Hazardous Waste Injection Restrictions of 40 CFR part 148 are added to the EPA-administered program requirements at § 147.2205(a).

43. Subpart TT—Utah: At § 147.2250, sections of the Utah Water Pollution Control Act are updated at paragraph (a) and paragraphs (b), (c) (1) and (3), (d) (3) and (e) are updated also. The Utah Administrative Code is added to § 147.2250(a)(2). Paragraph (a)(2) is renumbered to paragraph (a)(3) also at § 147.2250. Sections of the Utah Code Annotated and the Oil and Gas Conservation General Rules are added to 147.2251(a) (1) and (2). Program description materials are added at § 147.2251(d)(3). The Hazardous Waste Injection Restrictions of 40 CFR part 148 are added to the EPA-administered program requirements at § 147.2253(a).

44. Subpart UU—Vermont: The introductory paragraph for § 147.2300 is revised to reflect the change in the name of the State agency administering the UIC program. The Hazardous Waste Injection Restrictions of 40 CFR part 148 are added to the EPA-administered program requirements at § 147.2303(a).

45. Subpart VV—Virginia: The Hazardous Waste Injection Restrictions of 40 CFR part 148 are added to the EPA-administered program requirements at 147.2351(a). The effective date of the program on non-Indian lands is corrected at 147.2351(b) (see 53 FR 43091).

46. Subpart WW—Washington: Chapter 173-160 of the Washington Administrative Code is added at § 147.2400(a)(4). The Hazardous Waste Injection Restrictions of 40 CFR part 148 are added to the EPA-administered program requirements at § 147.2403(a).

47. Subpart XX—West Virginia: The Hazardous Waste Injection Restrictions of 40 CFR part 148 are added to the EPA-administered program requirements at § 147.2453(a).

48. Subpart YY—Wisconsin: The incorporation by reference, Memorandum of Agreement, Statement of Legal Authority, and Program Description materials for the State-administered 1422 program are repromulgated at § 147.2500 (a) through (e). These materials were inadvertently removed during a previous rulemaking action (49 FR 45291). The Wisconsin Statutes Annotated and Wisconsin Administrative Code sections which are incorporated by reference at § 147.2500(a) (1) and (4) are updated.

49. Subpart ZZ—Wyoming: The Wyoming Environmental Quality Act,



Wyoming Statutes sections which are incorporated by reference at §§ 147.2550 (a)(1) and (a)(5) are added to and updated, and existing § 147.2550(a)(5) is renumbered to § 147.2550(a)(6). At § 147.2550(b) paragraphs (2) and (3) are renumbered to (1) and (2) and existing paragraph (b)(1) is replaced. The Wyoming Statutes, Wyoming Administrative Procedure Act and the Department of Environmental Quality Rules of Practice and Procedure sections which are codified at § 147.2550(b) (1) and (2) are updated and (3) is added. The Wyoming Statutes Annotated which were previously under the heading of (b) *Other laws* are now incorporated by reference at § 147.2551 (a)(2) and paragraph (a)(1) is updated. The Memorandum of Agreement, Statement of Legal Authority, and Program Description materials codified at § 147.2551 (b), (c) and (d) are updated and the paragraphs have been reordered because former paragraph (b) *Other laws* has been replaced. The Hazardous Waste Injection Restrictions of 40 CFR part 148 are added to the EPA-administered program requirements at § 147.2553(a).

50. Subpart AAA—Guam: The Hazardous Waste Injection Restrictions of 40 CFR part 148 are added to the EPA-administered program requirements at § 147.2601(a).

51. Subpart BBB—Puerto Rico: The Hazardous Waste Injection Restrictions of 40 CFR part 148 are added to the EPA-administered program requirements at § 147.2651(a).

52. Subpart CCC—Virgin Islands: The Hazardous Waste Injection Restrictions of 40 CFR part 148 are added to the EPA-administered program requirements at § 147.2701(a).

53. Subpart DDD—American Samoa: The Hazardous Waste Injection Restrictions of 40 CFR part 148 are added to the EPA-administered program requirements at § 147.2751(a).

54. Subpart EEE—Commonwealth of the Northern Mariana Islands: The Hazardous Waste Injection Restrictions of 40 CFR Part 148 are added to the EPA-administered program requirements at § 147.2801(a).

55. Subpart FFF—Trust Territory of the Pacific Islands: The Hazardous Waste Injection Restrictions of 40 CFR part 148 are added to the EPA-administered program requirements at § 147.2851(a).

56. Subpart HHH—Lands of the Navajo, Ute Mountain Ute, and All Other New Mexico Tribes: The Hazardous Waste Injection Restrictions of 40 CFR part 148 are added to the EPA-administered program requirements at § 147.3000(a).

57. Subpart III—Lands of Certain Oklahoma Indian Tribes: The Hazardous Waste Injection Restrictions of 40 CFR Part 148 are added to the EPA-administered program requirements at § 147.3100(a).

### III. Regulatory Impact

#### A. Executive Order 12291

Under Executive Order 12291, EPA must judge whether the proposed amendments to the regulations are major and therefore subject to the requirements of a Regulatory Impact Analysis. These proposed amendments do not impose any additional burden on the States or the regulated community. The proposed amendments do not have an annual effect on the economy of \$100 million or more, nor do they satisfy any of the other criteria listed in section 1(b) of the Executive Order. Therefore these proposed amendments do not constitute a major rulemaking. This proposal has been submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

#### B. Paperwork Reduction Act

EPA has determined that the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, does not apply to this proposed rule since limited information collection or record-keeping would be involved. This proposed rule would merely update the incorporation by reference material for which any information collection or record-keeping requirements have already been approved by OMB.

#### C. Regulatory Flexibility Analysis

Under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, an agency is required to prepare an initial regulatory flexibility analysis whenever it is required to publish general notice of any proposed rule, unless the head of the agency certifies that the rule, if promulgated, will not have significant economic impact on a substantial number of small entities. These proposed amendments to the regulations require no additional reporting or other burdens on the regulated community. Therefore, the Administrator certifies that this regulation will not have a significant impact on a substantial number of small entities.

#### List of Subjects in 40 CFR Part 147

Administrative practice and procedures, Confidential business information, Incorporation by reference, Reporting and record keeping requirements, Underground injection.

Dated: January 15, 1991.

William K. Reilly,  
Administrator.

For the reasons set out in the preamble, part 147 of title 40 of the Code of Federal Regulations is amended as follows:

### PART 147—STATE UNDERGROUND INJECTION CONTROL PROGRAMS

1. The authority citation for part 147 continues to read as follows:

Authority: 42 U.S.C. 300h *et seq.*; and 42 U.S.C. 6901 *et seq.*

2. In Subpart B—Alabama:

a. By revising 147.50(a) (1) and (2) to read as follows:

#### § 147.50 State-administered program—Class II wells.

\* \* \* \* \*

(a) \* \* \*

(1) Code of Alabama Sections 9-17-1 through 9-17-109 (Cumm. Supp. 1989);

(2) State Oil and Gas Board of Alabama Administrative Code, Oil and Gas Report 1 (supplemented through May 1989), Rules and Regulations Governing the Conservation of Oil and Gas in Alabama, and Oil and Gas Statutes of Alabama with Oil and Gas Board Forms, § 400-1-2 and § 400-1-5-.04.

\* \* \* \* \*

b. By revising § 147.60(a) to read as follows:

#### § 147.60 EPA-administered program—Indian lands.

(a) *Contents.* The UIC program for all classes of wells on Indian lands in Alabama is administered by EPA. This program consists of the UIC program requirements of 40 CFR parts 124, 144, 146, 148 and any additional requirements set forth in the remainder of this subpart. Injection well owners and operators, and EPA shall comply with these requirements.

\* \* \* \* \*

3. In Subpart C—Alaska:

a. By revising § 147.100(b) to read as follows:

#### § 147.100 State-administered program—Class II wells.

\* \* \* \* \*

(b) *Memorandum of Agreement.* The Memorandum of Agreement between EPA Region 10, and the Alaska Oil and Gas Conservation Commission, signed by the EPA Regional Administrator on January 29, 1986, as amended on June 21, 1988.

\* \* \* \* \*

b. By revising § 147.101(a) to read as follows:



**§ 147.101 EPA-administered program.**

(a) *Contents.* The UIC program in the State of Alaska for Class I, III, IV, and V wells, and for all classes of wells on Indian lands, is administered by EPA. This program consists of the UIC program requirements of 40 CFR parts 124, 144, 146, 148, and any additional requirements set forth in the remainder of this subpart. Injection well owners and operators, and EPA shall comply with these requirements.

4. In Subpart D—Arizona, by revising § 147.151(a) to read as follows:

**§ 147.151 EPA-administered program.**

(a) *Contents.* The UIC program that applies to all injection activities in Arizona, including those on Indian lands, is administered by EPA. The UIC program for Navajo Indian lands consists of the requirements contained in Subpart HHH of this part. The program for all injection activity except that on Navajo Indian lands consists of the UIC program requirements of 40 CFR parts 124, 144, 146, 148, and any additional requirements set forth in the remainder of this subpart. Injection well owners and operators, and EPA shall comply with these requirements.

5. In Subpart E—Arkansas, by revising § 147.205(a) to read as follows:

**§ 147.205 EPA-administered program—Indian lands.**

(a) *Contents.* The UIC program for all classes of wells on Indian lands in Arkansas is administered by EPA. This program consists of the UIC program requirements of 40 CFR parts 124, 144, 146, 148 and any additional requirements set forth in this subpart. Injection well owners and operators, and EPA shall comply with these requirements.

