

Program Description: Tables and Figures

TABLE 1--SUMMARY OF NEW MEXICO ACTS APPLICABLE TO AND ADMINISTRATIVE AGENCIES RESPONSIBLE FOR UNDERGROUND INJECTION CONTROL

NM STATUTORY AUTHORITY						NM ADMINISTRATIVE AGENCY		
EPA UIC WELL CLASSIFICATION (40 CFR, PART 146.05)	WATER QUALITY ACT (74-6-1 through 74-6-13 NMSA 1978)	OIL AND GAS ACT (70-2-1 through 70-2-38 NMSA 1978)	GEO THERMAL RESOURCES CONSERVATION ACT (71-5-1 through 71-5-24 NMSA 1978)	SURFACE MINING ACT (69-25A-1 through 69-25A-35 NMSA 1978)	EID ¹ (ALL WQCC REGS)	OC ¹	CSMB ¹	
Class I	X	--	--	--	X	X ² (WQCC REGS)	--	
Class II	--	X	--	--	--	X (OIL & GAS RULES)	--	
Class III	X	--	--	--	X	X ² (WQCC REGS)	--	
Class IV	X	--	--	--	X	X ² (WQCC REGS)	--	
Class V (1)	X ₃	--	--	--	X	--	--	
(2)	X	--	--	--	X	--	--	
(3)	X	--	--	--	X	X ² (WQCC REGS)	--	
(4)	X	--	--	--	X	--	--	
(5)	X	--	--	--	X	--	--	
(6)	X	--	--	--	X	--	--	
(7)	X	--	--	--	X	X ² (WQCC REGS)	--	
(8)	X ₃	--	--	--	X	--	--	
(9)	X	--	--	--	X	--	--	
(10)	X	--	--	--	X	--	--	
(11)	X	--	--	--	X	--	--	
(12)	--	--	X	--	--	X (GEOTHERMAL RULES)	--	
(13)	X	--	--	--	X	--	--	
(14)	X	--	--	--	X	--	--	
(15)	X	--	X	X	X	X (WQCC REGS OR GEOTHERMAL RULES)	X (SURFACE COAL MNG REGS)	
(16)	X	--	--	X	X ⁴	X ⁴ (WQCC REGS)	X (SURFACE COAL MNG REGS)	

- Abbreviations: CSMB - Coal Surface Mining Bureau of the Mining and Milling Division, Energy and Minerals Department
EID - Environmental Improvement Division of Health and Environment Department
OC¹ - Oil Conservation Division of the Energy and Minerals Department
WQCC - Water Quality Control Commission
- The OC¹ administers WQCC Regulations as they pertain to discharges at refineries and natural gas transmission lines, and solution mining of salt.
- The WQCC Regulations cover all domestic septic and cesspool systems with capacity of 2,000 gallons per day or more (20 persons @ 100 gallons per day), and all non-domestic systems (any quantity).
- No injection wells for lignite, tar sands or oil shale are currently in existence in New Mexico; oil shale wells will be regulated by the WQCC Regs, lignite wells by the CSMB, and tar sands by the EID.

TABLE 2

PART A: SUMMARY COMPARISON OF EPA CONSOLIDATED
PERMIT REGULATIONS APPLICABLE TO STATE UIC PROGRAMS
WITH NEW MEXICO WQCC REGULATIONS

<u>FEDERAL REGULATION**</u> (40 CFR, Part 122, and Part 124)	<u>APPLICABLE STATE AUTHORIZING STATUTE AND/OR STATE WQCC REGULATIONS*</u>	
	<u>STATE STATUTE</u> (NMSA, 1978)	<u>STATE REGULATION</u> (WQCC REGULATIONS)
122.3 Definitions	74-6-2 74-6-4.D.	1-101
122.4 Application for a Permit	74-6-4 74-6-5	See Table 3 and 122.38.
(a)		1-201
(b)		3-104 3-106.C.8. 5-101.A.
(c)		3-109.C.
(d)		1-201.B. 3-106.C.8. 5-210
(e)		3-107.A.7. 5-209.F.
122.6 Signatories to Permit Applications and Reports	74-6-2.H. 74-6-5.B.	See Attorney General's Statement, Point 5.
(a)		5-101.H.
(b)		5-208.C.
(c)		5-101.H.
(d)		5-101.H.2. 5-208.C.

*Part 5 references are the UIC requirements in the WQCC Regulations for effluent disposal wells (Class I) and in situ extraction wells (Class III), and to prohibit Class IV wells. Permitting procedures for all classes of injection wells regulated under the Water Quality Act, and requirements for Class V wells are covered by Parts 1 and 3 of the Regulations.

** EPA Federal Regulations not applicable to New Mexico's UIC program are omitted from this table.

Table 2 (Cont'd)

APPLICABLE STATE AUTHORIZING STATUTE AND/OR STATE WQCC REGULATIONS		
<u>FEDERAL REGULATION</u> (40 CFR, Part 122, and Part 124)	<u>STATE STATUTE</u> (NMSA, 1978)	<u>STATE REGULATION</u> (WQCC REGULATIONS)
122.7 Conditions Applicable to All Permits (See also 122.41 and 122.42)	74-6-5	
(a)		3-104
(b)		5-101.J.
(c)		See Table 3
(d)		5-101.G.
(e)		5-101.J.
(f)		1-203.A.
(g)		5-101.J.
(h)		5-210.B.17.
(i)		3-107.A.
(j)		3-107.B.
(k)		3-107.C.
(l)		5-101.J.
	See Attorney General's Statement, Point 5.	
	74-6-9.F.	3-107.A.6.
		3-107.D.
		5-208
	74-6-9.F.	3-107.D.
		3-107
		5-207
		5-101.H.
		5-208.C.
		3-107.C.
		1-203
		3-111
		5-101.I.
		3-107
		5-207
		1-203
		5-101.B.
		5-208
122.8 Establishing Permit Conditions		See Table 3.
122.9 Duration of Permits	74-6-5.F.	
(c)		3-109.G.4.
(d)		3-109.G.4.
(e)		5-101.G.
		3-109.G.4.

Table 2 (Cont'd)

APPLICABLE STATE AUTHORIZING STATUTE AND/OR STATE WQCC REGULATIONS		
<u>FEDERAL REGULATION</u> (40 CFR, Part 122, and Part 124)	<u>STATE STATUTE</u> (NMSA, 1978)	<u>STATE REGULATION</u> (WQCC Regulations)
122.10 Schedule of Compliance (a)		5-101.B.
122.11 Requirements for Recording and Reporting and Monitoring Results	74-6-5.C.	
(a)		3-107.A.1. 3-107.A.2.
(b)		3-107 5-207
(c)		3-107.A. 5-208
122.13 Effect of a Permit (a)	74-6-5.I. 74-6-5.J.	3-109.C.4. 5-101.J.
(b) [See 122.7(a)]	See Attorney General's Statement, Point 5.	
122.14 Transfer of Permits (a), (b)		5-101.I.
122.15 Modifications or Revocation and Reissuance of Permits (a), (b)	74-6-5.J.	3-107.C. 5-101.J. 3-109.F. 5-101.I. 3-109.C.3.
(c)		
122.16 Termination of Permits (a), (b)	74-6-5.J.	5-101.J.
122.18 Noncompliance and Program Reporting by the Director	See Memorandum of Agreement.	

