

# **21st Century Updates to EPA's No Migration Petition Program**

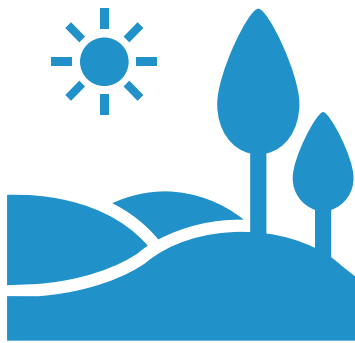
By: Forrest Frederick

# Recent History

**2020** – EPA Region 6 UIC started requiring all No Migration Petitions and Mechanical Integrity Tests (MITs) to be submitted digitally rather than by paper.

**2022** – The digitization of the Class I No Migration Petition Program was started by EPA Region 6 UIC to address EPA's move to a paperless office.

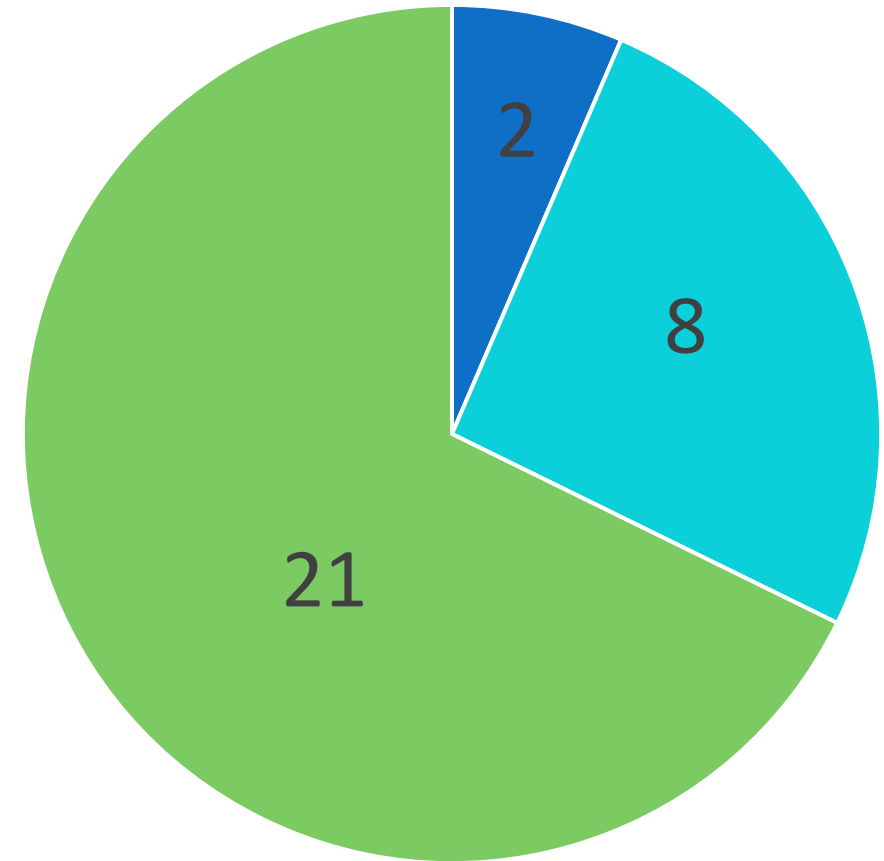
**Spring 2024** – Several petitions, correspondence folders, and all petition historical documents produced by EPA Region 6 have been scanned and archived for future reference.



