



# Oregon

Theodore R. Kulongoski, Governor

Department of Environmental Quality

811 SW Sixth Avenue

Portland, OR 97204-1390

503-229-5696

TTY: 503-229-6993

September 23, 2008

Addressee  
Business/School District/Agency/Municipality  
Address  
City, State ZIP

**Re: Notice to Comply with Underground Injection Control (UIC) Regulations and UIC Program Fees**

The purpose of this notice is to advise you that Underground Injection Control (UIC) systems such as dry wells, drill holes, soakage trenches, and infiltration galleries used to manage stormwater or discharge other fluids below the ground are regulated in Oregon by the Oregon Department of Environmental Quality (DEQ) under Oregon Revised Statutes (ORS) 468B.195-197 and Oregon Administrative Rules (OAR) 340-044.

The UIC Program is a federal program under the Safe Drinking Water Act and is administered by DEQ to protect groundwater from pollution. The use of UIC systems is prohibited unless the activity is approved by DEQ through Authorization by Rule or allowed under an individual Water Pollution Control Facilities (WPCF) permit issued by DEQ. Authorization by Rule requirements, including monitoring and reporting, are provided in OAR 340-044-0018.

Many owners or operators registered their UIC systems and did not submit a complete Authorization by Rule application, respond to DEQ's request for additional information, or obtain approval for their systems. Many owners or operators also installed UIC systems or allowed installation of new UICs without applying for registration and obtaining authorization.

The Federal Safe Drinking Water Act has no "grandfather clause." Therefore, owners or operators of UIC systems without Authorization by Rule or a WPCF permit are not in compliance with state rules and federal regulations. DEQ in the past has lacked funding and resources for the UIC program and to adequately notify you of the regulatory compliance requirements or to pursue appropriate compliance actions.

Because DEQ has not previously conducted much work in this area, we prefer to give owners and operators of UICs a chance to bring themselves into compliance before we initiate enforcement. Therefore, DEQ has now set forth the enclosed internal management directive stating if owners or operators disclose that they own or operate a UIC system without authorization and if they meet the conditions of this directive, including obtaining Authorization by Rule or applying for a WPCF permit and paying applicable fees, they will not receive a penalty from DEQ for failing to obtain prior authorization for ownership or operation of a UIC system. Please note that the directive and penalty waiver applies only to UIC systems disclosed to DEQ between now and December 31, 2008. Operating a UIC system without applying for Authorization by Rule or a WPCF permit



after December 31, 2008 will be considered a violation subject to formal enforcement and penalties.

The 2007 Oregon Legislature passed House Bill (HB) 2118 authorizing DEQ to collect fees to regulate UIC systems. Fees authorized by HB 2118 are explained in the enclosed Fact Sheet. Unless an owner or operator submitted a complete Authorization by Rule registration application on or before September 15, 2007, the fees established in HB 2118 apply. Owners or operators who submitted a complete registration application on or before September 15, 2007, but could not meet requirements for rule authorization are exempt from the registration fee. These owner or operators must submit an individual WPCF permit application with appropriate permit application fees or close the UICs. UIC closures are subject to the decommissioning fee established in HB 2118.

Fees must accompany the Authorization by Rule or WPCF permit application. The Authorization by Rule application fee for the complex category is \$300 for each UIC. In addition, the annual compliance fee of \$100 for each UIC must be submitted with the application. For example:

- To register and obtain authorization by rule for 50 new (or previously unregistered) UICs in the complex category, the fee would be \$15,000 (50 x \$300).
- The annual compliance fee for 50 UICs in the complex category would be \$5,000 (50 x \$100).
- The total fees to be submitted for the first year would be \$20,000 (\$15,000 + \$5,000).
- Each subsequent year would have an annual compliance fee of \$5,000 (50 x \$100).

Alternatively, you may apply for an individual WPCF permit. The permit application fee under OAR 340-045-0075, Table 70C is \$9,445. The annual compliance fee of \$1,943 must also accompany the permit application for a total permit fee of \$11,388.

To assist you with applying for either an Authorization by Rule or for a WPCF permit, information on the UIC categories and the application forms is available at the following web site links:

Authorization by Rule (Stormwater at local Governments):  
<http://www.deq.state.or.us/wq/uic/docs/forms/municipalf.pdf>

Authorization by Rule (Stormwater at Businesses):  
<http://www.deq.state.or.us/wq/uic/docs/forms/stormwaterf.pdf>

Authorization by Rule (General industrial; and Commercial site, includes process wastewater):  
<http://www.deq.state.or.us/wq/uic/docs/forms/generalf.pdf>

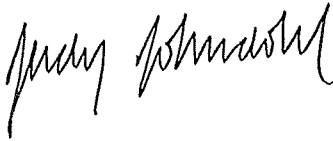
WPCF Permit:  
<http://www.deq.state.or.us/wq/wqpermit/docs/forms/wpcfappl.pdf>

If you have decommissioned any UICs and have not notified DEQ prior to or after decommissioning the system, please visit our web site to obtain the UIC decommissioning form (<http://www.deq.state.or.us/wq/uic/docs/forms/preclosuref.pdf>). The UIC decommissioning form

applies to a UIC system already decommissioned but not registered or authorized, or a system to be decommissioned. You must provide the decommissioning sampling data and closure report signed by an Oregon licensed professional engineer or registered geologist in accordance with OAR 305-044-0040. If you have decommissioned a UIC system and did not sample it, please contact DEQ. The one-time \$100 fee for each UIC decommissioned must be submitted with the application. Decommissioned UIC systems are not subject to the annual compliance fee.

If you do not have UICs or have any questions regarding this letter or the UIC program, please contact the UIC Program Coordinator, Barbara Priest, at 503-229-5945.

Sincerely,



Judy Johndohl  
Water Quality Program Manager  
Community and Program Assistance Section

cc: Dave Belyea, Water Quality Manager, DEQ - Western Region Office, Salem  
Beth Moore, Acting Water Quality Manager, DEQ – Northwest Region Office  
Eric Nigg, Water Quality Manager, DEQ – Eastern Region Office, Bend  
Rodney Weick, Stormwater and Underground Injection Control Manager, DEQ –  
Northwest Region Office  
Barbara Priest, UIC Program Coordinator, DEQ – Northwest Region Office

Enclosures: UIC Internal Management Directive  
UIC Fee Fact Sheet