6. In Subpart F—California:  
a. By revising § 147.250(a)(1) and (2) to read as follows:

**§ 147.250 State-administered program—Class II wells.**

(a) \* \* \*

(1) California Laws for Conservation of Petroleum and Gas, California Public Resources Code Div. 3, Chapt. 1, §§ 3000–3359 (1989);

(2) California Administrative Code, title 14, §§ 1710 to 1724.10 (May 28, 1988).

b. By revising § 147.251(a) to read as follows:

**§ 147.251 EPA-administered program—Class I, III, IV and V wells and Indian lands.**

(a) *Contents.* The UIC program in the State of California for Class I, III, IV and V wells, and for all classes of wells on Indian lands, is administered by EPA. The program consists of the UIC program requirements of 40 CFR parts 124, 144, 146, 148, and any additional requirements set forth in the remainder of this subpart. Injection well owners and operators, and EPA shall comply with these requirements.

6. In Subpart G—Colorado:  
a. By adding text to § 147.300 and revising the section heading to read as follows:

**§ 147.300 State-administered program—Class II wells.**

The UIC program for Class II wells in the State of Colorado, except those wells on Indian Lands, is the program administered by the Colorado Oil and Gas Commission approved by EPA pursuant to section 1425 of the SDWA. Notice of this approval was published in the FR on April 2, 1984 (49 FR 13040); the effective date of this program is April 2, 1984. This program consists of the following elements, as submitted to EPA in the State's program application:

(a) *Incorporation by reference.* The requirements set forth in the State statutes and regulations cited in this paragraph are hereby incorporated by reference and made a part of the applicable UIC program under the SDWA for the State of Colorado. This incorporation by reference was approved by the Director of the OFR in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained at the State of Colorado Oil and Gas Conservation Commission, Department of Natural Resources, Suite 380 Logan Tower Building, 1580 Logan Street, Denver, Colorado, 80203. Copies may be inspected at the Environmental Protection Agency, Region VIII, 999 18th Street, Suite 500, Denver, Colorado, 80202–2405, or at the Office of the Federal Register, 1100 L Street NW., Washington, DC, 20408.

(1) Colorado Revised Statutes, 1989 replacement volume, Section 34–60–101 through 34–60–123;

(2) Colorado Revised Statutes, 1989 replacement volume, Section 25–8–101 through 25–8–612;

(3) Rules and Regulations, Rules of Practice and Procedure, and Oil and Gas Conservation Act (As Amended) Department of Natural Resources, Oil and Gas Conservation Commission of the State of Colorado (revised July 1989);

(4) Oil and Gas Conservation Commission Revised Rules and

Regulations in the 300, 400, 500, and 600 series, effective March 20, 1989.

(b) *Memorandum of Agreement.* The Memorandum of Agreement between EPA Region VIII and the Colorado Oil and Gas Conservation Commission, signed by the EPA Regional Administrator on March 3, 1984 and amended on August 30, 1989.

(c) *Statement of legal authority.* (1) Letter from Colorado Assistant Attorney General to the Acting Regional Counsel, EPA Region VIII, "Re: Class II Well Underground Injection Control Program of Colorado Oil and Gas Conservation Commission", March 15, 1983;

(2) Letter from Colorado Assistant Attorney General to the Acting Regional Counsel, EPA Region VIII, "Re: Class II Well Injection Control Program of Colorado Oil and Gas Conservation Commission", April 29, 1983;

(3) Letter from Colorado Assistant Attorney General to the Acting Regional Counsel, EPA Region VIII, "Re: Class II Underground Injection Control Program of Colorado Oil and Gas Conservation Commission, interpretation of C.R.S. 1973, 34–60–110", July 11, 1983;

(4) Letter from Colorado Assistant Attorney General to the Acting Regional Counsel, EPA Region VIII, "Re: Class II Well Underground Injection Control Program of Colorado Oil and Gas Conservation Commission", February 17, 1984;

(5) Memorandum from Colorado Assistant Attorney General to the Acting Regional Counsel, EPA Region VIII, "Re: Authority to set and enforce maximum pressure for injecting fluids into Class II wells with existing permits", March 7, 1984.

(d) *Program Description.* The Program Description and any other materials submitted as part of the application or as supplements thereto:

(1) Application and accompanying materials for approval of Colorado's UIC program for Class II wells submitted by the Director of the Colorado Oil and Gas Conservation Commission to the Regional Administrator, May 3, 1983;

(2) Supplemental amendment to Colorado's application for primacy for the UIC program for Class II wells describing the process through which the State will ensure enforceable limits for maximum injection pressure, describing the Commission's plan of administration for Class II wells, and describing Mechanical Integrity Test procedures for Class II wells, March 7, 1984;

(3) Official correspondence concerning various program issues between the Colorado Oil and Gas Conservation Commission and EPA



Region VIII, for the period from March 7, 1984 to May 8, 1989.

b. By revising § 147.301(a) to read as follows:

**§ 147.301 EPA-administered program—Class I, III, IV, V wells and Indian lands.**

(a) *Contents.* The UIC program for Class I, III, IV and V wells on all lands in Colorado, including Indian lands, and for Class II wells on Indian lands, is administered by EPA. The program for all EPA-administered wells in Colorado other than Class II wells on the lands of the Ute Mountain Ute consists of the UIC program requirements of 40 CFR Parts 124, 144, 146, 148, and any additional requirements set forth in the remainder of this subpart. Injection well owners and operators, and EPA shall comply with these requirements.

**8. In Subpart H—Connecticut:**

a. By reserving §§ 147.351 and 147.352, and adding § 147.350 to read as follows:

**§ 147.350 State-administered program.**

The UIC program for all classes of wells in the State of Connecticut, except those wells on Indian lands, is the program administered by the Connecticut Department of Environmental Protection approved by EPA pursuant to section 1422 of the SDWA. Notice of this approval was published in the FR on March 26, 1984 (49 FR 11179); the effective date of this program is March 26, 1984. This program consists of the following elements, as submitted to EPA in the State's program application:

(a) *Incorporation by reference.* The requirements set forth in the State statutes and regulations cited in this paragraph are hereby incorporated by reference and made part of the applicable UIC program under the SDWA for the State of Connecticut. This incorporation by reference was approved by the Director of the OFR in accordance with 5 U.S.C. 552(a) and CFR part 51. Copies may be obtained at the State of Connecticut, Department of Environmental Protection, State Office Building, 165 Capitol Avenue, Hartford, Connecticut, 06106. Copies may be inspected at the Environmental Protection Agency, Region I, John F. Kennedy Federal Building, room 2203, Boston, Massachusetts, 02203, or at the Office of the Federal Register, 1100 L Street NW., Washington, DC, 20408.

(1) Connecticut General Statutes Annotated, title 22a (Environmental Protection), chapter 439, sections 22a-1 through 22a-27 (1985 and Cum. Supp. 1990);

(2) Connecticut General Statutes Annotated, Title 22a (Environmental

Protection), Chapter 446K (1985 and Cum. Supp. 1990).

(b) *Memorandum of Agreement.* The Memorandum of Agreement between EPA Region I and the Connecticut Department of Environmental Protection, signed by the EPA Regional Administrator on August 9, 1983.

(c) *Statement of legal authority.* (1) Statement from the Attorney General of the State of Connecticut, signed by the Attorney General on May 8, 1981;

(2) Addendum to the Statement from the Attorney General of the State of Connecticut, signed by the Attorney General on May 10, 1983.

(d) *Program Description.* The Program Description and any other materials submitted as part of the application or as supplements thereto.

b. By revising § 147.353(a) to read as follows:

**§ 147.353 EPA-administered program—Indian lands.**

(a) *Contents.* The UIC program for all classes of wells on Indian lands in Connecticut is administered by EPA. This program consists of the UIC program requirements of 40 CFR Parts 124, 144, 146, 148, and any additional requirements set forth in the remainder of this subpart. Injection well owners and operators, and EPA shall comply with these requirements.

**9. In Subpart I—Delaware:**

a. By reserving §§ 147.401 and 147.402 and adding § 147.400 to read as follows:

**§ 147.400 State-administered program.**

The UIC program for all classes of wells in the State of Delaware, except those wells on Indian lands, is the program administered by the Delaware Department of Natural Resources and Environmental Control approved by EPA pursuant to section 1422 of the SDWA. Notice of this approval was published in the FR on April 5, 1984 (49 FR 13525); the effective date of this program is May 7, 1984. This program consists of the following elements, as submitted to EPA in the State's program application:

(a) *Incorporation by reference.* The requirements set forth in the State statutes and regulations cited in this paragraph are hereby incorporated by reference and made part of the applicable UIC program under the SDWA for the State of Delaware. This incorporation by reference was approved by the Director of the OFR in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained at the Delaware Department of Natural Resources and Environmental Control, 89 Kings Highway, P.O. Box 1401, Dover,

Delaware, 19903. Copies may be inspected at the Environmental Protection Agency, Region III, 841 Chestnut Street, Philadelphia, Pennsylvania, 19107, or at the Office of the Federal Register, 1100 L Street NW., Washington, DC, 20408.