**End of 2025** – Completion of the Class I Petition Digitization Project

# Current Active Petition Count

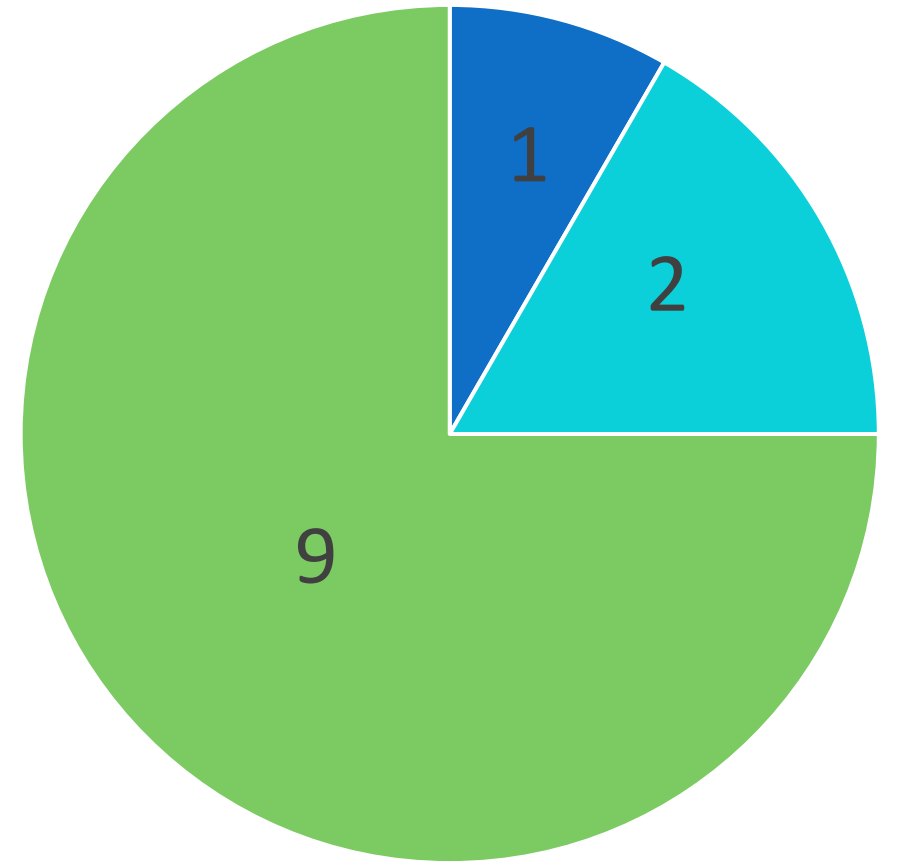
- Oklahoma (No active petitions)
- New Mexico – Historically, no petitions in New Mexico due to state law prohibiting hazardous waste injectors.



■ Arkansas   ■ Louisiana   ■ Texas

# Expired Petition Count

- Oklahoma – 2 withdrawn petitions in Tulsa, Oklahoma
- It is very important to know the locations and injection intervals of all expired sites so that new injection wells do not target zones in which hazardous waste has already been injected, thus creating overlapping plumes.