Table 2 (Cont'd)

APPLICABLE STATE AUTHORIZING STATUTE AND/OR STATE WQCC REGULATIONS		
<u>FEDERAL REGULATION</u> (40 CFR, Part 122, and Part 124)	<u>STATE STATUTE</u> (NMSA, 1978)	<u>STATE REGULATION</u> (WQCC Regulations)
122.19 Confidentiality of Information	74-6-12.B.	See Attorney General's Statement, Point 17; and Memorandum of Agreement, Item VIII.
122.32 Classification of Injection Wells	74-6-4	See Attorney General's Statement, Point 10.
(a)		1-101 "effluent disposal well"
(b)		5-101.D.1.
(c)		1-101 "in situ extraction well"
(d)		1-101 "effluent disposal well"
(e)		1-201.A. 3-104 5-300
122.33 Prohibition of Unauthorized Injection	74-6-5	See Attorney General's Statement, Point 1 and 122.42(a) on Table 3. 5-101 5-102
122.34 Prohibition of Movement of Fluid into USDW	74-6-4 74-6-10	
(a)		See Attorney General's Statement, Point 2. 3-104 5-101.A. 5-101.B. 5-101.J. 3-104 1-101 "effluent disposal well" 3-104
(b)		
(c)		
(d)		
(e)	74-6-11	

Table 2 (Cont'd)

APPLICABLE STATE AUTHORIZING STATUTE AND/OR STATE WQCC REGULATIONS		
FEDERAL REGULATION (40 CFR, Part 122, and Part 124)	STATE STATUTE (NMSA, 1978)	STATE REGULATION (WQCC Regulations)
122.35 Identification of USDW and Exempted Aquifers	74-6-4.D. 74-6-9	
(a)		3-101.A.
(b)		5-103
	See Memorandum of Agreement, Section VII.	
(c)		5-101.C.2. 5-103
See also program description, material required by 123.4 (g)(9).		
122.36 Elimination of Certain Class IV Wells	74-6-4.D. 74-6-5.D.	3-104 5-101.A. 5-101.C.
See also Program Description, material required by 123.4(g)(10).		
See also Attorney General's Statement, Point 11.		
See also Memorandum of Agreement, Section VII.		
122.37 Authorization of Underground Injection by Rule	74-6-4.I. 74-6-5.A.	
(a), (b)		5-101.B.1. 5-101.B.2. 5-101.C. 3-104
(c), (d)		5-300 See Table 3.
122.38 Application for A Permit; Authorization by Permit (See also 122.4)	74-6-5.A.	
(a)		1-201 5-101.A.
(b)		5-101.B. 5-102
See also program description material required by 123.4(g).(1), (2), (4).		
122.39 Area Permits	74-6-5.A.	
(a)		5-101.F.1.
(b)		5-101.F.3.
(c)		5-101.F.4. 5-101.F.6.
(d)		5-101.F.6. 5-101.J.

Table 2 (Cont'd)

APPLICABLE STATE AUTHORIZING STATUTE AND/OR STATE WCC REGULATIONS		
<u>FEDERAL REGULATION</u> (40 CFR, Part 122, and Part 124)	<u>STATE STATUTE</u> (NMSA, 1978)	<u>STATE REGULATION</u> (WCC Regulations)
122.41 Additional Conditions Applicable to All UIC Permits	74-6-4.D. 74-6-5	
(b)		3-107.A.7. 3-107.D. 5-209.F. 3-104 5-102 5-205.A.5. 5-101.J. 5-208.A.1. 5-208.B.1. 5-102.A. 5-102.B. 5-209.A.
(c)		
(d)		
(e)		
122.42 Establishing UIC Permit Conditions	74-6-4.D. 74-6-5	
(a)		See Table 3. 5-102 5-203 3-104 5-206 5-101.B. 3-107 5-207 5-208 5-209 3-107.A.4. 3-107.A.11. 5-102.B.2. 5-210.B.17. 5-204 5-210
(b) [See 122.44, 146.7]		
(c)		
(d) [See 122.45]		
(e)		
(f)		
(g)		
(h)		
(i)		
122.43 Waiver of Requirements by Director	74-6-4.D. 74-6-4.E.	
(a)		5-104
(c)		See Table 3.

Table 2 (Cont'd)

<u>FEDERAL REGULATION</u> (40 CFR, Part 122, and Part 124)	<u>APPLICABLE STATE AUTHORIZING STATUTE AND/OR STATE WQCC REGULATIONS</u>	<u>STATE REGULATION</u> (WQCC Regulations)
122.44 Corrective Action (a), (b)	74-6-5.J. 74-6-5.L.	5-203
122.45 Requirements for Wells Injecting Hazardous Waste	74-6-5.A.	5-101.B. See Table 3.
124.3 Application for a Permit		[See 122.4]
124.5 Modification, Revocation and Reissuance, or Termination of Permits [See 122.15, 122.16.]	74-6-5.J. 74-6-5.L.	5-101.J. See Table 3. See Memorandum of Agreement, Section XIII. See Table 3.
124.6 Draft Permits		See Table 3.
124.8 Fact Sheet (a) (b)		See Table 3.
(1)		3-108.B.3.
(2)		3-108.B.4.
(4)		See Table 3.
(5)		1-210
(6)		3-109
(i)		3-108.B.7.
(ii)		3-108.B.6.
(iii)		3-108.C.
(7)		3-108.B.6.
		3-108.B.8.
124.10 Public Notice of Permit Actions and Public Comment Period		
(a)		
(1)		
(ii)		[See 124.6]
(iii)		3-108.C.
(b)		
(1)		3-108.C.
(2)		3-108.C.
(c)		3-108.A.
(d)		3-108.B.
(e)		3-108.A.

Table 2 (Cont'd)

<u>APPLICABLE STATE AUTHORIZING STATUTE AND/OR STATE WQCC REGULATIONS</u>		
<u>FEDERAL REGULATION</u> (40 CFR, Part 122, and Part 124	<u>STATE STATUTE</u> (NISA, 1978)	<u>STATE REGULATION</u> (WQCC Regulations)
124.11 Public Comments and Requests for Public Hearings	74-6-5.E.	[See 124.6] 3-108.C.
124.12 Public Hearings	74-6-5.E.	3-108.C.
124.17 Response to Comments		See Table 3.

TABLE 2

PART B: COMPARISON OF EPA 40 CFR PART 146
 "UNDERGROUND INJECTION CONTROL PROGRAM: Criteria and Standards"
 WITH NEW MEXICO STATE REGULATIONS

<u>FEDERAL REGULATIONS</u>	<u>STATE REGULATIONS</u>
SUBPART A--GENERAL PROVISIONS	
146.01 Applicability and scope	5-101
146.02 Law authorizing these regulations	5-105
146.03 Definitions	1-101
146.04 Criteria for exempted aquifers [See 122.35]	5-103.C.1.
a)	5-103.C.1.
b)	5-103.C.2.
146.05 Classification of injection wells [See 122.32]	1-101 "effluent disposal well" 1-101 "in situ extraction well" 5-101.D. 5-300
146.06 Area of Review	5-202
a)	5-202.B.3.
b)	5-202.B.1.
c)	5-202.B.2.
146.07 Corrective action [See 122.44]	5-203
a)	5-203.C.1.
b)	5-203.C.2.
c)	3-101.A.
d)	5-101.A.
e)	5-203.C.3.
f)	5-203.C.3.
g)	5-203.C.4.
h)	5-203.C.5.
i)	5-203.C.6.
	5-203.C.7.
146.08 Mechanical integrity	5-204
a)1)	5-204.A.
2)	5-204.A.
b)1)	5-204.B.1.a.
2)	5-204.B.1.b.
c)1)	5-204.B.2.a.
3)	5-204.B.2.b.
4) [See 146.33.b]	5-204.B.2.b.
d)	5-204.C.
e)	See Memorandum of Agreement, Item XII. 5-204.D.

Table 2 (Cont'd).