(1) Delaware Environmental Protection Act, (Environmental Control) 7 Delaware Code Annotated, Chapter 60, Sections 6001-6060 (Revised 1974 and Cum. Supp. 1988);

(2) State of Delaware Regulations Governing Underground Injection Control, parts 122, 124 and 146 (Department of Natural Resources and Environmental Control), effective August 15, 1983.

(b) *Memorandum of Agreement.* The Memorandum of Agreement between EPA Region III and the Delaware Department of Natural Resources and Environmental Control, signed by the EPA Regional Administrator on March 28, 1984.

(c) *Statement of legal authority.* Statement of the Delaware Attorney General for the Underground Injection Control Program, signed by the Attorney General on January 26, 1984.

(d) *Program Description.* The Program Description and any other materials submitted as part of the application (August 10, 1983), or as supplements thereto (October 14, 1983).

b. By revising § 147.403(a) to read as follows:

**§ 147.403 EPA-administered program—Indian lands.**

(a) *Contents.* The UIC program for all classes of wells on Indian lands in Delaware is administered by EPA. This program consists of the UIC program requirements of 40 CFR parts 124, 144, 146, 148, and any additional requirements set forth in the remainder of this subpart. Injection well owners and operators and EPA shall comply with these requirements.

10. In Subpart J—District of Columbia, by revising § 147.451 (a) to read as follows:

**§ 147.451 EPA-administered program.**

(a) *Contents.* The UIC program for the District of Columbia, including any Indian lands in the District, is administered by EPA. This program consists of the UIC program requirements of 40 CFR parts 124, 144, 146, 148, and any additional requirements set forth in the remainder of this subpart. Injection well owners and operators, and EPA shall comply with these requirements.



## 11. In Subpart K—Florida:

a. By revising § 147.500(a)(2) to read as follows:

**§ 147.500 State-administered program—Class I, III, IV and V wells.**

(a) \* \* \*

(2) Chapter 17-28, Underground Injection Control, Florida Administrative Code (April 27, 1989).

b. By revising § 147.501(a) to read as follows:

**§ 147.501 EPA-administered program—Class II wells and Indian lands.**

(a) *Contents.* The UIC program for all classes of wells on Indian lands and for Class II wells on non-Indian lands in the State of Florida is administered by EPA. This program consists of the UIC program requirements of 40 CFR parts 124, 144, 146, 148, and any additional requirements set forth in the remainder of this subpart. Injection well owners and operators, and EPA shall comply with these requirements.

## 12. In Subpart L—Georgia:

a. By reserving §§ 147.551 and 147.552 and adding § 147.550 to read as follows:

**§ 147.550 State-administered program.**

The UIC program for all classes of wells in the State of Georgia, except those wells on Indian lands, is the program administered by the Georgia Department of Natural Resources, Environmental Protection Division approved by EPA pursuant to section 1422 of the SDWA. Notice of this approval was published in the FR on April 19, 1984 (49 FR 15553); the effective date of this program is May 21, 1984. This program consists of the following elements, as submitted to EPA in the State's program application:

(a) *Incorporation by reference.* The requirements set forth in the State statutes and regulations cited in this paragraph are hereby incorporated by reference and made a part of the applicable UIC program under the SDWA for the State of Georgia. This incorporation by reference was approved by the Director of the OFR in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained at the Georgia Department of Natural Resources, Environmental Protection Division, 270 Washington Street, SW., Atlanta, Georgia, 30334. Copies may be inspected at the Environmental Protection Agency, Region IV, 345 Courtland Street, NE., Atlanta, Georgia, 30365, or at the Office of the Federal Register, 1100 L Street NW., Washington, DC, 20408.

(1) Oil and Gas and Deep Drilling Act of 1975, Official Code of Georgia Annotated (O.C.G.A.) §§ 12-4-40 through 12-4-53 (1988);

(2) Ground Water Use Act of 1972, O.C.G.A. §§ 12-5-90 through 12-5-107 (1988);

(3) Water Well Standards Act of 1985, O.C.G.A. §§ 12-5-12, through 12-5-138 (1988);

(4) Georgia Administrative Procedure Act, O.C.G.A. §§ 50-13-1 through 50-13-22 (Reprinted from the O.C.G.A. and 1988 Cum. Supp.);

(5) Georgia Water Quality Control Act, O.C.G.A. §§ 12-5-20 through 12-5-53 (1988);

(6) Georgia Hazardous Waste Management Act, O.C.G.A. §§ 12-8-60 through 12-8-83 (1988);

(7) Georgia Safe Drinking Water Act of 1977, O.C.G.A. §§ 12-5-170 through 12-5-193 (1988);

(8) Rules of Georgia Department of Natural Resources, Environmental Protection Division, Water Quality Control, GA. COMP. R. & REGS. Chapter 391-3-6-.13 (Revised July 28, 1988).

(b) *Memorandum of Agreement.* The Memorandum of Agreement between EPA Region IV and the State of Georgia, signed March 1, 1984.

(c) *Statement of legal authority.* (1) Unofficial Opinion of the Georgia Attorney General, Op. Atty. Gen. 080-24, June 12, 1980;

(2) Underground Injection Control Program, Attorney General's Statement, February 4, 1982;

(3) Amended Attorney General's Statement Relating to Authority of the State of Georgia to Implement an Underground Injection Control Program, April 22, 1983;

(4) Letter to EPA Office of General Counsel from Senior Assistant Attorney General "Re: State UIC Program", July 13, 1983.

(d) *Program Description.* The Program Description and any other materials submitted as part of the application or as supplements thereto.

b. By revising § 147.553(a) to read as follows:

**§ 147.553 EPA-administered program—Indian lands.**

(a) *Contents.* The UIC program for all classes of wells on Indian lands in the State of Georgia is administered by EPA. This program consists of the UIC program requirements of 40 CFR parts 124, 144, 146, 148, and any additional requirements set forth in the remainder of this subpart. Injection well owners and operators, and EPA shall comply with these requirements.

13. In Subpart M—Hawaii, by revising § 147.601(a) to read as follows:

**§ 147.601 EPA-administered program.**

(a) *Contents.* The UIC program for the State of Hawaii, including all Indian lands, is administered by EPA. This program consists of the UIC program requirements of 40 CFR parts 124, 144, 146, 148, and any additional requirements set forth in the remainder of this subpart. Injection well owners and operators, and EPA shall comply with these requirements.

14. In Subpart N—Idaho, by revising the title of § 147.651 and paragraph (a) to read as follows:

**§ 147.651 EPA-administered program—Indian lands.**

(a) *Contents.* The UIC program for all classes of wells on Indian lands in the State of Idaho is administered by EPA. This program consists of the UIC program requirements of 40 CFR parts 124, 144, 146, 148, and any additional requirements set forth in the remainder of this subpart. Injection well owners and operators, and EPA shall comply with these requirements.

15. In Subpart O—Illinois, by revising § 147.703(a) to read as follows:

**§ 147.703 EPA-administered program—Indian lands.**

(a) *Contents.* The UIC program for all classes of wells on Indian lands in the State of Illinois is administered by EPA. This program consists of the UIC program requirements of 40 CFR parts 124, 144, 146, 148, and any additional requirements set forth in the remainder of this subpart. Injection well owners and operators, and EPA shall comply with these requirements.

16. In Subpart P—Indiana, by revising § 147.751(a) to read as follows:

**§ 147.751 EPA-administered program—**

(a) *Contents.* The UIC program for the State of Indiana, including all Indian lands, is administered by EPA. This program consists of the UIC program requirements of 40 CFR parts 124, 144, 146, 148, and any additional requirements set forth in the remainder of this subpart. Injection well owners and operators, and EPA shall comply with these requirements.

17. In Subpart Q—Iowa, by revising § 147.801(a) to read as follows:



**§ 147.801 EPA-administered program.**

(a) *Contents.* The UIC program for the State of Iowa, including all Indian lands, is administered by EPA. This program consists of the UIC program requirements of 40 CFR parts 124, 144, 146, 148, and any additional requirements set forth in the remainder of this subpart. Injection well owners and operators, and EPA shall comply with these requirements.

**18. In Subpart R—Kansas:**

a. By adding paragraphs §§ 147.850 (a) through (e) to existing text to read as follows:

**§ 147.850 State-administered program—Class I, III, IV and V wells.**

(a) *Incorporation by reference.* The requirements set forth in the State statutes and regulations cited in this paragraph are hereby incorporated by reference and made a part of the applicable UIC program under the SDWA for the State of Kansas. This incorporation by reference was approved by the Director of the OFR in accordance with 5 U.S.C. 552(a) and 1 CFR Part 51. Copies may be obtained at the Kansas Department of Health and Environment, Forbes Field, Building 740, Topeka, Kansas, 66620. Copies may be inspected at the Environmental Protection Agency, Region VII, 726 Minnesota Avenue, Kansas City, Kansas, 66101, or at the Office of the Federal Register, 1100 L Street, NW., Washington, DC, 20408.

(1) Chapter 28, Article 46, Underground Injection Control Regulations, Kansas Administrative Regulations §§ 28-46-1 through 28-46-42 (1986 and Supp. 1987);

(2) Chapter 28, Article 43, Construction, operation, monitoring and abandonment of salt solution mining wells, Kansas Administrative Regulations §§ 28-43-1 through 28-43-10 (1986);

(3) Kansas Statutes Annotated §§ 65-161, 65-164 through 65-166a, 65-171d (1980 and Cum. Supp. 1989).

