

Title 122 - NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY

Chapter 11 - PERMIT APPLICATION; INFORMATION REQUIREMENTS

001 Any person who proposes or operates an underground injection well for which a permit is or will be required shall submit an application to the Director. For new injection wells, the application shall be filed at least 180 days before construction is planned to begin, including plans for testing, drilling and construction.

002 When a facility or activity is owned by one person but is operated by another person, it is the operator's responsibility to obtain a permit.

003 The Director shall not issue a permit before receiving a complete application for a permit, except for an emergency permit.

004 An application for a permit is complete when the Director receives the application, appropriate fees, and any supplemental information which are completed to the Director's satisfaction. The completeness of any application for a permit shall be judged independently of the status of any other permit application or permit for the same facility or activity.

005 Except as authorized by an area permit, no construction may commence until a permit has been issued containing construction requirements (Chapter 17 of this Title).

006 Applicants shall provide the following information to the Director:

006.01 The activities conducted by the applicant which require a permit and a brief description of the nature of the business;

006.02 Up to four Standard Industrial Classification (SIC) codes which best reflect the principal products or services provided by the facility;

006.03 The operator'(s) name(s), address(es), telephone number(s), ownership status, and status as Federal, State, private, public, or other entity;

006.04 The owner'(s) names(s), address(es), telephone number(s), ownership status, and status as Federal, State, private, public, or other entity;

006.05 A detailed description of the operator's technological expertise to construct and operate the facility and to conduct necessary well closure, plugging, or abandonment, reclamation, and aquifer restoration;

006.06 A description of all related underground injection projects, other than that for which a permit is being applied for, in which the operator is or has been involved as an operator. Such description shall include for each the name of the project; location of project by county, state and country; nature of project; full listing of all permits and construction approvals or denials received or applied for, including complete name and address of permitting agency; date construction commenced and was completed; size of project by acreage and annual production units; copies of any citations and notices of violation issued with respect to regulatory compliance; copies of the complaint filed for each lawsuit concerning the project in which the operator was a party; and the disposition of all such citations, notices of violation, and lawsuits. Any citation, notice of violation, and/or lawsuit

filed subsequent to date of application shall be reported to the Director within 30 days of filing. Failure to report any of the foregoing shall be grounds for denial of an application or transfer of a permit.

006.07 Whether the facility is located on Indian lands, historic and/or archaeological sites;

006.08 A listing of all environmental permits, construction approvals, or any other relevant permit, received or applied for from the Department or any other federal, state, or local regulatory agency.

006.09 A map showing the injection well or facility for which a permit is sought and the applicable area of review. Within the area of review (as outlined in Chapter 14 of this Title), the map must show the number, or name, and location of all existing producing wells, injection wells, abandoned wells, dry holes, surface bodies of water, springs, mines (surface and subsurface), quarries, water wells and other pertinent surface features including farmsteads, ranches, political subdivisions, and roads. The map must also show faults, if known or suspected. All information of public record is required to be included on this map and verified by a surface inspection conducted by the applicant;

006.10 A tabulation of available data on all wells within the area of review which penetrate into the proposed injection zone. Such data shall include a description of each well's type, construction, date drilled, location, depth, water level, record of plugging and/or completion, and any additional information the Director may require;

006.11 Maps and cross sections indicating the general vertical and lateral limits of all water resources within the area of review, available and/or substantiating background water quality data for any USDW within the area of review, the available amounts and potential uses, the position of all underground sources of drinking water relative to the injection formation, and the direction of groundwater movement;

006.12 Maps and cross sections detailing the geologic structure of the local area including faults if known or suspected;

006.13 Generalized maps and cross sections illustrating the regional geologic setting;

006.14 A narrative evaluating the geologic and hydrologic conditions of the well site and area which may be reasonably expected to be affected by the proposed injection project;

006.15 A narrative describing local topography, industry, agriculture, population densities, culture, wildlife, and fish and other aquatic life within the area of review and the existing economic activities of the region including, but not limited to, agriculture, recreation, tourism and industry with a projection as to the probable effects of the system;

006.16 Proposed operating data:

006.16A Average and maximum daily rate and volume of the fluid to be injected or withdrawn;

006.16B Average and maximum injection pressure; and

006.16C Source and an analysis of the chemical, physical, radiological and biological characteristics of injection fluids;

006.17 Proposed formation testing program to obtain an analysis of the chemical, physical, and radiological characteristics of and other information on the receiving formation and formation fluids;

006.18 Proposed stimulation program;

006.19 Proposed injection procedure;

006.20 Engineering drawings of the surface and subsurface construction details of the system;

006.21 Contingency plans to cope with all shut-ins or well failures so as to prevent migration of fluids into any underground source of drinking water;

006.22 Plans (including maps) for meeting the monitoring requirements in Chapter 20 of this Title;

006.23 Expected changes in pressure, native fluid displacement, direction of movement of injection fluid;

006.24 For wells within the area of review which penetrate the injection zone but are not properly completed or plugged, the corrective action proposed to be taken under Chapter 34 of this Title;

006.25 Construction procedures as specified in Chapter 17 of this Title including a cementing and casing program, logging procedures, deviation checks, and a drilling, testing, and coring program;

006.26 A plugging and abandonment plan demonstrating the resources necessary to close, plug or abandon the well (as required by Chapter 35 of this Title) and to conduct restoration of the affected aquifer and of the affected surface resources.

006.27 A determination of the zone of endangering influence as defined in Chapter 14 of this Title and, if calculated, specific calculations used in the determination of the zone of endangering influence, and all assumptions used in the calculations; and

006.28 Supply additional data that the Department may reasonably request. An applicant may furnish, upon his/her own initiative or when requested by the Department, an opinion of independent experts, satisfactory to the Department in respect to the accuracy and completeness of any information or data furnished by the applicant and on any aspect of the applicant's injection or production system or the contemplated operation or effects thereof.

007 In addition to these requirements, the Director may establish other requirements on a case-by-case basis.

Enabling Legislation: Neb. Rev. Stat. §§ 81-1504(2)(11)(13)(20); 81-1505(1)(2)(9); 81-1506(3)(b)

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