FEDERAL REGULATIONS

STATE REGULATIONS

146.09 Criteria for establishing permitting priorities

5-101

(See also program description material required by 123.4(g)(2).)

146.10 Plugging and abandoning Class I and III wells

5-209

a)

5-209.B.

b)

5-209.D.

c)

5-209.C.

d) [See 122.42(f) and 122.41(e)]

5-209.A.

3-109.C.2.

5-101.C.2.

SUBPART B—CRITERIA AND STANDARDS APPLICABLE TO
CLASS I WELLS

146.11 Applicability

5-201

146.12 Construction requirements

a)

5-205.B.1.

b)

5-205.A.1.

5-201.A.2.

5-205.B.2.

1)

5-205.A.3.a.

2)

5-205.A.3.b.

3)

5-205.A.3.c.

4)

5-205.A.3.d.

5)

5-205.A.3.g.

6)

5-205.A.3.i.

7)

5-205.A.3.e.

c)

5-205.B.3.

1)

5-205.B.3.a.

2)

5-205.B.3.b.

d)

5-205.A.4.

1)

5-205.A.4.a.

2)

5-205.A.4.b.

e)

5-205.A.3.

146.13 Operating, monitoring and reporting requirements

a)1)

5-206.A.1.

5-206.A.2.

2)

5-206.A.2.

3) [See 146.12(c)]

5-206.B.2.

Table 2 (Cont'd)

FEDERAL REGULATIONS

STATE REGULATIONS

146.13 Operating, monitoring and reporting requirements, Continued

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|-----------------|------------|
| b)1) | 5-207.B.1. |
| 2) | 5-207.B.2. |
| 3) [See 146.08] | 5-207.A.1. |
| | 5-204.B. |
| 4) | 5-207.B.3. |
| c)1) | 5-208.A.2. |
| 2) | 5-208.A.3. |

146.14 Information to be considered by the director

- | | |
|--------------------------------|------------|
| a)1) [See 122.4 and 122.38(c)] | 5-210.A. |
| 2) | 5-210.B.1. |
| 3) | 5-210.B.2. |
| 4) | 5-210.B.3. |
| 5) | 5-210.B.5. |
| | 5-210.B.6. |

146.14 Information to be considered by the director,
Continued

- | | |
|---------------------|-------------|
| 6) | 5-210.B.7. |
| 7) | 5-210.B.8. |
| 8) | 5-210.B.9. |
| 9) | 5-210.B.11. |
| 10) | 5-210.B.12. |
| 11) | 5-210.B.13. |
| 12) | 5-210.B.15. |
| 13) [See 146.13(b)] | 5-210.B.16. |
| 14) [See 122.44] | 5-210.B.4. |
| 15) | 5-210.B.14. |
| 16) [See 122.42(f)] | 5-210.B.17. |
| b)1) | 5-210.C.2. |
| 2) [See 146.08] | 5-210.C.3. |
| 3) | 5-210.C.4. |
| 4) | 5-210.C.5. |
| 5) | 5-210.B.12. |
| | 5-210.C.1. |
| 6) | 5-210.C.6. |
| 7) | 5-210.C.7. |
| c)1) | 5-209.E.1. |
| 2) | 5-209.E.2. |
| 3) | 5-209.E.3. |
| 4) | 5-209.E.4. |
| 5) [See 146.10(c)] | 5-209.E.5. |

146.15 Mid-Course evaluation requirements

- [See 122.18(c)(4)(ii)]
- a) [See 146.14(a)(1)]
- b) [See 146.14(a)(3)]

See Memorandum Of Agreement,
Item XI.
[See 5-210.B.1.]
[See 5-210.B.3.]

Table 2 (Cont'd)

FEDERAL REGULATIONS

STATE REGULATIONS

146.15 Mid-Course evaluation requirements, Continued

c)	[See 5-210.B.5.]
d)	[See 5-210.B.2.]
e)	[See 5-210.B.7.]
f)	[See 5-210.B.13.]
g)	[See 5-210.B.4.]
h)	[See 5-210.C.3.]
i)	[See 5-208.A.]

SUBPART C—CRITERIA AND STANDARDS APPLICABLE TO
CLASS II WELLS

146.21 - 146.25

Not Applicable [New Mexico
Oil Conservation Division
Jurisdiction under the
Oil and Gas Act (70-2-1
through 70-2-38 NMSA 1978)]

SUBPART D—CRITERIA AND STANDARDS APPLICABLE TO
CLASS III WELLS

146.31 Applicability

5-201

146.32 Construction requirements

a)	5-205.A.1.
1)	5-205.A.2.
2)	5-205.A.3.a.
3)	5-205.A.3.b.
4)	5-205.A.3.c.
5)	5-205.A.3.d.
6)	5-205.A.3.c.g.
7)	5-205.A.3.i.
b)	5-205.A.3.e.
c)	5-205.A.4.
1)	5-205.A.3.h
2)	5-205.A.3.i.
3)	5-205.A.3.h.
d)	5-206.A.1.
e)	5-205.C.1.
f)	5-205.C.2.
g)	5-205.C.3.
h)	5-205.C.4.
1)	[See 5-210.B.2.]
2)	5-210.B.1.
	5-210.B.2.

Table 2 (Cont'd)

FEDERAL REGULATIONS

STATE REGULATIONS

146.32 Construction requirements, Continued

- | | |
|----|--------------|
| 3) | 5-205.C.4.a. |
| 4) | 5-205.C.4.b. |
| 5) | 5-205.C.4.c. |
| 6) | 5-205.C.4.d. |

146.33 Operating, monitoring and reporting requirements

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|----|------------|
| a) | |
| 1) | 5-206.A.1. |
| | 5-206.C.1. |
| 2) | 5-206.A.2. |

146.33 Operating, monitoring and reporting requirements, Continued

- | | |
|--------------------|--------------|
| b)1) | 5-207.C.1. |
| 2) | 5-205.C.2.a. |
| 3) [See 146.08] | 5-207.A. |
| 4) [See 146.32(e)] | 5-207.C.2.b. |
| | 5-207.C.2.C. |
| 5) [See 146.32(g)] | 5-207.C.2.b. |
| | 5-207.C.2.C. |
| 6) | 5-207.C.3. |
| c)1) | 5-208.B.2.a. |
| 2) | 5-208.B.2.b. |
| 3) | 5-208.B.3. |

146.34 Information to be considered by the director

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|--------------------------------|-------------|
| a)1) [See 122.4 and 122.38(c)] | 5-210.A. |
| 2) | 5-210.B.1. |
| 3) | 5-210.B.2. |
| 4) | 5-210.B.3. |
| 5) | 5-210.B.5. |
| 6) | 5-210.B.6. |
| 7) | 5-210.B.7. |
| 8) | 5-210.B.8. |
| 9) | 5-210.B.9. |
| 10) | 5-210.B.11. |
| 11) | 5-210.B.12. |
| 12) [See 146.33(b)] | 5-210.B.13. |
| 13) | 5-210.B.16. |
| 14) | 5-210.B.10. |
| 15) | 5-210.B.15. |
| 16) [See 122.44] | 5-210.B.17. |
| b)1) | 5-210.B.4. |
| 2) [See 146.08] | 5-210.C.2. |
| 3) | 5-210.C.3. |
| 4) | 5-210.C.4. |
| 5) | 5-210.C.5. |
| | 5-210.B.12. |
| | 5-210.C.1. |
| 6) | 5-210.C.7. |

Table 2 (Cont'd)

FEDERAL REGULATIONS

STATE REGULATIONS

146.34 Information to be considered by the director, Continued

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|--------------------|------------|
| c) 1) | 5-209.E.1. |
| 2) | 5-209.E.2. |
| 3) | 5-209.E.3. |
| 4) | 5-209.E.4. |
| 5) [See 146.10(c)] | 5-209.E.5. |

146.35 Mid-Course Evaluation requirements

See Memorandum of Agreement,
Item II.