(b) *Other laws.* The following statutes and regulations, although not incorporated by reference except for the select sections identified in paragraph (a) of this section, are also part of the approved State-administered program: Kansas Statutes Annotated §§ 65-161 through 65-171(w), [1980 and Supp. 1983].

(c) *Memorandum of Agreement.* (1) The Memorandum of Agreement between EPA Region VII and the Kansas Department of Health and Environment, signed by the EPA Regional Administrator on July 29, 1983;

(2) Addendum No. 1 of the Memorandum of Agreement, signed by the EPA Regional Administrator on August 29, 1983.

(d) *Statement of legal authority.* (1) "Statement of Attorney General", signed by the Attorney General of the State of Kansas, November 25, 1981;

(2) "Supplemental Statement of Attorney General", signed by the Attorney General of the State of Kansas, undated (one page).

(e) *Program description.* The program description and any other materials submitted as part of the application or supplements thereto.

b. By revising § 147.860(a) to read as follows:

**§ 147.860 EPA-administered program—Indian lands.**

(a) *Contents.* The UIC program for all classes of wells on Indian lands in the State of Kansas is administered by EPA. This program consists of the UIC program requirements of 40 CFR parts 124, 144, 146, 148, and any additional requirements set forth in the remainder of this subpart. Injection well owners and operators, and EPA shall comply with these requirements.

19. In Subpart S—Kentucky, by revising § 147.901(a) to read as follows:

**§ 147.901 EPA-administered program.**

(a) *Contents.* The UIC program for the Commonwealth of Kentucky, including all Indian lands, is administered by EPA. This program consists of the UIC program requirements of 40 CFR parts 124, 144, 146, 148, and any additional requirements set forth in the remainder of this subpart. Injection well owners and operators, and EPA shall comply with these requirements.

20. In Subpart T—Louisiana:

a. By revising the first sentence of the introductory text and paragraphs (a)(2) and (b)(1), and by adding paragraphs (a)(3) (iv), (v), (vi), (vii), and (c)(3) to § 147.950 to read as follows:

**§ 147.950 State-administered program.**

The UIC program for Class I, II, III, IV, and V wells in the State of Louisiana, except those wells on Indian lands, is the program administered by the Louisiana Department of Natural Resources approved by EPA pursuant to sections 1422 and 1425 of the SDWA.

(a) \*\*\*

(2) Underground Injection Control Program Regulations for Class I, III, IV, and V wells, Statewide Order No. 29-N-1 (February 20, 1982), as amended June 1, 1985 and January 20, 1986;

(3) \*\*\*

(iv) Amendment to Statewide Order No. 29-B (Amendment concerning the underground injection control of saltwater disposal wells, enhanced recovery injection wells, and liquid hydrocarbon storage wells) (effective February 20, 1982);

(v) Amendment to Statewide Order No. 29-B (Amendment concerning the offsite disposal of drilling mud and saltwater) (effective May 20, 1983);

(vi) Amendment to Statewide Order No. 29-B (Amendment concerning disposal of nonhazardous oilfield waste) (March 20, 1984, effective May 20, 1984);

(vii) Amendment to Statewide Order No. 29-B (Amendment concerning the administrative approval of injectivity tests and pilot projects in order to determine the feasibility of proposed enhanced recovery projects) (June 20, 1985, effective July 1, 1985).

(b)(1) The Memorandum of Agreement (Class I, III, IV, and V wells) between EPA Region VI and the Louisiana Department of Natural Resources, Office of Conservation, signed by the EPA Regional Administrator on March 17, 1982 and amended by Addendum 1 and Addendum 2 on November 3, 1989;

(c) \*\*\*

(3) Letter from Attorney General of Louisiana to EPA, "Re: Class I Hazardous Waste Injection Well Regulatory Program: Attorney General's Statement, October 9, 1989 (9 pages);

b. By revising § 147.951(a) to read as follows:

**§ 147.951 EPA-administered program—Indian lands.**

(a) *Contents.* The UIC program for all classes of wells on Indian lands in the State of Louisiana is administered by EPA. This program consists of the UIC program requirements of 40 CFR parts 124, 144, 146, 148, and any additional requirements set forth in the remainder of this subpart. Injection well owners and operators, and EPA shall comply with these requirements.

21. In Subpart U—Maine:

a. By revising § 147.1000(a) to read as follows:

**§ 147.1000 State-administered program.**

(a) *Incorporation by reference.* The requirements set forth in the State statutes and regulations cited in this paragraph are hereby incorporated by reference and made part of the



applicable UIC program under the SDWA for the State of Maine. This incorporation by reference was approved by the Director of the OFR on June 25, 1984.

b. By revising § 147.1001(a) to read as follows:

**§ 147.1001 EPA-administered program—Indian lands.**

(a) *Contents.* The UIC program for all classes of wells on Indian lands in the State of Maine is administered by EPA. This program consists of the UIC program requirements of 40 CFR parts 124, 144, 146, 148, and any additional requirements set forth in the remainder of this subpart. Injection well owners and operators and EPA shall comply with these requirements.

22. In Subpart V—Maryland:

a. By reserving §§ 147.1051 and 147.1052 and adding § 147.1050 to read as follows:

**§ 147.1050 State-administered program—Class I, II, III, IV, and V wells.**

The UIC program for Class I, II, III, IV, and V wells in the State of Maryland, except those wells on Indian lands, is the program administered by the Maryland Department of the Environment approved by EPA pursuant to section 1422 of the SDWA. Notice of this approval was published in the FR on April 19, 1984 (49 FR 15553); the effective date of this program is June 4, 1984. This program consists of the following elements, as submitted to EPA in the State's program application:

(a) *Incorporation by reference.* The requirements set forth in the State statutes and regulations cited in this paragraph are hereby incorporated by reference and made a part of the applicable UIC program under the SDWA for the State of Maryland. This incorporation by reference was approved by the Director of the OFR in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained at the Maryland Department of the Environment, 2500 Broening Highway, Baltimore, Maryland, 21224. Copies may be inspected at the Environmental Protection Agency, Region III, 841 Chestnut Street, Philadelphia, Pennsylvania, 19107, or at the Office of the Federal Register, 1100 L Street, NW., Washington, DC, 20408.

(1) Code of Maryland Regulations, Title 26, Subtitle 08, Chapter 07 promulgated and effective as of March 1, 1989;

(2) Code of Maryland Regulations, Title 26, Subtitle 08, Chapter 01,

promulgated and effective as of March 1, 1989;

(3) Code of Maryland Regulations, Title 26, Subtitle 08, Chapter 02, promulgated and effective as of March 1, 1989;

(4) Code of Maryland Regulations, Title 26, Subtitle 08, Chapter 03, promulgated and effective as of March 1, 1989;

(5) Code of Maryland Regulations, Title 26, Subtitle 08, Chapter 04, promulgated and effective as of March 1, 1989;

(6) Code of Maryland Regulations, Title 26, Subtitle 13, Chapter 05, section .19, promulgated and effective as of August 1, 1989;

(7) Code of Maryland Regulations, Title 26, Subtitle 01, Chapter 02, promulgated and effective as of March 1, 1989;

(8) Code of Maryland Regulations, Title 26, Subtitle 01, Chapter 04, promulgated and effective as of March 1, 1989.

(b) *Memorandum of Agreement.* The Memorandum of Agreement between EPA Region III and the Maryland Department of the Environment, as submitted on August 2, 1983, and revised on February 16, 1984.

(c) *Statement of legal authority.* Statement from the Maryland Attorney General on the Underground Injection Control Program, as submitted on August 2, 1983, and revised on February 16, 1984.

(d) *Program Description.* The Program Description and other materials submitted as part of the application or as supplements thereto.

b. By revising § 147.1053(a) to read as follows:

**§ 147.1053 EPA-administered program—Indian lands.**

(a) *Contents.* The UIC program for all classes of wells on Indian lands in the State of Maryland is administered by EPA. This program consists of the UIC program requirements of 40 CFR parts 124, 144, 146, 148, and any additional requirements set forth in the remainder of this subpart. Injection well owners and operators, and EPA shall comply with these requirements.

23. In Subpart W—Massachusetts.

a. By revising § 147.1101(a) to read as follows:

**§ 147.1101 EPA-administered program—Indian lands.**

(a) *Contents.* The UIC program for all classes of wells on Indian lands in the State of Massachusetts is administered by EPA. This program consists of the UIC program requirements of 40 CFR

parts 124, 144, 146, 148, and any additional requirements set forth in the remainder of this subpart. Injection well owners and operators, and EPA shall comply with these requirements.

24. In Subpart X—Michigan, by revising § 147.1151(a) to read as follows:

**§ 147.1151 EPA-administered program.**

(a) *Contents.* The UIC program for the State of Michigan, including all Indian lands, is administered by EPA. This program consists of the UIC program requirements of 40 CFR parts 124, 144, 146, 148, and any additional requirements set forth in the remainder of this subpart. Injection well owners and operators, and EPA shall comply with these requirements.

25. In Subpart Y—Minnesota by revising § 147.1201(a) to read as follows:

**§ 147.1201 EPA-administered program.**

(a) *Contents.* The UIC program for the State of Minnesota is administered by EPA. This program consists of the UIC program requirements of 40 CFR parts 124, 144, 146, 148, and any additional requirements set forth in the remainder of this subpart. Injection well owners and operators, and EPA shall comply with these requirements.

