



STATE OF DELAWARE
DEPARTMENT OF NATURAL RESOURCES
AND ENVIRONMENTAL CONTROL

OFFICE OF THE
SECRETARY

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MEMORANDUM TO: Office of the Governor
Members of the Senate Natural Resources and Environmental
Control Committee
Members of the House Environment and Natural Resources
Committee

FROM : John Hughes, Secretary

SUBJECT : ***START ACTION NOTICE***

DATE : July 24, 2008

Enclosed for your information is **APPROVED** Start Action Notice:

2008-19 Adopt the proposed version of the Regulations Governing Underground Injection Control (UIC Regulations).

Division Directors
Public Affairs
Those on Start Action Approval List
Responsible Staff Member

Delaware's Good Nature depends on you!

2008-19



START ACTION NOTICE

APPROVED BY [Signature]

DATE 9-28-08

1. **TYPE OF ACTION:**

The DNREC Division of Water Resources (DWR) proposes to adopt the proposed version of the State of Delaware **Regulations Governing Underground Injection Control (UIC Regulations)**. The DWR proposes to rescind the 1983 version of the UIC Regulations upon adoption of the proposed UIC Regulations. The extensive revisions to the current version of the UIC Regulations have resulted in an entire re-writing of the UIC Regulations. A draft of the proposed UIC Regulations is included for discussion.

2. **PURPOSE OF ACTION:**

The purpose of the proposed regulations is to bring the current Delaware UIC Regulations into compliance with current Federal UIC regulatory requirements, as determined by the United States Environmental Protection Agency (EPA). The EPA issued the *Revisions to the Underground Injection Control (UIC) Regulations for Class V Injection Wells*, effective April 5, 2000. These Regulations prohibit large capacity cesspools (cesspools capable of serving 20 or more persons daily) and unpermitted motor vehicle disposal wells (floor drains). These regulatory revisions also modernize the current UIC Regulations and address new disposal and remediation methods, while adopting the current State of Delaware regulatory numbering system. Upon adoption of the revised version of the regulations, the State of Delaware **Regulations Governing Underground Injection Control** will be rescinded.

3. **STATUTORY BASIS:**

Title 7, Delaware Code, Chapter 60, *Environmental Control*, §6001 (*General Provisions*) and §6001 (*Permit*).

4. **LIKELY AFFECTED PUBLIC:**

The following industries may be specifically affected by the proposed regulations: environmental consulting firms which deal with injection activities and previously or currently possess UIC approval; private and public water providers (including municipalities); auto-body repair/maintenance shops; various DNREC Divisions (Division of Water Resources; Division of Soil and Water Conservation; Division of Air and Waste Management) and Branches (Site Investigation and Restoration Branch; Tank Management Branch), and State of Delaware agencies which deal with injection activities; water industry trade groups; water and wastewater utilities; civic groups; well drillers; emergency services (fire companies); owners of large-capacity (20+ people per day) cesspools; realtor and builder associations. A Technical Advisory Committee will be formed, comprised of members of the preceding groups.

5. **PROPOSED SCHEDULE OF ACTIVITY:**

- Fall 2008: Convene Advisory Committees
- Summer 2009: Complete Draft UIC Regulations
- Fall/Winter 2009: Public Workshops
- Spring 2010: Public Hearing and Public Comment Period
- Spring 2010: Publication in the Registrar
- Winter 2010: Tentative completion date

6. REVIEW COMMITTEE:

The Department intends to utilize one or more Advisory Committees as a review committee, prior to the Department drafting and releasing the proposed revisions for public comment, including members of organizations listed in #4 (above).

7. RESPONSIBLE STAFF MEMBER:

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8. APPROVALS

<u>Katharyn Wright</u>	<u>6/27/08</u>
Responsible Staff Member	Date
<u>[Signature]</u>	<u>7/1/08</u>
Division Director	Date