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|--------------------------|------------------|
| [See 122.18(c) (4) (ii)] | |
| a) [See 146.14(a) (1)] | [See 5-210.B.1.] |
| b) [See 146.14(a) (3)] | [See 5-210.B.3.] |
| c) | [See 5-210.B.5.] |

146.35 Mid-Course Evaluation Requirements, Continued

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|----|-------------------|
| d) | [See 5-210.B.2.] |
| e) | [See 5-210.B.7.] |
| f) | [See 5-210.B.13.] |
| g) | [See 5-210.C.3.] |
| h) | [See 5-208.B.] |

SUBPART E--CRITERIA AND STANDARDS APPLICABLE TO
CLASS IV WELLS

(RESERVED BY EPA)

SUBPART F--CRITERIA AND STANDARDS APPLICABLE TO
CLASS V WELLS

146.51 Applicability

- | | |
|------------------------|--|
| a), b) [See 146.05(e)] | [See 1-101, Definitions of
"effluent disposal well"
and "in situ extraction
well"; 3-101.A.; 5-101.A.;
5-101.D. and 5-300] |
|------------------------|--|

146.52 Inventory and Assessment

- | | |
|---|-------|
| a) [See 122.37(c) (1)] | 5-300 |
| b) [See program description, material required by 123.4(g) (11).] | |

TABLE 3 ADDITIONAL DESCRIPTION OF NEW MEXICO PERMITTING PROCESS

CONSOLIDATED PERMIT SECTION(S)
WITH TITLE OR DESCRIPTION

STATE COMMENT

122.4 "Application for a Permit"

Pursuant to Section 3-104 and 5-101.A. and B of the Water Quality Control Commission Regulations, a discharge plan for a Class I or III well submitted for staff review is the equivalent of an application for a permit. The discharge plan must be submitted as required in 5-101. In a discharge plan an applicant must describe in detail the process to be used for discharging to ground water, and the hydrology, geology and hydrochemistry of the ground water in areas which may be affected by the discharge. The applicant must also propose a monitoring and reporting schedule, a contingency plan in the event of failure of the system, the other information listed in 5-210 and any other information that may be necessary to demonstrate the discharge will be consistent with the Regulations. The director may request additional information and the discharge plan must be complete before a decision by the director. Therefore, an approved discharge plan is equivalent to an EPA permit because the New Mexico Regulations are equivalent to or more stringent than the Federal provisions.

122.7 (b) "Duty to Reapply"

The New Mexico Part 5 regulations may allow a permittee to continue to inject for a limited period of time after expiration of an approved discharge plan (Section 5-101.G).

Approval of such an extension is contingent upon submission of a complete application 180 days prior to expiration and upon the discharger being in compliance with the approved discharge plan. The Division will normally be able to approve or deny a discharge plan renewal within 180 days after it is submitted and therefore, as a normal course, a discharger will be operating under an approved plan. If the discharger is not making a concerted effort to submit an approvable discharge plan, the Director will deny the discharger an extension under 5-101.G. and the discharge will terminate upon expiration of the approved plan.

TABLE 3 ADDITIONAL DESCRIPTION OF NEW MEXICO PERMITTING PROCESS (CONT'D)

122.8 "Establishing Permit Conditions"

Every discharge plan must meet the requirements of the Water Quality Control Commission Regulations (3-104, 5-101.A). Therefore, every injection well will be permitted on a case-by-case basis. All permit conditions are stated in the discharge plan. The director's letter granting discharge plan approval may subject the discharger to conditions, provided he notifies the discharger of the reasons for the conditions (74-6-5.L MSA 1978). There is no restriction on the type of condition that may be imposed, however, the discharger does have the right to appeal the conditions to the Commission (74-6-5.L MSA 1978).

122.37 "Authorization of Underground Injection by Rule"

Before primacy is granted, all Class I and III wells in New Mexico will be operating under an approved discharge plan pursuant to Part 3 of the Water Quality Control Commission Regulations. A discharge plan approved under Part 3 prior to the effective date of the Part 5 UIC regulations meets the requirement of authorization by rule. Injection wells approved prior to the effective date of Part 5 will be required to comply with Part 5 of the regulations upon application for discharge plan renewal (5-101.B.2).

122.42 (a) "Construction Requirements"

Discharge plan approval is required prior to construction of an effluent disposal well. A permit is not required prior to construction of in situ extraction wells. However, preconstruction information must be submitted pursuant to Section 5-102 of the Part 5 regulations. If the director, upon review of the preconstruction information, determines that the discharge plan for an in situ extraction well can not be approved based upon the construction criteria outlined in Section 5-102, he will reply to that effect.

For in situ extraction facilities, approval of a discharge plan may depend upon subsurface data which can be collected only after construction of the injection wells. The Division feels that disapproval of the operation of an in situ extraction facility would be more difficult if a permit for construction had already been issued. Therefore, the State

TABLE 3 ADDITIONAL DESCRIPTION OF NEW MEXICO PERMITTING PROCESS (CONT'D)

122.42 (a) "Construction Requirements"
(Cont'd)

of New Mexico has devised an alternate procedure which provides for:

1. EID comment on the proposed operation (5-102.B.3).
2. Public comment on the design and construction of the facility (5-102.B.4).
3. On site inspection of the construction by Division staff (5-205.A.5).
4. The plugging and abandonment of constructed but nonpermitted injection wells (5-102.B.7) with a guarantee of the financial responsibility to abandon the wells (5-102.B.2).

New Mexico regulations and enforcement history adequately address reasons for not adopting the EPA requirement of an approved permit prior to construction of an in situ injection facility. The EPA has suggested that disapproval of a permit to operate is more difficult if the facility is already constructed. That may be true in other states where ground water is less precious. The EID director has disapproved discharge plans for two multi-million dollar facilities which had been constructed. The public record for these two plans, Occidental Minerals Cerrillos Copper Project, and the Bokum Corporation's Marquez Uranium Mill, are available for EPA review. The EID director and, on appeal, the Water Quality Control Commission have never approved the operation of a facility if it was demonstrated that the operation would cause a violation of the regulations.

The State feels that the provisions and arguments listed above demonstrate the equivalence of the State and Federal construction requirements.

TABLE 3 ADDITIONAL DESCRIPTION OF NEW MEXICO PERMITTING PROCESS (CONT'D)

122.43 (c) "Waiver of Requirement
by the Director"

The demonstration that an injection operation meets the criteria of 122.43 (a) is made by the discharger. This demonstration is included as part of the discharge plan and is described in the public notice of the discharge plan. The discharger's request for director consideration of less stringent requirements is open for discussion at any public hearing held on the discharge plan. Please refer to 124.8 and 124.17 of this Table. Please note that 5-104 (the waiver of requirement provision) provides that an in situ extraction well discharge plan issued under this section is required to have an approved discharge plan but the discharge plan is reviewed pursuant to the requirements of Part 3.

122.45 "Requirements for Wells
Injection Hazardous Waste"

Presently New Mexico does not have primacy for the RCRA program. Therefore, the State will be responsible only for permitting the injection well and associated injection facilities under UIC primacy. The EPA will be responsible for permitting all surface facilities which handle hazardous waste. Injection of hazardous waste which is accompanied by a manifest will be subject to dual EPA and State permitting until such time as New Mexico satisfies EPA requirements and obtains RCRA primacy. The current RCRA authorization schedule for New Mexico calls for regulations to be adopted in the fall of 1982. There are currently no hazardous waste injection wells in New Mexico nor have any been proposed. Also see Section XVII of the Memorandum of Agreement.