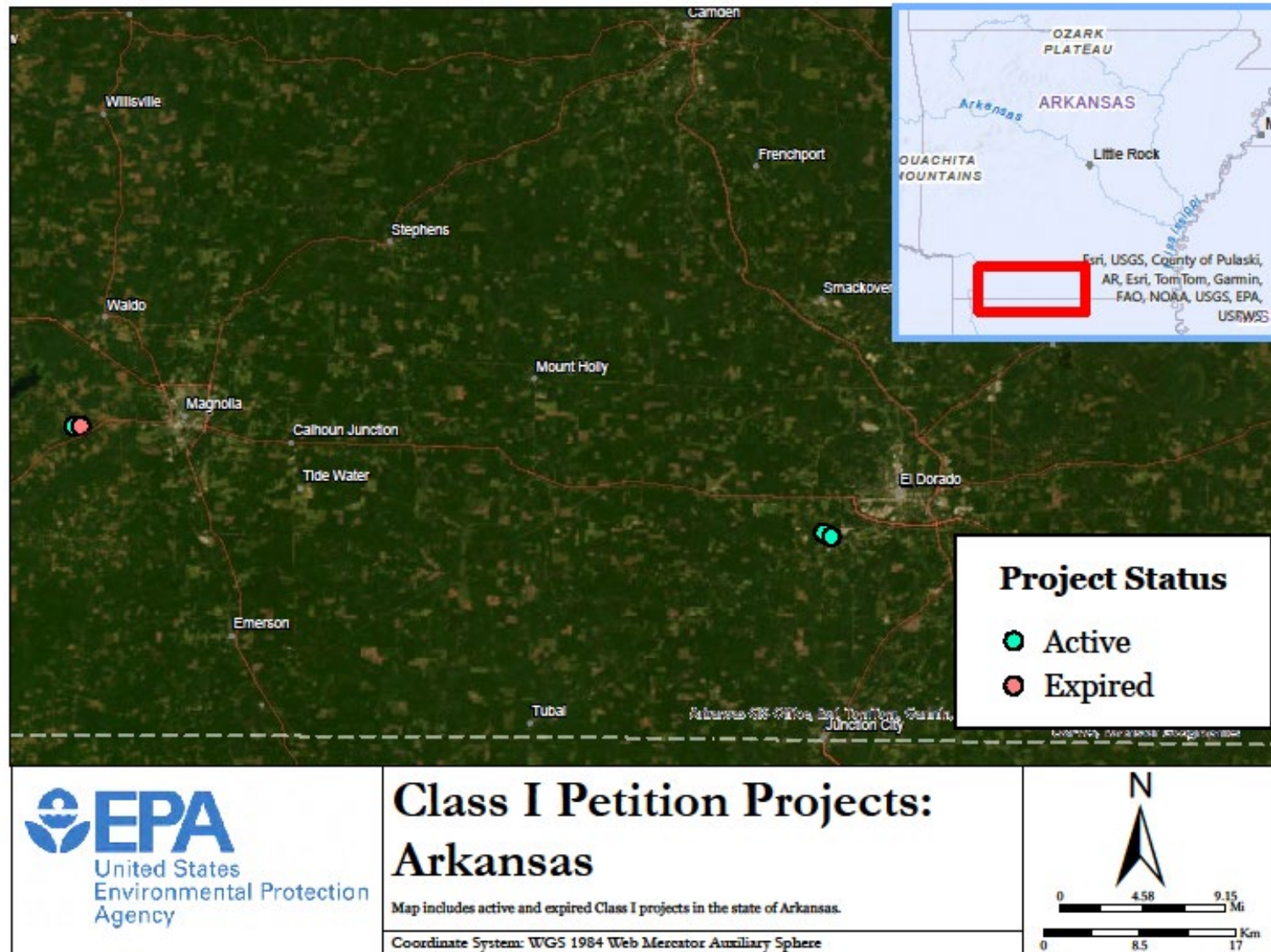


■ Arkansas

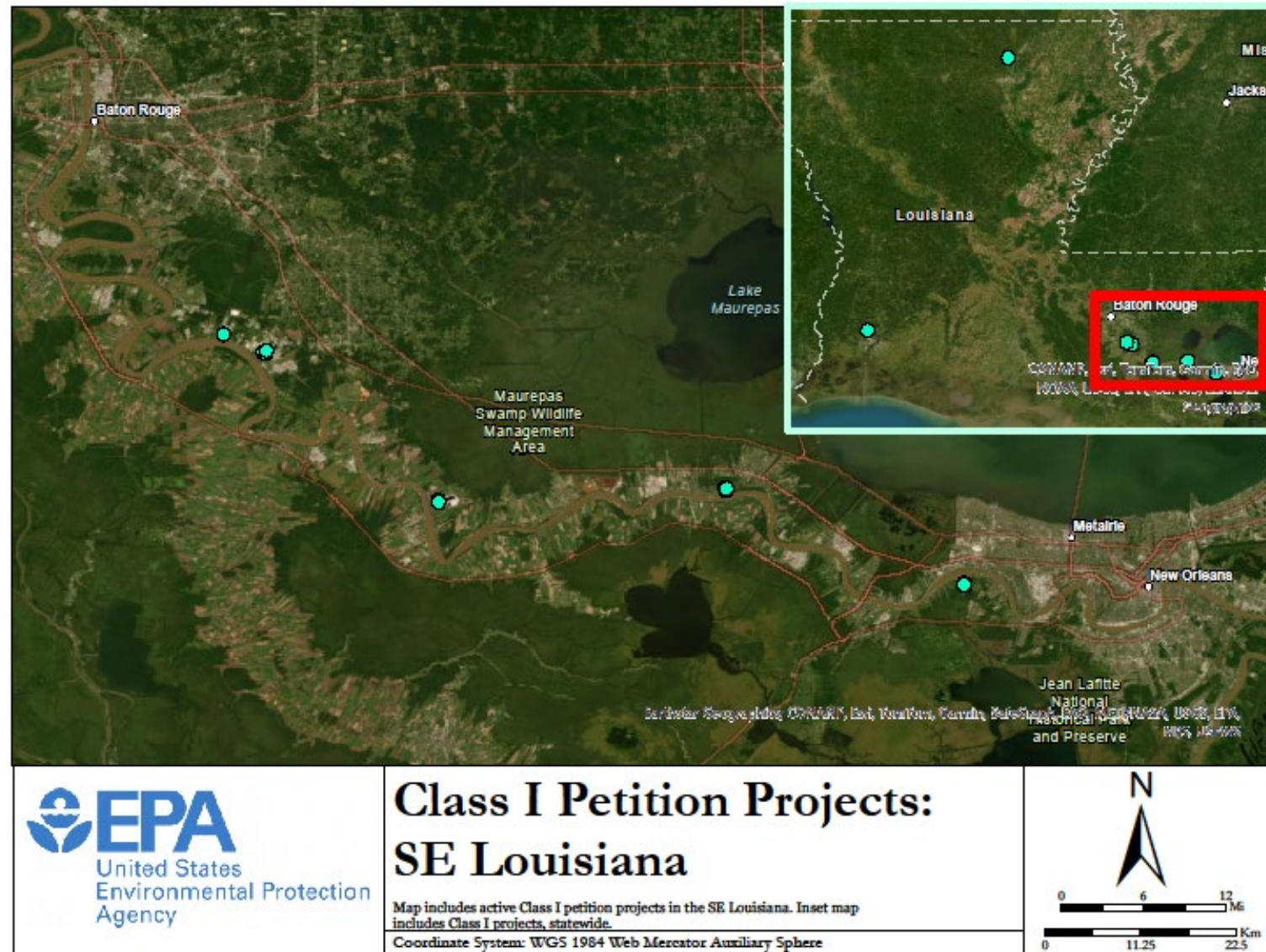
■ Louisiana

■ Texas

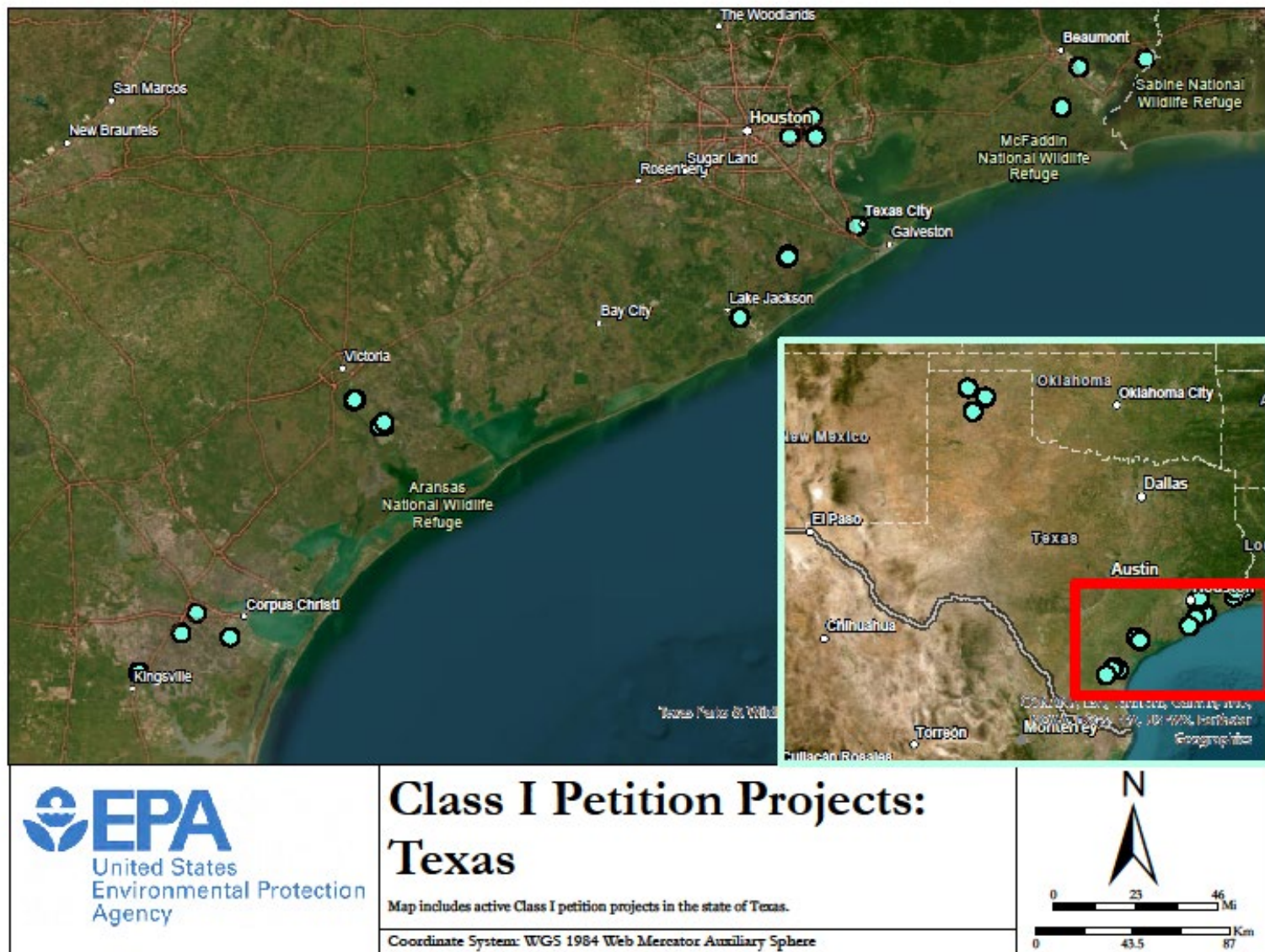












# Digital Petition and MIT Submittals

- EPA's request for digital copies of all documents from petition applicants
- The one drive folder petition submittal process
- Faster pace of petition and MIT Reviews
- Petition and MIT Issues being caught more quickly
- Digital Crosswalk Submittal by petition applicants
- Digital Notice of Deficiency Submittals





# Digital Petition and MIT Submittals Cont.



CERTIFIED MAIL 7014 0150 0000 2452 5356 RETURN RECEIPT REQUESTED

Mr. Paul Wachtendorf  
Site Director  
INEOS Nitriles USA LLC - Green Lake Complex  
P.O. Box 659  
Port Lavaca, TX 77979

RE: INEOS Nitriles USA LLC (INEOS) - Green Lake Complex  
Final UIC Petition Reissuance Approval Decision for Wells WDW-163, 164, and 165

