



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

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FEB 16 1990

OFFICE OF
WATER

MEMORANDUM

SUBJECT: Clarification of Procedures for Determining Significant Non-compliance:
Addendum to UIC Program Guidance # 58

FROM: Michael B. Cook, Director *Michael B Cook*
Office of Drinking Water (WH+550)

TO: Water Management Division Directors
Regions I - X

BACKGROUND

On December 4, 1986, the Office of Drinking Water issued the definition of Significant Non-compliance (SNC) to be used in the UIC program. Subsequently, Guidance # 58 was issued on September 9, 1987, to clarify interpretations of this definition as it applied to MIT failures and excess injection pressures. This guidance makes it clear that an MIT failure should be considered a SNC in the absence of information showing that a USDW could not be endangered.

DISCUSSION

The issue has been raised as to how these guidances apply to the failure of an owner or operator to respond to the Director's request to conduct an MIT. Our review of these documents does not indicate that such cases are explicitly addressed by the current language, however, the intent of these guidances was to clearly indicate both the seriousness of and enforcement priority attached to well operation without an adequate demonstration of mechanical integrity. Since wells in these circumstances are clearly an unknown as to their ability to protect USDW's, it is our determination that wells, subject to program requirements and for which a requested MIT has not been conducted, should be counted as SNCs.

IMPLEMENTATION

This is a clarification of existing guidance and is recommended for immediate implementation by State and Direct Implementation program directors.