124.5 "Modification, Revocation and
Reissuance or Termination of Permits

The State's process for modification and reissuance follows the entire discharge plan approval procedures outlined in 3-109. Additional requirements for effluent disposal wells and in situ extraction wells are given in 5-101.C. Revocation and termination of a permit is addressed in 3-109.E, 5-101.J. and 74-6-5.I (NMSA 1978). The State believes these procedures are as stringent in effect as the Federal provisions. See also Section XIII of the Memorandum of Agreement.

TABLE 3 ADDITIONAL DESCRIPTION OF NEW MEXICO PERMITTING PROCESS (CONT'D)

124.6 "Draft Permits"

A proposed discharge plan is an application for permit. When a discharger submits a proposed discharge plan the Division issues a public notice pursuant to 3-108 of the WCCC Regulations. The proposed discharge plan is available to the public and contains all information which would normally be in the draft permit.

124.8 "Fact Sheet"

There is no specific requirement for a separate fact sheet. However, considerable information appropriate to a fact sheet is required by Regulation to be included in the public notice (3-108.B.). A sample Public Notice for December 2, 1980 is attached as Figure 1. A public hearing is held if the director determines that there is significant public interest (3-108.C.). Prior to a public hearing, Division staff prepare a summary of the discharge plan along with technical comments and preliminary recommendations to the Director for permit conditions (if any). All Division comments and summaries are public information (See Appendix G). Any conditions imposed by the director must be justified according to 74-6-5.L. (NMSA 1978).

The New Mexico Water Quality Act requires that Division records, including discharge plans be available to the public (74-6-12.B.). All discharge plans are available at the Division office in Santa Fe, and all discharge plans for injection wells are also available at the appropriate Division district office and local Division field office.

The State feels this methodology is as stringent as the Federal provision for a fact sheet.

124.11 "Response to Comments"

Comments received pursuant to 3-108.C. are evaluated by the Division and, where appropriate, public comments are referred to the discharger with the Division comments on the discharge plan. The Division's response to public comments are available to the public. The discharger must respond to these comments prior to discharge plan approval. These comments may also be raised at any public hearing on the discharge plan.

TABLE 4

PRELIMINARY INVENTORY OF INJECTION WELLS IN NEW MEXICO
THROUGH JANUARY 15, 1982 (REVISED AUGUST 8, 1982)

<u>CLASS/TYPE</u>	<u>UNDER CONSTRUCTION</u>	<u>ACTIVE</u>	<u>INACTIVE</u>	<u>PERMANENTLY ABANDONED</u>	<u>TOTAL</u>
I I			1	1	2
III M		5 (5)		4	9
III U	50+	9		11 (6)	70

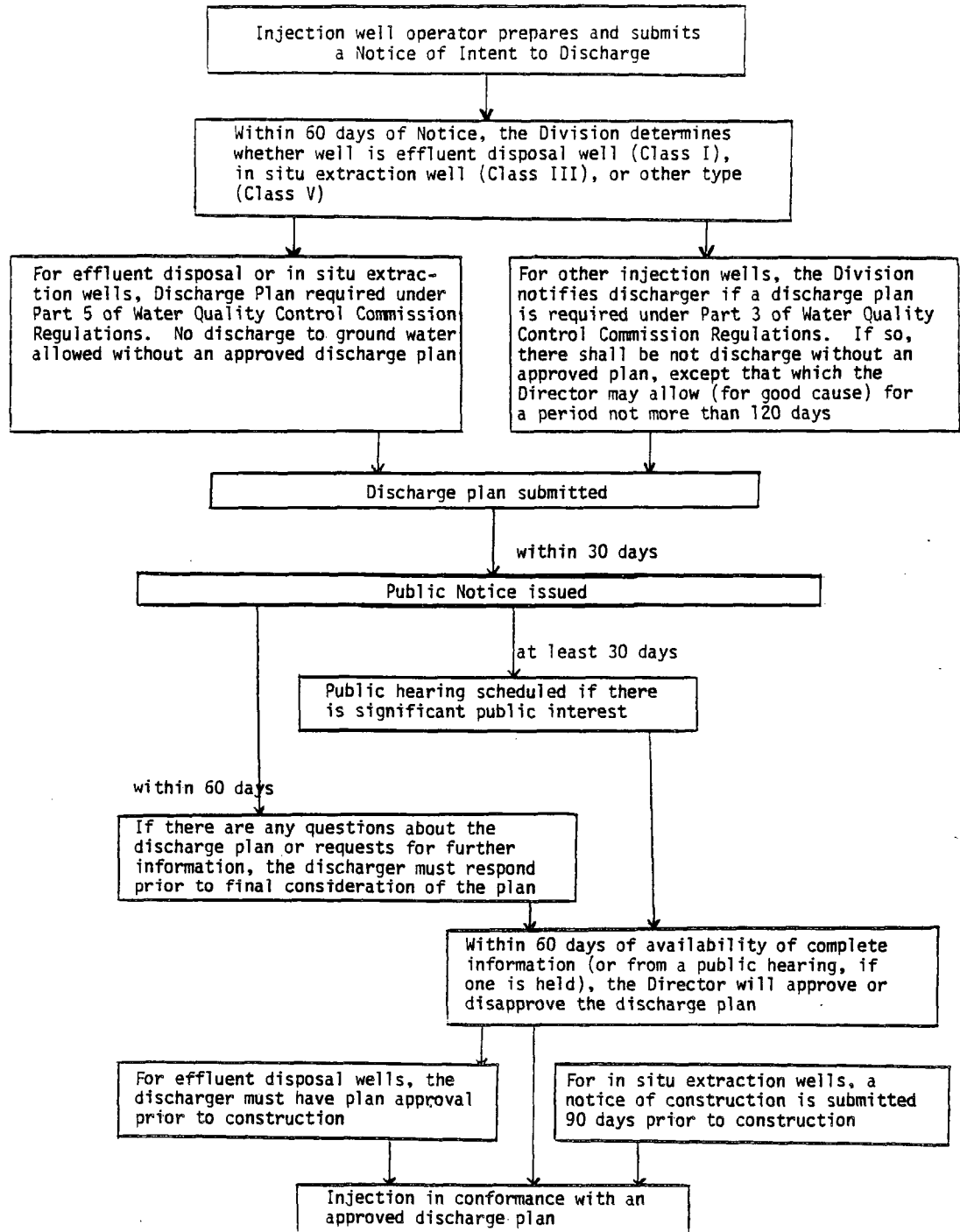
ESTIMATED FOR CLASS 5 WELLS

V A		13	1	4	18
V B		15			15
V D		32		4	36
V S		7	4	2	13
V T	1	5			6
V W		9	12		21
V X		5	6		11
					201

WELL CODES:

I	I	Industrial Disposal Well
III	M	Solution Mining Well
III	U	Uranium Mining Well
V	A	Air Conditioning/Cooling
V	B	Barrier Well
V	D	Storm Water Drainage
V	S	Subsidence Control Well
5	T	Geothermal Well
V	W	Waste Disposal Well (Cesspool)
V	X	Other Class V Wells
()		Number of operating wells without an approved discharge plan