Dear Mr. Wachtendorf:

Effective the date of this letter, the Environmental Protection Agency (EPA) approves INEOS's request for the reissuance of an exemption to the land disposal restrictions for existing wells WDW-163, WDW-164, and WDW-165.

The land disposal restrictions prohibit the injection of hazardous waste unless a petitioner can demonstrate to EPA, to a reasonable degree of certainty, that there will be no migration of hazardous constituents from the injection zone for as long as the wastes remain hazardous. The land disposal restrictions for injection wells codified in 40 CFR Part 148 provide the standards and procedures by which petitions to dispose of an otherwise prohibited waste by injection will be reviewed and by which



Sent via email

Ms. Katie Davis  
Advancion Corporation  
350 Louisiana Highway 2  
Sterlington, Louisiana 71280

RE: Request for Nonsubstantive Revision to Petition for Injection Wells IW-1 and IW-2

Dear Ms. Davis:

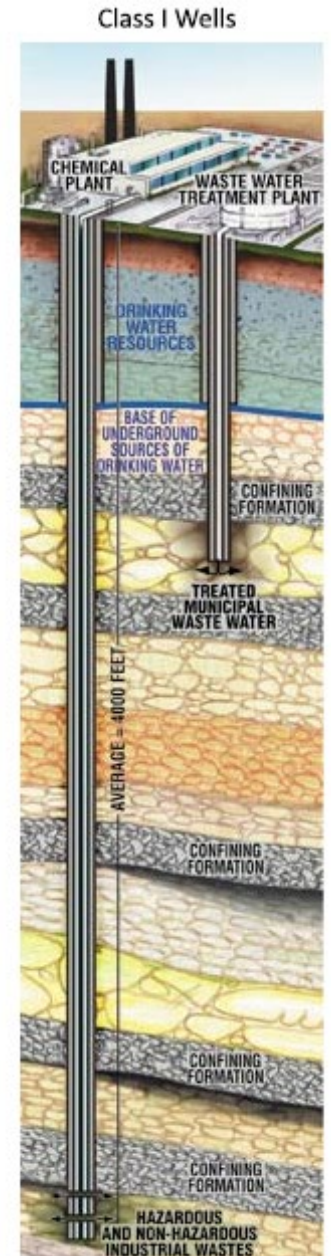
# Petition Decision Documents Process





# Modeling Background

- Geologic/reservoir information is used to inform the model
- Models are primarily used to conservatively estimate pressure buildup and plume movement
- Site specific pressure and concentration thresholds are used to determine the Area of Review
- Three validated models include SWIFT, DuPont Model, and WSP's PredictW



# New Modeling Review Process

- Identify key parameters, references, and potential concerns
- Validate the model-generated Area of Review (AOR)
  - Did the model domain accurately depict the geologic setting?
  - Was the modeled permeability conservative in comparison to fall off tests and core sample data?
- Inconsistent and non-conservative data may deem reevaluation of the models, AOR, and Artificial Penetrations