26. In Subpart Z—Mississippi, by revising § 147.1252(a) to read as follows:

**§ 147.1252 EPA-administered program—Indian lands.**

(a) *Contents.* The UIC program for all classes of wells on Indian lands in the State of Mississippi is administered by EPA. This program consists of the UIC program requirements of 40 CFR parts 124, 144, 146, 148, and any additional requirements set forth in the remainder of this subpart. Injection well owners and operators, and EPA shall comply with these requirements.

27. In Subpart AA—Missouri.

a. By revising (a)(2) and adding (a)(3) to § 147.1300 to read as follows:

**§ 147.1300 State-administered program.**

(a) \* \* \*

(2) Missouri Code of State Regulations, title 10, division 50, chapters 1 and 2 (June 1984);

(3) Vernon's Annotated Missouri Statutes chapter 204, §§ 204.006 through 204.470 (1983 and Cum. Supp. 1990).

b. By revising § 147.1303(a) to read as follows:



**§ 147.1303 EPA-administered program—Indian lands.**

(a) *Contents.* The UIC program for all classes of wells on Indian lands in the State of Missouri is administered by EPA. This program consists of the UIC program requirements of 40 CFR parts 124, 144, 145, 146, 148, and any additional requirements set forth in the remainder of this subpart. Injection well owners and operators, and EPA shall comply with these requirements.

28. In Subpart BB—Montana, by revising § 147.1351(a) to read as follows:

**§ 147.1351 EPA-administered program.**

(a) *Contents.* The UIC program for the State of Montana, including all Indian lands, is administered by EPA. This program consists of the UIC program requirements of 40 CFR parts 124, 144, 146, 148, and any additional requirements set forth in the remainder of this subpart. Injection well owners and operators, and EPA shall comply with these requirements.

29. In Subpart CC—Nebraska:

a. By revising paragraphs (a)(2) and (b)(1) of § 147.1400 to read as follows:

**§ 147.1400 State-administered program—Class II wells.**

(a) \* \* \*

(2) Revised Statutes of Nebraska, sections 57-903 and 57-906 (Reissue 1988).

(b) \* \* \*

(1) Chapter 57, Oil and Gas Conservation, Revised Statutes of Nebraska sections 57-901 through 57-922 (Reissue 1985).

b. By revising paragraphs (a) (1) and (2) and (b)(1) of § 147.1401 to read as follows:

**§ 147.1401 State-administered program—Class I, III, IV and V wells.**

(a) \* \* \*

(1) Nebraska Environmental Protection Act, Revised Statutes of Nebraska sections 81-1502, 81-1506, 81-1519, and 81-1520 (Reissue 1987);

(2) Nebraska Department of Environmental Control, Title 122—Rules and Regulations for Underground Injection and Mineral Production Wells, Effective Date: February 16, 1982, Amended Dates: November 12, 1983, March 22, 1984; as amended by amendment approved by the Governor on January 2, 1989.

(b) \* \* \*

(1) Nebraska Environmental Protection Act, Nebraska Revised

Statutes sections 81-1502, 81-1506, 81-1519, and 81-1520 (Reissue 1987 and Cumulative Supplement 1988);

c. By revising § 147.1403(a) to read as follows:

**§ 147.1403 EPA-administered program—Indian lands.**

(a) *Contents.* The UIC program for all classes of wells on Indian lands in the State of Nebraska is administered by EPA. This program consists of the UIC program requirements of 40 CFR parts 124, 144, 146, 148, and any additional requirements set forth in the remainder of this subpart. Injection well owners and operators, and EPA shall comply with these requirements.

30. In Subpart DD—Nevada:

a. By revising § 147.1451(a) to read as follows:

**§ 147.1451 EPA-administered program—Indian lands.**

(a) *Contents.* The UIC program for all classes of wells on Indian lands in the State of Nevada is administered by EPA. This program consists of the UIC program requirements of 40 CFR parts 124, 144, 146, 148, and any additional requirements set forth in the remainder of this subpart. Injection well owners and operators, and EPA shall comply with these requirements.

31. In Subpart EE—New Hampshire.

a. By revising the introductory text of § 147.1500 to read as follows:

**§ 147.1500 State-administered program.**

The UIC program for all classes of wells in the State of New Hampshire, except those wells on Indian lands, is the program administered by the New Hampshire Department of Environmental Services, approved by the EPA pursuant to section 1422 of the SDWA. Notice of this approval was published in the FR on September 21, 1982 (47 FR 41561); the effective date of this program is October 21, 1982. This program consists of the following elements:

b. By revising § 147.1501(a) to read as follows:

**§ 147.1501 EPA-administered program—Indian lands.**

(a) *Contents.* The UIC program for all classes of wells on Indian lands in the State of New Hampshire is administered by EPA. This program consists of the UIC program requirements of 40 CFR parts 124, 144, 146, 148, and any additional requirements set forth in the remainder of this subpart. Injection well

owners and operators, and EPA shall comply with these requirements.

32. In Subpart FF—New Jersey:

a. By revising paragraphs (a) (1) and (2) in § 147.1550 to read as follows:

**§ 147.1550 State-administered program.**

(a) \* \* \*

(1) Water Pollution Control Act, New Jersey Statutes Annotated sections 58:10A-1 through 58:10A-20 (West 1982 and Supplement 1990);

(2) New Jersey Administrative Code, sections 7:14A-1.1 through 1.9 (subchapter 1), 7:14A-2.1 through 2.15 (subchapter 2), 7:14A-5.1 through 5.17, (subchapter 5) (amended March 1988).

b. By revising § 147.1551(a) to read as follows:

**§ 147.1551 EPA-administered program—Indian lands.**

(a) *Contents.* The UIC program for all classes of wells on Indian lands in the State of New Jersey is administered by EPA. This program consists of the UIC program requirements of 40 CFR parts 124, 144, 146, 148, and any additional requirements set forth in the remainder of this subpart. Injection well owners and operators, and EPA shall comply with these requirements.

33. In Subpart HH—New York, by revising § 147.1651(a) to read as follows:

**§ 147.1651 EPA-administered program.**

(a) *Contents.* The UIC program for the State of New York, including all Indian lands, is administered by EPA. The program consists of the UIC program requirements of 40 CFR parts 124, 144, 146, 148, and any additional requirements set forth in the remainder of this subpart. Injection well owners and operators, and EPA shall comply with these requirements.

34. In Subpart II—North Carolina:

**§§ 147.1701 and 147.1702 [Reserved]**

a. By reserving §§ 147.1701 and 147.1702 and adding § 147.1700 to read as follows:

**§ 147.1700 State-administered program.**

The UIC program for all classes of wells in the State of North Carolina, except those wells on Indian lands, is the program administered by the North Carolina Department of Environment, Health and Natural Resources approved by EPA pursuant to section 1422 of the SDWA. Notice of this approval was published in the Federal Register on April 19, 1984 (49 FR 15553); the effective date of this program is April 19, 1984.



This program consists of the following elements, as submitted to EPA in the State's program application:

(a) *Incorporation by reference.* The requirements set forth in the State statutes and regulations cited in this paragraph are hereby incorporated by reference and made a part of the applicable UIC program under the SDWA for the State of North Carolina. This incorporation by reference was approved by the Director of the OFR in accordance with 5 U.S.C. 552(a) and 1 CFR Part 51. Copies may be obtained at the North Carolina Department of Environment, Health and Natural Resources, P.O. Box 27687, Raleigh, North Carolina 27611. Copies may be inspected at the Environmental Protection Agency, Region IV, 345 Courtland Street, NE., Atlanta, Georgia 30365, or at the Office of the Federal Register, 1100 L Street, NW., Washington, DC 20408.

(1) Administrative Procedure Act, N.C. GEN. STAT. 150B-1 through 150B-64 (1987 and Cum. Supp. 1989);

(2) North Carolina Well Construction Act, N.C. GEN. STAT. §§ 87-83 through 87-99 (1989 and Cum. Supp. 1989);

(3) Water and Air Resources, N.C. GEN. STAT. §§ 143-211 through 143-215.10 (1987 and Cum. Supp. 1989);

(4) Solid Waste Management, N.C. GEN. STAT. §§ 130A-290 through 130A-309.03 (1989);

(5) North Carolina Drinking Water Act, N.C. GEN. STAT. §§ 130A-311 through 130A-332 (1989);

(6) Sanitary Sewage Systems, N.C. GEN. STAT. §§ 130A-333 through 130A-335 (1989).

(b) *Other laws.* The following rules and regulations, although not incorporated by reference, are also part of the approved State-administered program:

(1) N.C. ADMIN. CODE, Title 15, r. 02L.0100 *et seq.* Groundwater Classification and Standards: General Considerations (September 22, 1988);

(2) N.C. ADMIN. CODE, Title 15, r. 02L.0100 *et seq.* Criteria and Standards Applicable to Injection Wells (September 22, 1988).

(c) *Memorandum of Agreement.* The Memorandum of Agreement between the State of North Carolina and EPA Region IV, signed March 1, 1984.

(d) *Statement of legal authority.* (1) Underground Injection Control Program, Attorney General's Statement (June 15, 1982);

(2) Amendment to Underground Injection Control Program, Attorney General's Statement (February 9, 1984).