TABLE 5
NEW MEXICO UNDERGROUND INJECTION CONTROL
PERMITTING PROCESS



NEW MEXICO HEALTH AND ENVIRONMENT DEPARTMENT

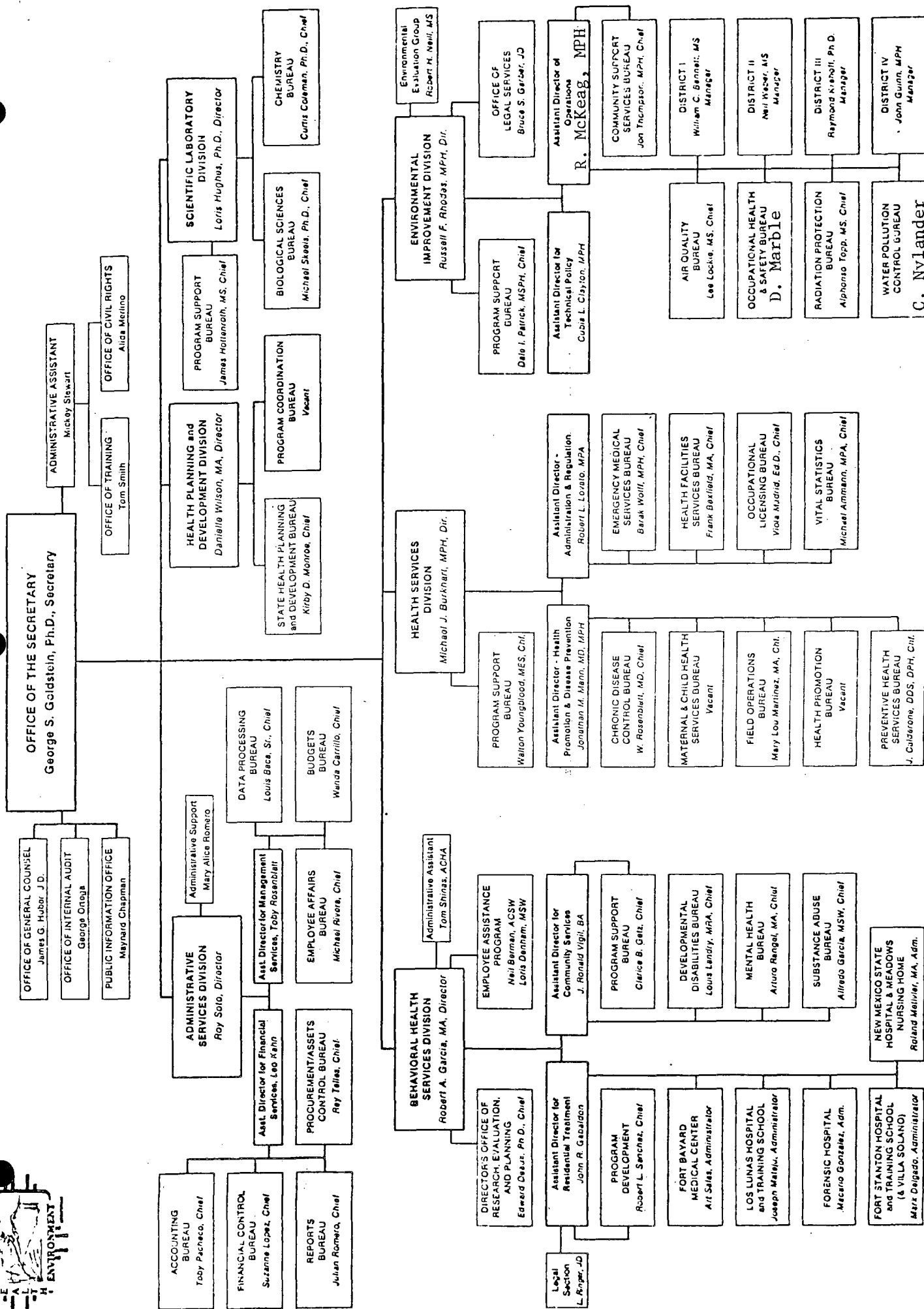
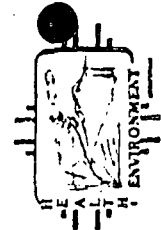
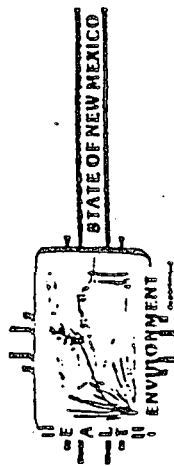