# New Public Notice Process

- Prior to Spring of 2023, all public notices were placed in newspapers only and nothing was placed online.
- In Spring of 2023, EPA Region 6 UIC updated the public notice templates to have a digital format for public notices instead of just a paper-based format.
- In January of 2023 EPA Region 6 UIC created its first public notice webpage for No Migration Petitions for the Dow Beaumont petition located in Beaumont, Texas.
- The current UIC Public Notice webpage for EPA Region 6 is at <https://www.epa.gov/uic/underground-injection-control-epa-region-6-ar-la-nm-ok-and-tx>

# Final Decision and Federal Register

## Final decision documents

- Final Decision Letter
- Federal Register Notice



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6

1201 ELM STREET, SUITE 500  
DALLAS, TEXAS 75270-2102

May 9, 2023

Dow Chemical Company Texas Operations  
5470 North Twin City Highway, Suite A  
P.O. Box 1646  
Nederland, Texas 77627

RE: Dow Beaumont Aniline Final Petition Reissuance Decision for Well(s) WDW-188 and WDW-391

Dear Mr. Nipper:

Effective the date of this letter, the Environmental Protection Agency (EPA) Region 6 approves the No Migration Petition request for Dow Beaumont Texas Operations' exemption to the land disposal restrictions for wells WDW-188 and WDW-391 at the Dow Beaumont Aniline facility.

The land disposal restrictions prohibit the injection of hazardous waste unless a petitioner can demonstrate to EPA, to a reasonable degree of certainty, that there will be no migration of hazardous constituents from the injection zone for as long as the wastes remain hazardous. The land disposal restrictions for injection wells, codified in 40 CFR Part 148, provide the standards and procedures by which petitions to dispose of an otherwise prohibited waste by injection will be reviewed and by which exemptions based on these petitions will be granted or denied.



# Federal Register Notice Old vs New

28326

Federal Register / Vol. 55, No. 135 / Friday, July 13, 1990 / Notices

## Summary:

EPA expressed environmental concerns on potential project impacts to air quality and water quality and requested additional information in the final EIS on these impacts and on enhanced precipitation downwind from the seeding source.

ERP No. D-FHW-F40309-00, Rating EC2, Stillwater-Houlton Transportation System, MN-Trunk Highway-36 and WI-Trunk-Highway-64 Improvements, MN-Trunk-Highway-36 and Washington County State-Aid-Highway-15 to WI-Trunk-Highway-64 near the Croix River Bridge, Funding, US Coast Guard Bridge Permit, COE section 10 and 404 Permits, St. Croix, WI and Washington County, MN.

## Summary:

EPA recommended that additional information be provided to demonstrate that the "No Build" alternative has been adequately considered, that wetland impact and mitigation issues are satisfactorily addressed. EPA also recommended that the final EIS include a commitment to provide reasonable noise mitigation.

ERP No. D-FHW-G40127-TX, Rating LO, TX-161 Construction, I-20 to I-635, Funding, Coast Guard section 10 Permit and Possible COE section 404 Permit, Dallas County, TX.

results of harbor sediment sampling and bioassay/bioaccumulation studies and the location/volume of sediments to be dredged; 2) characterize all sites on base considered for development and contaminated with hazardous substances; and 3) provide more information on sewage treatment capacity and air quality impacts.

## Final EISs

ERP No. F-OSM-K01007-AZ, Black Mesa and Kayenta Coal Mines, Mining and Reclamation Operations Permit, Life-of-Mine Mining Plan and 404 Permit, Hopi and Navajo Reservations, Navajo County, AZ.

## Summary:

EPA remains concerned about potential impacts of surface water impoundments and ground water pumping. As a matter of responsible public stewardship, EPA urged OSM to support efforts to identify and implement alternatives to the current slurry pipeline. EPA also recommended that an individual Clean Water Act section 404 permit be required for the project rather than a nationwide permit.

## Regulations

ERP No. R-FRC-A05463-00, 18 CFR parts 4, 16, 375, and 380; Regulations Governing Submittal of Proposed Hydropower License Conditions and

Dated: July 10, 1990.

William D. Dickerson,  
Deputy Director, Office of Federal Activities.

[FR Doc. 90-18444 Filed 7-12-90; 8:45 am]

BILLING CODE 6560-50-M

[FRL-3809]

**Underground Injection Control Program; Hazardous Waste Disposal Injection Restrictions; Petition for Exemption, Class I Hazardous Waste Injection Waste Water, Inc., Guy, TX**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of final decision on petition.