(e) *Program Description.* The Program Description and other materials

submitted as part of the application or as supplements thereto.

b. By revising § 147.1703(a) to read as follows:

**§ 147.1703 EPA-administered program—Indian lands.**

(a) *Contents.* The UIC program for all classes of wells on Indian lands in the State of North Carolina is administered by EPA. This program consists of the UIC program requirements of 40 CFR parts 124, 144, 146, 148, and any additional requirements set forth in the remainder of this subpart. Injection well owners and operators, and EPA shall comply with these requirements.

35. In Subpart JJ—North Dakota:

a. By revising paragraphs (a) (1) and (2) and (b), and by adding paragraph (a)(3) to § 147.1750 to read as follows:

**§ 147.1750 State-administered program—Class II wells.**

(a) \* \* \*

(1) North Dakota Century Code, Chapter 38-08 (Control of Gas and Oil Resources, 1987 and Supp. 1989);

(2) North Dakota Administrative Code, Chapter 43-02-05 (Underground Injection Control, as published in *Statutes and Rules for the Conservation of Oil and Gas*, North Dakota Industrial Commission, revised effective November 1, 1987);

(3) North Dakota Administrative Code, Chapter 43-02-03 (General Rules, as published in *Statutes and Rules for the Conservation of Oil and Gas*, North Dakota Industrial Commission, revised effective November 1, 1987).

(b) The Memorandum of Agreement between EPA Region VIII and the North Dakota Industrial Commission, Oil and Gas Division, signed by the EPA Regional Administrator on June 16, 1983, as amended September 7, 1989.

b. By revising paragraphs (a) (2) and (4), and (b)(3) of § 147.1751 to read as follows:

**§ 147.1751 State-administered program—Class I, III, IV and V wells.**

(a) \* \* \*

(2) North Dakota Century Code, Sections 61-28-02 and 61-28-06 (1989);

(4) North Dakota Administrative Code, Chapter 43-02-02 (Subsurface Mineral Exploration and Development) (August 1986), and Chapter 43-02-02.1 (Underground Injection Control Program) (March 1, 1984);

(b) \* \* \*

(3) North Dakota Century Code Chapter 61-28 (Control, Prevention and Abatement of Pollution of Surface Waters) (1989);

c. By revising § 147.1752(a) to read as follows:

**§ 147.1752 EPA-administered program—Indian lands.**

(a) *Contents.* The UIC program for all classes of wells on Indian lands in the State of North Dakota is administered by EPA. This program consists of the UIC program requirements of 40 CFR parts 124, 144, 146, 148, and any additional requirements set forth in the remainder of this subpart. Injection well owners and operators, and EPA shall comply with these requirements.

36. In Subpart KK—Ohio:

a. By revising § 147.1805(a) to read as follows:

**§ 147.1805 EPA-administered program—Indian lands.**

(a) *Contents.* The UIC program for all classes of wells on Indian lands in the State of Ohio is administered by EPA. This program consists of the UIC program requirements of 40 CFR parts 124, 144, 146, 148, and any additional requirements set forth in the remainder of this subpart. Injection well owners and operators, and EPA shall comply with these requirements.

37. In Subpart MM—Oregon:

a. By revising the first sentence of the introductory text, and paragraphs (a)(2), and (b) (1) and (2) of § 147.1900 to read as follows:

**§ 147.1900 State-administered program.**

The UIC program for all classes of wells in the State of Oregon, except those on Indian lands, is administered by the Oregon Department of Environmental Quality, approved by EPA pursuant to section 1422 and section 1425 of the SDWA. \* \* \*

(a) \* \* \*

(2) Oregon Administrative Rules, Chapter 340, Division 44, sections 340-44-005 through 340-44-055 (October 1983); Chapter 340, Division 45, sections 340-45-005 through 340-45-075 (January 1990); Chapter 632, Division 10, sections 632-10-002 through 632-10-235 (May 1986); Chapter 632, Division 20, sections 632-20-005 through 632-20-180 (May 1984).

(b) \* \* \*

(1) Oregon Revised Statutes, Chapter 183 (1987); 192.420, 192.500, 459.460(3), 468.005 through 468.605, and 468.780



through 468.997; Chapters 516 and 522 (1983);

(2) Oregon Administrative Rules, chapter 137, Div. 3 (July 1982); chapter 340, Div. 11 (April 1988); chapter 340, Div. 12 (March 1989); chapter 340, Div. 14 (November 1983); chapter 340, Div. 52 (November 1983); chapter 632, Div. 1 (June 1980); chapter 632, Div. 20 (January 1981).

b. By revising § 147.1901(a) to read as follows:

**§ 147.1901 EPA-administered program—Indian lands.**

(a) *Contents.* The UIC program for all classes of wells on Indian lands in the State of Oregon is administered by EPA. This program consists of the UIC program requirements of 40 CFR parts 124, 144, 146, 148, and any additional requirements set forth in the remainder of this subpart. Injection well owners and operators, and EPA shall comply with these requirements.

38. In Subpart NN—Pennsylvania, by revising § 147.1951(a) to read as follows:

**§ 147.1951 EPA-administered program.**

(a) *Contents.* The UIC program for the State of Pennsylvania, including all Indian lands, is administered by EPA. This program consists of the UIC program requirements of 40 CFR parts 124, 144, 146, 148, and any additional requirements set forth in the remainder of this subpart. Injection well owners and operators, and EPA shall comply with these requirements.

39. In Subpart OO—Rhode Island, by revising § 147.2001(a) to read as follows:

**§ 147.2001 EPA-administered program—Indian lands.**

(a) *Contents.* The UIC program for all classes of wells on Indian lands in the State of Rhode Island is administered by EPA. This program consists of the UIC program requirements of 40 CFR parts 124, 144, 146, 148, and any additional requirements set forth in the remainder of this subpart. Injection well owners and operators, and EPA shall comply with these requirements.

40. In subpart PP—South Carolina, by revising § 147.2051(a) to read as follows:

**§ 147.2051 EPA-administered program—Indian lands.**

(a) *Contents.* The UIC program for all classes of wells on Indian lands in the State of South Carolina is administered by EPA. This program consists of the UIC program requirements of 40 CFR parts 124, 144, 146, 148, and any

additional requirements set forth in the remainder of this subpart. Injection well owners and operators, and EPA shall comply with these requirements.

41. In subpart QQ—South Dakota:

a. By revising § 147.2100(a)(2) to read as follows:

**§ 147.2100 State-administered program—Class II wells.**

(2) Administrative Rules of South Dakota, sections 74:10:02 through 74:10:07, 74:10:09, and 74:10:11 published by the South Dakota Code Commission, as revised through October 4, 1987.

b. By revising § 147.2101(a) and the section title to read as follows:

**§ 147.2101 EPA-administered program—Class I, III, IV, and V wells and all wells on Indian lands.**

(a) *Contents.* The UIC program for all Class I, III, IV, and V wells, including those on Indian lands, and for Class II wells on Indian lands in the state of South Dakota is administered by EPA. This program consists of the UIC program requirements of 40 CFR parts 124, 144, 146, 148, and any additional requirements set forth in the remainder of this subpart. Injection well owners and operators, and EPA shall comply with these requirements.

42. In Subpart RR—Tennessee, by revising § 147.2151(a) to read as follows:

**§ 147.2151 EPA-administered program.**

(a) *Contents.* The UIC program for the State of Tennessee, including all Indian lands, is administered by EPA. This program consists of the UIC program requirements of 40 CFR parts 124, 144, 146, 148, and any additional requirements set forth in the remainder of this subpart. Injection well owners and operators, and EPA shall comply with these requirements.

43. In Subpart SS—Texas, by revising § 147.2205(a) to read as follows:

**§ 147.2205 EPA-administered program—Indian lands.**

(a) *Contents.* The UIC program for all classes of wells on Indian lands in the State of Texas is administered by EPA. This program consists of the UIC program requirements of 40 CFR parts 124, 144, 146, 148, and any additional requirements set forth in the remainder of this subpart. Injection well owners and operators, and EPA shall comply with these requirements.

44. In Subpart TT—Utah:

a. By revising § 147.2250 read as follows:

**§ 147.2250 State-administered program—Class I, III, IV and V wells.**

The UIC program for Class I, III, IV, and V wells in the State of Utah, except those on Indian lands, is administered by the Utah Department of Health, Division of Environmental Health, approved by EPA pursuant to Section 1422 of the SDWA. Notice of this approval was published in the FR on January 9, 1983 (47 FR 2321). The effective date of this program is February 10, 1983. Changes to Utah's regulations for Class I wells were made on May 15, 1990, in response to modification of national rules as promulgated by 53 FR 28188, July 26, 1988. Utah's rules were effective July 20, 1990. The revised rules, Program Description, Attorney General's statement, and Memorandum of Agreement were approved as a minor program modification on October 3, 1990. This program consists of the following elements as submitted to EPA:

(a) *Incorporation by reference.* The requirements set forth in the State statutes and regulations cited in this paragraph are hereby incorporated by reference and made a part of the applicable UIC program under the SDWA for the State of Utah. This incorporation by reference was approved by the Director of the Federal Register on June 25, 1984.

(1) Utah Water Pollution Control Act, Utah Code Annotated, Title 26, Chapter 11, Sections 2, 8, and 10 (1989);

(2) Underground Injection Control Regulations; Utah Administrative Code, Section R448-7 (effective as of January 2, 1990);

(3) Underground Injection Control Program (adopted January 20, 1982 and revised effective July 20, 1990) (Officially submitted to EPA by the Executive Secretary of Utah Water Pollution Control Committee on August 16, 1990).

