

**BRIEFING REPORT
STATE OF MICHIGAN APPLICATION
FOR CLASS II UNDERGROUND INJECTION CONTROL PRIMACY**

The Department of Environmental Quality's (DEQ) Office of Oil, Gas, and Minerals (OOGM) is seeking primacy for Class II Underground Injection Control (UIC) as authorized by Part C, Section 1425, of Title XIV of the Public Health Service Act: Safety of Public Water Systems (federal Safe Drinking Water Act), Public Law 93-523, as amended, from the United States Environmental Protection Agency (U.S. EPA).

This briefing report has been prepared to request the assistance the Department of Attorney General (DAG) for assistance in review of the State of Michigan's application for primacy for Class II Underground Injection Control as authorized by the federal Safe Drinking Water Act.

There are about 1,286 Class II wells in Michigan. The majority (approximately 69 percent) of these are disposal wells; the balance are operated as enhanced oil recovery wells. All wells associated with oil and gas exploration and production in the state of Michigan, including Class II injection wells and natural gas storage wells, are regulated under Part 615, Supervisor of Wells, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, and the administrative rules promulgated thereunder. The authority to implement and enforce Part 615 is granted to the Supervisor of Wells (Supervisor), who is the Director of the DEQ. That authority has been delegated to the Chief and staff of the OOGM. The application for primacy applies to only Class II wells, under Section 1425 of the Safe Drinking Water Act. Under the provisions of that Section, the U.S. EPA may delegate authority to a State for the Class II program if the State demonstrates it provides protections equivalent to the federal requirements.

The overall purpose of this program is to protect underground sources of drinking water (USDW) from contamination by injection operations as specified in R 324.801(3) of the administrative rules promulgated under Part 615, which provides that:

A permittee of a well shall ensure that an injection well is constructed and operated so that the injection of fluids is confined to strata approved by the supervisor or authorized representative of the supervisor.

The current regulations under Part 615 are designed to specifically protect aquifers containing "fresh water," meaning water that is free of contamination in concentrations that may cause disease or harmful physiological effects and is safe for human consumption. As part of its pursuit of primacy, the DEQ's OOGM is expanding its definition of protected aquifers to correspond to the definition under the Safe Drinking Water Act, meaning an aquifer that either supplies drinking water for human consumption or that contains water with fewer than 10,000 milligrams per liter total dissolved solids.

Under the provisions of Part 615, the Supervisor has the authority to implement Safe Drinking Water Act standards for construction and operation of all Class II wells. Existing wells or wells newly converted for injection will meet the requirements of the Safe Drinking Water Act if:

1. The wells met the construction requirements specified by the OOGM at the time of their construction; and
2. Injection into the wells will not result in the movement of fluids into or between USDWs if such movement creates a significant risk to the health of persons.

The State of Michigan is well equipped for Class II UIC primacy, understanding state specific geography, geology, cultural, climactic, social, and economic issues. Part 615 will provide a single regulatory scheme and eliminate dual regulation of Class II UIC wells. The OOGM and Part 615 provide additional protections and authority over surface location and activities that are outside the purview of the Safe Drinking Water Act UIC program. The OOGM has district offices throughout the state with degreed geologists and engineers providing oversight of well permitting, construction, operation, and abandonment. The State of Michigan's record of accomplishment for excellent environmental protection and regulation for Class II injection will continue under the delegated authority, and the DEQ will continue to provide good customer service to the regulated community and public.

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