**SUMMARY:** Notice is hereby given that an exemption to the land disposal restrictions under the 1984 Hazardous and Solid Waste Amendments to the Resource Conservation and Recovery Act has been granted to Waste Water, Incorporated, for the Class I injection well located at Guy, Texas. As required by 40 CFR part 148, the company has adequately demonstrated to the satisfaction of the Environmental Protection Agency by petition and supporting documentation that, to a reasonable degree of certainty, there will be no migration of hazardous

**ADDRESSES:** The meeting will be conducted virtually. Please refer to the SAB website at <https://sab.epa.gov> for information on how to attend the meeting.

**FOR FURTHER INFORMATION CONTACT:** Any member of the public who wants further information concerning this notice may contact Dr. Thomas Armitage, Designated Federal Officer (DFO), via telephone (202) 564-2155, or email at [armitage.thomas@epa.gov](mailto:armitage.thomas@epa.gov). General information about the SAB, as well as any updates concerning the meeting announced in this notice, can be found on the SAB website at <https://sab.epa.gov>.

## SUPPLEMENTARY INFORMATION:

**Background:** The SAB was established pursuant to the Environmental Research, Development,

advisory committee is different from the process used to submit comments to an EPA program office. Federal advisory committees and panels, including scientific advisory committees, provide independent advice to the EPA.

Members of the public can submit relevant comments pertaining to the committee's charge or meeting materials. Input from the public to the SAB will have the most impact if it provides specific scientific or technical information or analysis for the SAB to consider or if it relates to the clarity or accuracy of the technical information. Members of the public wishing to provide comment should follow the instruction below to submit comments.

**Oral Statements:** In general, individuals or groups requesting an oral presentation at a meeting conducted virtually will be limited to three

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-10942-01-R6]

**Underground Injection Control Program; Hazardous Waste Injection Restrictions; Petition for Exemption Reissuance—Class I Hazardous Waste Injection; Dow Beaumont Aniline Plant, Texas**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of a final decision on a no migration petition reissuance.

**SUMMARY:** Notice is hereby given that a reissuance of an exemption to the land disposal restrictions, under the 1984 Hazardous and Solid Waste Amendments to the Resource

35872

Federal Register / Vol. 88, No. 105 / Thursday, June 1, 2023 / Notices

Conservation and Recovery Act, is granted to Dow Beaumont Texas

**ACTION:** Notice.

*Availability of Meeting Materials:* All meeting materials, including the agenda

# Digitization of Historical Petition files

OneDrive > ... UIC Class I No Migration Petition History > Texas > Ticona Bishop >

Name	Status	Date modified	Type
1990 Final Decision Documents	✓	11/17/2023 3:06 PM	File folder
1990 Proposed Decision Documents	✓	11/17/2023 3:48 PM	File folder
1993 Well Failure Documents	✓	11/17/2023 3:18 PM	File folder
1994 Final Decision Documents	✓	11/24/2023 8:28 AM	File folder
1994 Proposed Decision Documents	✓	11/24/2023 8:06 AM	File folder
1998 Company Name Change	✓	11/24/2023 8:39 AM	File folder
2001 Final Decision Documents	✓	11/30/2023 2:25 PM	File folder
2001 Proposed Decision Documents	✓	11/24/2023 9:03 AM	File folder
2003 Variance Request Documents	✓	11/24/2023 9:27 AM	File folder
Full Scanned File	✓	11/16/2023 12:42 PM	File folder
MISC Files	✓	11/24/2023 9:31 AM	File folder
Petition History	✓	11/30/2023 3:06 PM	File folder

OneDrive > ... Expired Petitions > Texas > Pergan >

Name	Status	Date modified	Type
1991 Final Decision Documents	✓	8/18/2023 10:08 AM	File folder
1991 Proposed Decision Documents	✓	8/18/2023 9:01 AM	File folder
1992 Proposed Modification Documents	✓	8/17/2023 4:28 PM	File folder
1993 Final Modification Documents	✓	8/17/2023 3:34 PM	File folder
2001 Company Name Change	✓	8/17/2023 3:59 PM	File folder
2005 Company Name Change	✓	8/17/2023 4:10 PM	File folder
2007 Company Name Change	✓	8/17/2023 4:10 PM	File folder
2014 Final Decision Documents	✓	8/18/2023 10:08 AM	File folder
2014 Proposed Decision Documents	✓	8/18/2023 9:02 AM	File folder
Full Scanned File	✓	8/18/2023 10:15 AM	File folder
Misc Files	✓	8/18/2023 10:14 AM	File folder
Petition History	✓	8/23/2023 10:59 AM	File folder