(b) *Other laws.* The following statutes and regulations, although not incorporated by reference except for selected sections identified in paragraph (a) of this section, are also part of the approved State-administered program:

(1) Utah Pollution Control Act, Utah Code Annotated, Sections 26-11-1 through -20 (Supp. 1990);

(c)(1) The revised Memorandum of Agreement between EPA, Region VIII and the Utah Department of Health, Division of Environmental Health, signed by the Regional Administrator on October 3, 1990.



(2) Letter from Director, Utah Department of Health, Division of Environmental Health, Bureau of Water Pollution Control, to EPA Region VIII, Re: Underground Injection Control Program—Utah, March 15, 1982;

(3) Letter from the Executive Secretary of the Utah Water Pollution Control Committee to EPA Region VIII, "Re: Utah UIC Class I Well Program Changes," August 18, 1990;

(d) *Statement of legal authority.* (1) "Underground Injection Control Program—Attorney General's statement," signed by Attorney General, State of Utah, January, 1982;

(2) Letter from Assistant Attorney General of Utah to Chief, Drinking Water Branch, EPA Region VIII, June 18, 1982;

(3) Addendum to Underground Injection Control Program, Attorney General's Statement signed by Attorney General of Utah, August 10, 1990.

(e) The Program Description (revised June 19, 1990) and any other materials submitted as part of the application or supplements thereto.

b. By revising paragraph (a)(1) and by adding paragraphs (a)(2) and (d)(3) to § 147.2251 to read as follows:

**§ 147.2251 State-administered program—Class II wells.**

• • • • •

(a) • • • • •

(1) Utah Code Annotated, 1953, section 40-6-1 through 40-6-18, as amended 1988 and Cum. Supp. 1990;

(2) The Oil and Gas Conservation General Rules, adopted under the authority of the Oil and Gas Conservation Act, 40-6-1 *et seq.*, Utah Code Annotated, as amended 1988 (revised March 1989), rules R615-1 through R615-4, and R615-8 through R615-10.

• • • • •

(d) • • • • •

(3) Memorandum to Director, Division of Oil, Gas and Mining from Assistant Attorney General regarding Underground Injection Control Program, January 8, 1985.

• • • • •

c. By revising § 147.2253(a) to read as follows:

**§ 147.2253 EPA-administered program—Indian lands.**

(a) *Contents.* The UIC program for all classes of wells on Indian lands in the State of Utah is administered by EPA. The program for wells on the lands of the Navajo and Ute Mountain Ute consists of the requirements set forth at Subpart HHH of this part. The program for all other wells on Indian lands consists of the UIC program

requirements of 40 CFR parts 124, 144, 146, 148, and any additional requirements set forth in the remainder of this subpart. Injection well owners and operators, and EPA shall comply with these requirements.

• • • • •

45. In Subpart UU—Vermont:

a. By revising the introductory text of § 147.2300 to read as follows:

**§ 147.2300 State-administered program.**

The UIC program for all classes of wells in the State of Vermont, except those wells on Indian lands, is the program administered by the Vermont Department of Environmental Conservation, approved by EPA pursuant to section 1422 of the SDWA. Notice of this approval was published in the FR on June 22, 1984; the effective date of this program is July 6, 1984. This program consists of the following elements:

• • • • •

b. By revising § 147.2303(a) to read as follows:

**§ 147.2303 EPA-administered program—Indian lands.**

(a) *Contents.* The UIC program for all classes of wells on Indian lands in the State of Vermont is administered by EPA. This program consists of the UIC program requirements of 40 CFR parts 124, 144, 146, 148, and any additional requirements set forth in the remainder of this subpart. Injection well owners and operators, and EPA shall comply with these requirements.

• • • • •

46. In Subpart VV—Virginia, by revising § 147.2351 to read as follows:

**§ 147.2351 EPA-administered program.**

(a) *Contents.* The UIC program for the State of Virginia, including all Indian lands, is administered by EPA. This program consists of the UIC program requirements of 40 CFR parts 124, 144, 146, 148, and any additional requirements set forth in the remainder of this subpart. Injection well owners and operators, and EPA shall comply with these requirements.

(b) *Effective dates.* The effective date for the UIC program on Indian lands is November 25, 1988. The effective date for the UIC program for the remainder of Virginia is June 25, 1984. (53 FR 43091, October 25, 1988).

47. In Subpart WW—Washington:

a. By adding paragraph (a)(4) to § 147.2400 to read as follows:

**§ 147.2400 State-administered program—Class I, III, IV and V wells.**

• • • • •

(a) • • • • •

(4) Washington Administrative Code Chapter 173-160 (reprinted May 1988).

• • • • •

b. By revising § 147.2403(a) to read as follows:

**§ 147.2403 EPA-administered program—Indian lands.**

(a) *Contents.* The UIC program for all classes of wells on Indian lands in the State of Washington is administered by EPA. This program, for all Indian lands except those of the Colville Tribe, consists of the UIC program requirements of 40 CFR parts 124, 144, 146, 148, and any additional requirements set forth in the remainder of this subpart. Injection well owners and operators, and EPA shall comply with these requirements.

• • • • •

48. In Subpart XX—West Virginia, by revising 147.2453(a) to read as follows:

**§ 147.2453 EPA-administered program—Indian lands.**

(a) *Contents.* The UIC program for all classes of wells on Indian lands in the State of West Virginia is administered by EPA. This program consists of the UIC program requirements of 40 CFR parts 124, 144, 146, 148, and any additional requirements set forth in the remainder of this subpart. Injection well owners and operators, and EPA shall comply with these requirements.

• • • • •

49. In Subpart YY—Wisconsin, by adding paragraphs (a), (b), (c), (d), and (e) to the existing text of § 147.2500 to read as follows:

**§ 147.2500 State-administered program.**

• • • • •

(a) *Incorporation by reference.* The requirements set forth in the State statutes and regulations cited in this paragraph are hereby incorporated by reference and made a part of the applicable UIC program under the SDWA for the State of Wisconsin. This incorporation by reference was approved by the Director of the OFR in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained at the Wisconsin Department of Natural Resources, Box 7921, Madison, Wisconsin, 53707. Copies may be inspected at the Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois, 60604, or at the Office of the Federal Register, 1100 L Street, NW., Washington, DC, 20408.

(1) Wisconsin Statutes Annotated §§ 147.015, 147.02 and 147.04 (West 1974 and Supp. 1983);



(2) Chapter NR 112, Well Construction and Pump Installation, Wisconsin Administrative Code §§ NR 112.03 and 112.20 (October 1981), as amended by Natural Resources Board Order No. WQ-25-82, approved by the Natural Resources Board on August 25, 1982;

(3) Chapter NR 113, Servicing Septic Tanks, Seepage Pits, Grease Traps or Privies, Wisconsin Administrative Code §§ NR 113.07-113.08 (1979), as amended by Natural Resources Board Order No. WQ-25-82, approved by the Wisconsin Natural Resources Board on August 25, 1982;

(4) Chapter NR 181, Hazardous Waste Management, Wisconsin Administrative Code §§ NR 181.04-181.415 (1981), as amended June 1985;

(5) Chapter NR 210, Sewage Treatment Works, Wisconsin Administrative Code § 210.05 Natural Resources Board Order No. WQ-25-82, approved by the Wisconsin Natural Resources Board on August 25, 1982;

(6) Chapter NR 214, Land Application and Disposal of Liquid Industrial Wastes and By-Products, Wisconsin Administrative Code §§ 214.03 and 214.08 (1983).

(b) *Other laws.* The following statutes and regulations, although not incorporated by reference except for select sections identified in paragraph (a) of this section, are also part of the approved State-administered program:

(1) Chapter 144, Water, Sewage, Refuse, Mining and Air Pollution, Wisconsin Statutes Annotated (West 1974 and Supp. 1983);

(2) Chapter 147, Pollution Discharge Elimination, Wisconsin Statutes Annotated (West 1974 and Supp. 1983);

(3) Chapter 162, Pure Drinking Water, Wisconsin Statutes Annotated (West 1974 and Supp. 1983);

(4) Laws of 1981, Chapter 20, § 2038 (Re: heat pump injection);

(5) Wisconsin Statutes 803.09(1) (West 1977) (intervention as of right in civil actions).

(c) *Memorandum of Agreement.* The Memorandum of Agreement between EPA Region V and the Wisconsin Department of Natural Resources, signed by the Regional Administrator on December 8, 1983.

(d) *Statement of legal authority.* (1) "Attorney General's Statement," signed by Attorney General, State of Wisconsin;

(2) Letter from Assistant Attorney General, State of Wisconsin, to EPA Region, "Re: Amendments to Attorney General's Statement-UIC," June 30, 1983.

(e) *Program Description.* The Program Description and other materials submitted as part of the application or as supplements thereto.