Table 6. Organization Chart of the Health and Environment Department



ENVIRONMENTAL IMPROVEMENT DIVISION

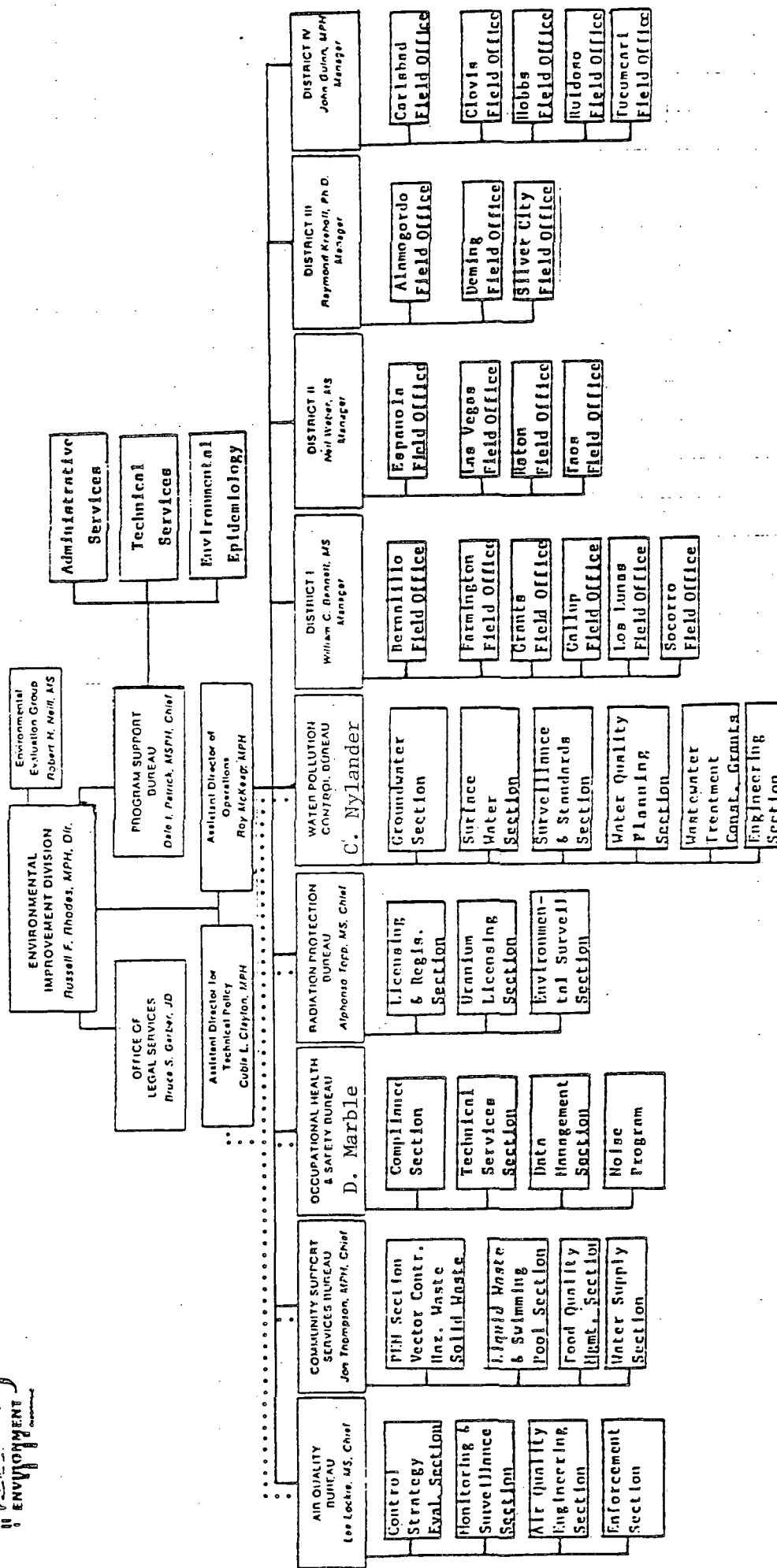
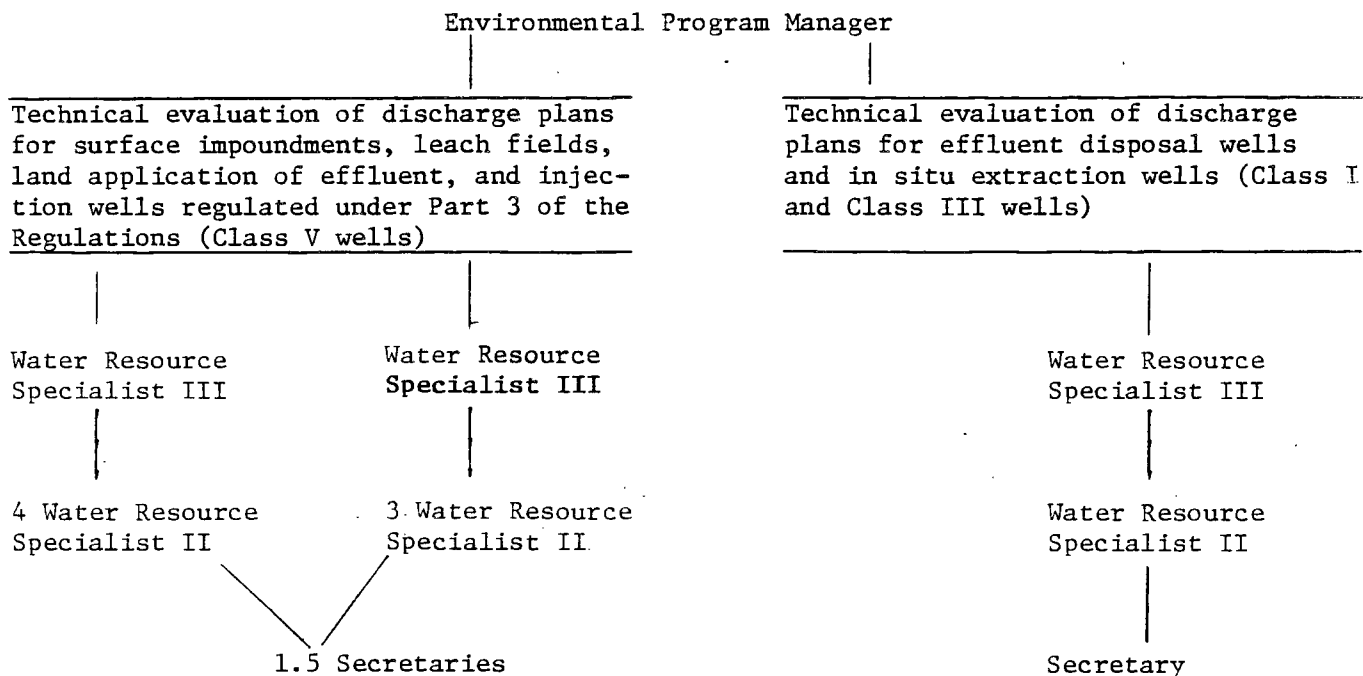


Table 7. Organization Chart of the Environmental Improvement Division

TABLE 8

GROUND WATER SECTION



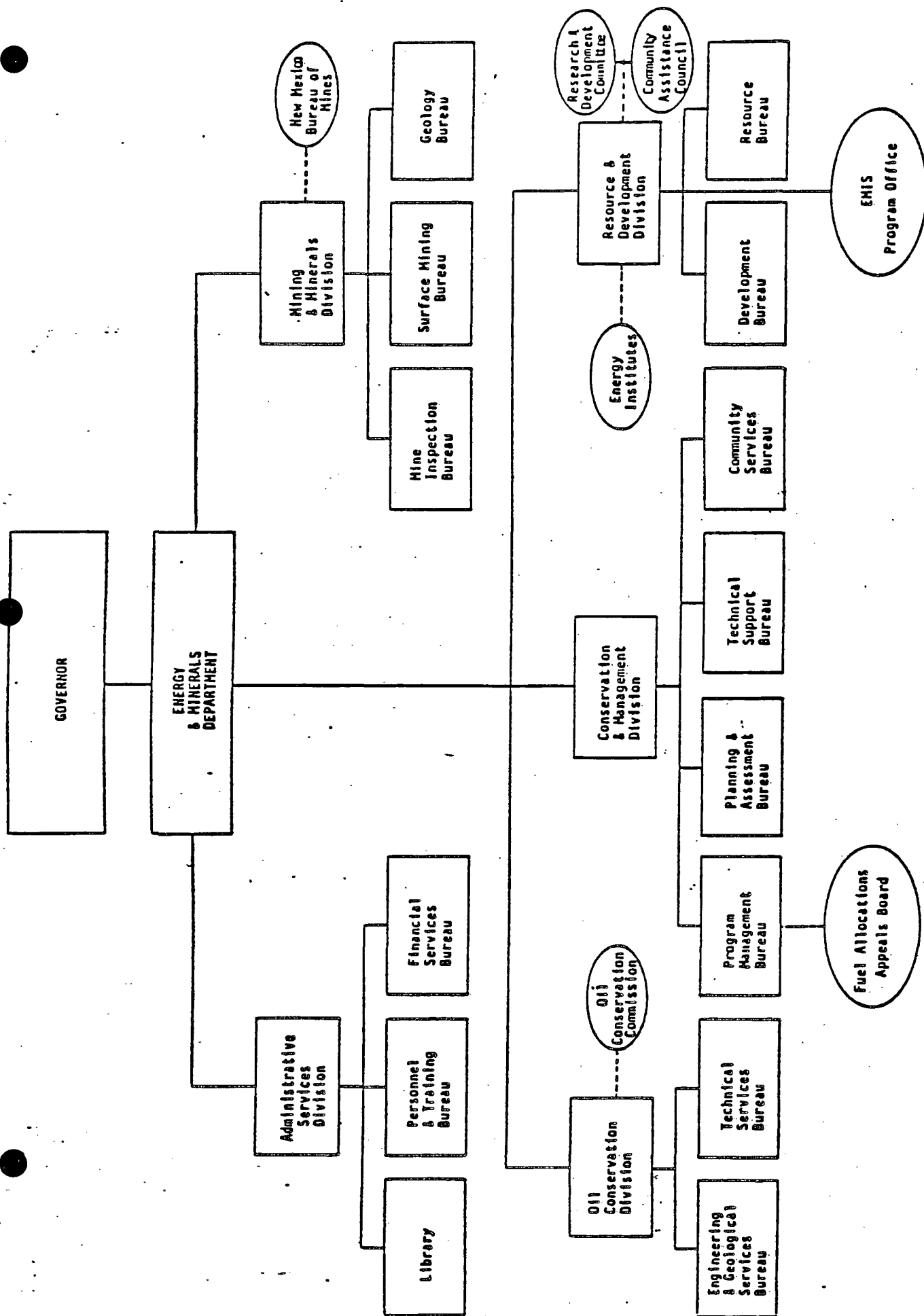


Table 9. Organization Chart of New Mexico Energy and Minerals Department

Table 10

OIL CONSERVATION DIVISION TABLE OF ORGANIZATION (62 staff)

SANTA FE ADMINISTRATIVE OFFICE/DISTRICT IV OFFICE

(34 staff)

Division Director

Staff Specialist

Secretary

Typist

General Counsel

N.M.P.A. Compliance Monitor

Technical Services Bureau

Technical Support Chief

Secretary

Records Management and Support Section

2 Clerks

Underground Injection Control Section

Program Administrator

Data Processing Section

Information Systems Manager

Programmer Analyst

Development Programmer

Records Manager

Computer Operator

Key Entry Supervisor

5 Key Entry Operators

2 Data Control Specialists

Clerk

Oil and Gas Proration Unit

Supervisor

2 Clerks

Table 10 (cont.)

