

NEBRASKA ADMINISTRATIVE CODE

Title 122 – NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY

Chapter 6 – AUTHORIZATION OF CLASS V INJECTION WELLS

001 No person shall construct or operate any Class V injection well in the State, without authorization from the Department.

002 Any person who plans to construct or operate a Class V shall complete, sign, and submit to the Department an application for each well as required in accordance to Chapter 10 of this Title.

003 A Class V well shall not endanger the health and safety of persons or cause pollution of the environment.

004 A Class V well will not be authorized if it is prohibited in Chapter 3 of this Title.

005 A Class V Authorization will be issued for a period not to exceed ten (10) years.

006 The person authorized shall retain all records concerning the nature and composition of the injected fluids until five years after completion of any plugging and abandonment procedures governed by the criteria of Chapter 35 of this Title.

007 The person authorized shall report any noncompliance which may endanger the health and safety of persons or cause pollution of the environment. Any information shall be provided orally within twenty-four (24) hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within five (5) days of the time the permittee becomes aware of the circumstances. The written submission shall contain:

007.01 A description of the noncompliance and its cause;

007.02 The period of noncompliance, including the exact date of noncompliance and the date it was corrected;

007.03 If the noncompliance has not been corrected, the anticipated time needed to correct the noncompliance;

007.04 Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance;

007.05 Any monitoring or other information which indicates that any contaminant may cause an endangerment to a USDW; and

007.06 Any malfunction of the injection system which may cause fluid migration into or between USDWs or to the surface.

008 The owner or operator of a Class V well shall notify the Department before conversion or abandonment of the well.

009 The owner or operator of a Class V well must be able to demonstrate its mechanical integrity (where applicable) as defined in Chapter 18 of this Title.

010 The Director may require the owner or operator of any Class V injection well to submit additional information as outlined in Chapter 11 of this Title for the purpose of applying for and obtaining an individual or area UIC permit as outlined in Chapter 16 of this Title for one of the following reasons:

010.01 The injection well is not in compliance with one or more requirements outlined in this Chapter.

010.02 The injection well is not within the category of well and types of well operations authorized by this Chapter;

010.03 The protection of USDWs requires that the injection operation be regulated by requirements, such as corrective action, monitoring and reporting, or operation, as outlined in Chapters 19, 20, 21, and 34 of this Title; or

010.04 The injection well may cause a violation of primary drinking water standards or Nebraska Title 118 – Ground Water Quality Standards and Use Classification.

011 Any owner or operator may be excluded from the provisions of this Chapter by applying for an individual or area UIC permit. The owner or operator shall submit an application under Chapter 11 of this Title with reasons supporting the request, to the Director.

012 Nothing in this Chapter shall take precedence over more stringent requirements of local subdivisions of government.

013 Any underground injection operation authorized by this Chapter which endangers the health and safety of persons or causes pollution of the environment is subject to appropriate enforcement action including withdrawal of the authorization by the Director. Withdrawal of the authorization shall constitute a final order and be subject to appeal pursuant to Neb. Rev. Stat. §81-1509.

Enabling Legislation: Neb. Rev. Stat. §§ 81-1504(2)(9)(a)(10)(11)(13)(15)(20); 81-1505(9)(14); 811510(2); 81-1521.04

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