50. In Subpart ZZ—Wyoming:

a. By revising paragraph (a)(1); redesignating paragraph (a)(5) as (a)(6) and revising it; adding a new paragraph (a)(5); removing paragraph (b)(1); redesignating paragraphs (b)(2) and (b)(3) as (b)(1) and (b)(2), revising new paragraphs (b)(1), and (b)(2) and adding new paragraph (b)(3) to § 147.2550 to read as follows:

**§ 147.2550 State-administered program—Class I, III, IV and V wells.**

\* \* \* \* \*

(a) \* \* \*

(1) Wyoming Environmental Quality Act, Wyoming Statutes sections 35-11-101 through 35-11-115, and 35-11-301 through 35-11-305 (1977 Republished Edition and 1989 Cum. Supp.);

\* \* \* \* \*

(5) Water Quality Rules and Regulations, Wyoming Department of Environmental Quality, Chapter XIII: Prohibitions of Permits for New Hazardous Waste Injection Wells (certified copy, signed August 25, 1989);

(6) Land Quality Rules and Regulations, Wyoming Department of Environmental Quality, Chapter XXI: In Situ Mining (effective March 26, 1981).

(b) \* \* \*

(1) Article 9, Underground Water, Wyoming Statutes sections 41-3-901 through 41-3-938 (September 1982);

(2) Wyoming Administrative Procedure Act, Wyoming Statutes sections 9-4-101 through 9-4-115 (1988);

(3) Department of Environmental Quality Rules of Practice and Procedure (1982).

\* \* \* \* \*

b. By revising § 147.2551 to read as follows:

**§ 147.2551 State-administered program—Class II wells.**

The UIC program for Class II wells in the State of Wyoming, except those on Indian lands, is the program administered by the Wyoming Oil and Gas Conservation Commission approved by EPA pursuant to section 1425 of the SDWA. Notice of this approval was published in the FR on November 23, 1982 (47 FR 52434); the effective date of this program is December 23, 1982. This program consists of the following elements as submitted to EPA in the State's program application:

(a) *Incorporation by reference.* The requirements set forth in the State statutes and regulations cited in this paragraph are hereby incorporated by reference and made a part of the applicable UIC program under the SDWA for the State of Wyoming. This incorporation by reference was

approved by the Director of the OFR in accordance with 5 U.S.C. 552(a) and 1 CFR Part 51. Copies may be obtained at the Wyoming Oil and Gas Conservation Commission, Office of the State Oil and Gas Supervisor, P.O. Box 2640, 77 West First Street, Casper, Wyoming, 82602. Copies may be inspected at the Environmental Protection Agency, Region VIII, 999 18th Street, Suite 500, Denver, Colorado, 80202-2405, or at the Office of the Federal Register, 1100 L Street, NW., Washington, DC, 20408.

(1) Rules and Regulations of the Wyoming Oil and Gas Conservation Commission, including Rules of Practice and Procedure, as published by the Wyoming Oil and Gas Conservation Commission, August 7, 1990;

(2) Title 30, Chapter 5, Wyoming Statutes, sections 30-5-101 through 30-5-126 (June 1983 and Wyoming Statutes Annotated, July 1990 Supp.).

(b) *Memorandum of Agreement.* (1) The initial Memorandum of Agreement between EPA, Region VIII and Wyoming Oil and Gas Conservation Commission, signed by the EPA Regional Administrator and the Oil Field Supervisor of the Commission on June 2, 1982;

(2) Amendment No. 1 to the Memorandum of Agreement, dated December 22, 1982;

(3) Amendment No. 2 to the Memorandum of Agreement, dated January 25, 1990;

(4) Letter from State Oil and Gas Supervisor, Wyoming Oil and Gas Conservation Commission, to the Acting Director, Water Management Division, EPA Region VIII, "Re: Application for Primacy in the Regulation of Class II Injection Wells," March 8, 1982;

(5) Letter from State Oil and Gas Supervisor, Wyoming Oil and Gas Conservation Commission, to EPA Region VIII, "Re: Regulation of Liquid Hydrocarbon Storage Wells Under the UIC Program," July 1, 1982;

(6) Memorandum of Agreement Between the Wyoming State Board of Control, State Engineer, Oil and Gas Conservation Commission, and the Department of Environmental Quality, dated October 14, 1981.

(c) *Statement of legal authority.* (1) "Statement of Legal Authority" and "State Review of Regulations and Statutes Relevant to the UIC Program—Class II Wells," signed by Special Assistant Attorney General for the State of Wyoming, as submitted with "Wyoming Oil and Gas Conservation Commission, Application for Primacy in the Regulation of Class II Injection Wells under Section 1425 of the Safe Drinking Water Act," November 1981;



(2) Letter from special Assistant Attorney General for the State of Wyoming to Assistant Regional Counsel, EPA Region VIII, May 13, 1982;

(3) Letter from special Assistant Attorney General for the State of Wyoming to Assistant Regional Counsel, EPA Region VIII, July 1, 1982.

(d) *Program Description.* The Program Description and other material submitted as part of the application or amendments thereto, including the memorandum to the National UIC Branch reporting on Improvement to the Wyoming Oil and Gas 1425 program, dated April 28, 1989.

c. By revising § 147.2553(a) to read as follows:

**§ 147.2553 EPA-administered program—Indian lands.**

(a) *Contents.* The UIC program for all classes of wells on Indian lands in the State of Wyoming is administered by EPA. This program consists of the UIC program requirements of 40 CFR parts 124, 144, 146, 148, and any additional requirements set forth in the remainder of this subpart. Injection well owners and operators, and EPA shall comply with these requirements.

51. In Subpart AAA—Guam, by revising § 147.2601(a) to read as follows:

**§ 147.2601 EPA-administered program—Indian lands.**

(a) *Contents.* The UIC program for Indian lands in the territory of Guam is administered by EPA. This program consists of the UIC program requirements of 40 CFR parts 124, 144, 146, 148, and any additional requirements set forth in the remainder of this subpart. Injection well owners and operators, and EPA shall comply with these requirements.

52. In Subpart BBB—Puerto Rico, by revising § 147.2651(a) to read as follows:

**§ 147.2651 EPA-administered program.**

(a) *Contents.* The UIC program for Puerto Rico, including all Indian lands, is administered by EPA. This program consists of the UIC program requirements of 40 CFR parts 124, 144, 146, 148, and any additional requirements set forth in the remainder of this subpart. Injection well owners

and operators, and EPA shall comply with these requirements.

53. In Subpart CCC—Virgin Islands, by revising § 147.2701(a) to read as follows:

**§ 147.2701 EPA-administered program.**

(a) *Contents.* The UIC program for the Virgin Islands, including all Indian lands, is administered by EPA. This program consists of the UIC program requirements of 40 CFR parts 124, 144, 146, 148, and any additional requirements set forth in the remainder of this subpart. Injection well owners and operators, and EPA shall comply with these requirements.

54. In Subpart DDD—American Samoa, by revising § 147.2751 (a) to read as follows:

**§ 147.2751 EPA-administered program.**

(a) *Contents.* The UIC program for American Samoa, including all Indian lands, is administered by EPA. This program consists of the UIC program requirements of 40 CFR parts 124, 144, 146, 148, and any additional requirements set forth in the remainder of this subpart. Injection well owners and operators, and EPA shall comply with these requirements.

55. In Subpart EEE—Commonwealth of the Northern Mariana Islands, by revising § 147.2801(a) to read as follows:

**§ 147.2801 EPA-administered program—Indian lands.**

(a) *Contents.* The UIC program for Indian lands in the Commonwealth of the Northern Mariana Islands is administered by EPA. This program consists of the UIC program requirements of 40 CFR parts 124, 144, 146, 148, and any additional requirements set forth in the remainder of this subpart. Injection well owners and operators, and EPA shall comply with these requirements.

56. In Subpart FFF—Trust Territory of the Pacific Islands, by revising § 147.2851(a) to read as follows:

**§ 147.2851 EPA-administered program.**

(a) *Contents.* The UIC program for Trust Territory of the Pacific Islands, including all Indian lands, is administered by EPA. This program

consists of the UIC program requirements of 40 CFR parts 124, 144, 146, 148, and any additional requirements set forth in the remainder of this subpart. Injection well owners and operators, and EPA shall comply with these requirements.

57. In Subpart HHH—Lands of the Navajo, Ute Mountain Ute, and All Other New Mexico Tribes, by revising § 147.3000(a) to read as follows:

**§ 147.3000 EPA-administered program.**

(a) *Contents.* The UIC program for the Indian lands of the Navajo, the Ute Mountain Ute (Class II wells only on Ute Mountain Ute lands in Colorado and all wells on Ute Mountain Ute lands in Utah and New Mexico), and all wells on other Indian lands in New Mexico is administered by EPA. (The term "Indian lands" is defined at 40 CFR 144.3.) The Navajo Indian lands are in the States of Arizona, New Mexico, and Utah; and the Ute Mountain Ute lands are in Colorado, New Mexico and Utah. This program consists of the UIC program requirements of 40 CFR parts 124, 144, 146, 148, and additional requirements set forth in the remainder of this subpart. The additions and modifications of this subpart apply only to the Indian lands described above. Injection well owners and operators, and EPA shall comply with these requirements.

58. In Subpart III—Lands of Certain Oklahoma Indian Tribes, by revising § 147.3100(a) to read as follows:

**§ 147.3100 EPA-administered program.**

(a) *Contents.* The UIC program for the Indian lands in Oklahoma, except for that covering the Class II wells of the Five Civilized Tribes, is administered by EPA. The UIC program for all wells on Indian lands in Oklahoma, except Class II wells on the Osage Mineral Reserve (found at 40 CFR part 147, Subpart GGG) and the Class II program for the Five Civilized Tribes, consists of the UIC program requirements of 40 CFR parts 124, 144, 146, 148, and additional requirements set forth in the remainder of this subpart. Injection well owners and operators, and EPA shall comply with these requirements.

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