Engineering and Geological Services Bureau

Chief Petroleum Engineer

Petroleum Engineer

Secretary

Geothermal and Geological Services Section

Supervisor *

Field Inspector *

Water Resource Specialist

HOBBS DISTRICT I OFFICE

13 staff members

Supervisor

Geologist

Chief Field Inspector

4 Field Inspectors

Staff Specialist

Clerk Specialist

4 Clerks

ARTESIA DISTRICT II OFFICE

8 staff members

Supervisor

Geologist

Chief Field Inspector

2 Field Inspectors

3 Clerks

AZTEC DISTRICT III OFFICE

7 staff members

Supervisor

Chief Field Inspector

Geological Field Inspector

4 Clerks

* District IV Staff

Figure 1

December 2, 1980

PUBLIC NOTICE

NEW MEXICO ENVIRONMENTAL IMPROVEMENT DIVISION HEALTH AND ENVIRONMENT DEPARTMENT

Notice is hereby given that pursuant to New Mexico Water Quality Control Commission Regulations, the following proposed discharge plans have been submitted for approval to the Director of the New Mexico Environmental Improvement Division, P. O. Box 968, Crown Building, 725 St. Michael's Dr., Santa Fe, New Mexico 87503; telephone (505) 827-5271.

ANACONDA COPPER COMPANY, Elrod Leany, Environmental Engineer, P.O. Box 638, Grants, New Mexico 87020, proposes to discharge 60,000 gallons per day of domestic sewage into clay-lined lagoons located at the Bluewater Mill site, SE $\frac{1}{4}$, SW $\frac{1}{4}$, Sec. 13, T12N, R11W, Valencia County, New Mexico. The water contained in the lagoons will be aerated and will be either used as process water or transferred to the tailings ponds. The ground water most likely to be affected is at a depth of approximately 170 feet with a total dissolved solids concentration of approximately 1,850 mg/l.

KARLER PACKING CO., Jess Karler, owner, P. O. Box 1005, Albuquerque, New Mexico 87103, proposes to amend their existing proposed discharge plan. The proposed amendment consists of a land application program where 95,000 gallons per day of wastewater will be mixed with 28,000 gallons per day of well water and sprinkler irrigated on 23 acres of land for the purpose of growing tall fescue. The land application is to continue from March 1, thru October 31, while the remaining months of the year are to use the rapid infiltration program as is previously described in the discharge plan. The 23 acres are divided into 2 parcels one being located immediately south of Karler's facility and the other immediately to the South East, SE $\frac{1}{4}$, Sec. 31, T9N, R3E, Bernalillo County, New Mexico. The ground water most likely to be affected is at a range of 50 to 100 feet and has a total dissolved solid concentration of approximately 800 mg/l.

MOBIL OIL CORPORATION, Uranium Minerals Division, P.O. Box 5444, Denver, Colorado 80217 proposes to operate an in situ uranium leaching facility in the South Trend Development Area of its Crownpoint Project located approximately 3.5 miles northwest of the town of Crownpoint, McKinley County, New Mexico, in Section 16, the Southwest Quarter of Section 15, the South One-half of Section 9, and the East One-half of Section 8, T17N, R13W, N.M.P.M. Initial operations are to begin with injection of a slightly alkaline leach solution at a total rate of 600 gallons per minute (gpm) via 49 injection wells located in four well fields within Section 16 and the Southwest Quarter of Section 15 of the above area. Later enlargement of well fields within the South Trend Development Area and expansion of the processing facility to a maximum operation of 3000 gpm is planned by Mobil when market conditions permit. Injection will be into ore bearing sands in the Westwater Canyon Member of the Morrison Formation at a depth of approximately 1950 feet below the land surface. The leach solution will be recovered in the initial operational phase via a total of 24 production wells located within the injection well fields. The discharge plan includes a description of the proposed operations and facility, a proposed water quality monitoring program, and a contingency plan to correct any excursion of leachate. Restoration of each

Figure 1 (Cont.)

operational area is proposed to begin after its commercial production life has been expended. The ground water most likely to be affected by the proposed operation is at a depth of 1950 feet and has a total dissolved solids concentration of approximately 300 mg/l.

SOHIO WESTERN MINING COMPANY AND RESERVE OIL AND MINERALS CO., P.O. Box 25201, Albuquerque, New Mexico 87125 proposes a groundwater discharge plan for their L-bar uranium mill effluent tailing disposal site located approximately three miles east/southeast of the village of Seboyeta, T11N, R5W, Valencia County, New Mexico. The tailings pond, consisting of approximately 180 acres, will receive effluent at a discharge rate of approximately 1,660 tons per day of tailings solid and 432,000 gallons per day of tailings liquid. The tailings will have a pH of approximately 1.0, and a total dissolved solids concentration of approximately 40,000 milligrams per liter. The tailings is transported to the tailings disposal site by pipeline in the form of a water tailings slurry. The groundwater most likely to be affected is reported to be found within the sandstone beds of the uppermost section of the Tres Hermanos member of the Mancos Shale at a depth of approximately 50 feet. Its total dissolved solids content is estimated to average approximately 6600 milligrams per liter and ranges from 400 to 20,510 milligrams per liter.

TOYOPA MINING COMPANY, Raul E. Castro, President, 7107 Lakeside Dr., Tucson, Arizona 85730, proposes to discharge approximately 5,000 gallons per day of precious metal flotation mill tailings into unlined tailings ponds located over 40 year old existing tailings piles. The mill site is located off of "A" Street in western Lordsburg, NW1/4, NE1/4, Sec. 32, T22S, R18W, Hidalgo County, New Mexico. The ground water most likely to be affected is at a depth of approximately 120 feet and has an estimated total dissolved solids concentration of approximately 1,000 mg/l.

UNITED NUCLEAR CORPORATION, UNC Mining and Milling Division, P.O. Drawer QQ, Gallup, New Mexico 87301, proposes a modification to its approved discharge plan (DP-34) for an experimental uranium heap leach facility in Section 27, T14N, R9W, Ambrosia Lake area, McKinley County, New Mexico. The proposed modification consists of intermittent discharge of up to 175 gallons per minute (gpm) of effluent into holding ponds located in Section 28, T14N, R9W. The effluent is uranium mine water combined with a small amount (average 1 gpm) of leachate from the heap leach operation, all of which has passed through the ion exchange facility in the Old Phillips Mill. The ground water most likely to be affected is at a depth of 16 to 42 feet with a total dissolved solids concentration ranging from 3,000 to 5,000 mg/l.

Any interested person may obtain further information from the Ground Water Section, Water Pollution Control Bureau, EID, and may submit written comments to the Director of the EID at the address given above. Prior to ruling on any proposed discharge plan or its modification, the Director of EID will allow thirty (30) days after the date of publication of this notice during which comments may be submitted to him and a public hearing may be requested by any interested person. Requests for a public hearing shall set forth the reasons why the hearing should be held. A hearing will be held if the Director determines that there is a significant public interest.