



STATE OF NEW MEXICO

OFFICE OF THE GOVERNOR

SANTA FE

87503

BRUCE KING
GOVERNOR

November 19, 1982

Mr. Dick Whittington, P.E.
Regional Administrator (6A)
U.S. Environmental Protection Agency
Region VI
1201 Elm Street
Dallas, Texas 75270

Dear Mr. Whittington:

Herewith is transmitted the State of New Mexico's official request for approval of its application for primary enforcement responsibility in the operation of the Underground Injection Control Program as authorized by the Safe Drinking Water Act, Public Law 93-523 as amended.

This application contains all elements required by the United States Environmental Protection Agency and the Act to show State jurisdiction over Class I, III, IV and V injection wells, and hereby affirms the State of New Mexico's willingness to carry out the program. The Oil Conservation Division of the New Mexico Energy and Minerals Department is so designated by this letter as the appropriate agency to lead in the implementation of the program.

The Environmental Improvement Division of the New Mexico Health and Environment Department, and the Oil Conservation Division and Mining and Minerals Division of the Energy and Minerals Department have the statutory authority, available expert personnel, and other capabilities necessary to carry out the program of regulation of those wells in New Mexico which inject fluids. I feel confident that the newly amended Water Quality Control Commission Regulations, which were developed by the State of New Mexico in cooperation with the Environmental Protection Agency, various environmental groups, mineral producing companies and members of the public at large, 1) are enforceable throughout the entire state of New Mexico, 2) are at least as stringent in effect as the Federal Provisions, and 3) will permit the State to administer the Underground Injection Control Program without the burden of a dual Federal-State permitting process. Therefore, New Mexico has the requisite ability to effectively protect the State's vital, fresh, ground water from pollution by fluid injection processes.

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I, therefore, request that the State of New Mexico be granted the primary enforcement responsibility over the Underground Injection Control Program provided for in the Safe Drinking Water Act.

I appreciate your continuing cooperation.

Sincerely,

Bruce King

BRUCE KING

Governor