# No Migration Petition History Word Documents

## Region 6 Class I No Migration Petition History – Ticona Polymers, Inc. Bishop Facility

1990

**June 28, 1990** – Federal Register Notice was published by EPA detailing the proposed extension of an exemption of the hazardous waste restrictions to Celanese Engineering Resins for their injection wells WDW-210, WDW-211, and WDW-212 located in Bishop, TX for three months from August 8, 1990 until November 8, 1990.

**June 29, 1990** – Fact Sheet (9 pages) was finalized detailing EPA's proposed decision to grant Celanese Engineering Resins, Inc. an issuance of their No Migration Petition to Inject hazardous waste into their injection wells WDW-210, WDW-211, and WDW-212 at their plant in Bishop, TX. Proposed Petition Decision Letter (1 page) for the Celanese Engineering Resins, Inc. No Migration Petition Issuance was signed by Myron O. Knudson Director of the Water Management Division.

**July 4, 1990** – Proposed decision documents (Fact Sheet, Newspaper Public Notice, and Proposed Decision Letter) for the Celanese Engineering Resins No Migration Petition Issuance entered public notice – beginning of public comment period

**July 30, 1990** – A Public Service Announcement was sent out to Joe Cisneros with KFLZ Radio Station in Bishop, TX and Jenette Gossage with KROB Radio Station in Robstown, TX concerning the Public Hearing that was to be held on August 9, 1990, for the Celanese Engineering Resins No Migration Petition Proposed Decision.

**August 9, 1990** – Public hearing was held for the Celanese Engineering Resins No Migration Petition Issuance at the American Legion Hall in Bishop, Texas at 6:30 P.M.

**August 20, 1990** – Public Comment Period ended for the Proposed decision for the Celanese Engineering Resins No Migration Petition Issuance

**September 5, 1990** – EPA Region 6 UIC issued final responses for all 4 comments received in the public comment period for the proposed decision for the Celanese Engineering Resins No Migration Petition Issuance. Final Decision Letter (3 pages) was signed by Myron O. Knudson Director of the Water Management Division and sent to Celanese Engineering Resins – Cessation date for injection

## Region 6 Class I No Migration Petition History – Pergan Marshall, LLC

1991

**May 28, 1991** – Fact Sheet (8 pages) was finalized detailing EPA's proposed decision to grant Witco Corporation an issuance of their No Migration Petition to Inject hazardous waste into their injection wells WDW-180 and WDW-243 at their plant in Marshall, TX.

**May 30, 1991** – Proposed Petition Decision Letter (1 page) for the Witco Corporation No Migration Petition Issuance was signed by Myron O. Knudson Director of the Water Management Division

**May 31, 1991** – Proposed decision documents (Fact Sheet, Newspaper Public Notice, and Proposed Decision Letter) for the Witco Corporation No Migration Petition Issuance entered public notice – beginning of public comment period

**June 13, 1991** – A Public Service Announcement was sent out to Brenda Watkins the Operations Manager of KNHT Radio Station in Marshall, TX concerning the Public Hearing that was to be held on July 1, 1991, for the Witco Corporation No Migration Petition Proposed Decision.

**July 1, 1991** – Public hearing was held for the Witco Corporation No Migration Petition Issuance at the Marshall Civic Center at 6:30 P.M.

**July 15, 1991** – Public Comment Period ended for the Proposed decision for the Witco Corporation No Migration Petition Issuance

**November 5, 1991** – Final Decision Letter (3 pages) was signed by Kenton Kirkpatrick Acting Director of the Water Management Division and sent to Witco Corporation – Cessation date for injection was December 31, 2010.

**November 13, 1991** – Federal Register Notice was published by EPA detailing the issuance of a No Migration Petition to Witco Corporation for their injection wells WDW-180 and WDW-243 located in Marshall, TX.

1992

**November 25, 1992** – Fact Sheet (2 pages) was finalized detailing EPA's proposed decision to grant

# Impacts of the Digital Petition Process



**Expedited Review Process**



**Telework Compatibility**



**Email Correspondence**

# Future 21<sup>st</sup> Century Projections for the Region 6 Class I Petition Program

Based on past experience several predictions can be made over the next decade for the Class I No Migration Petition Program in Region 6.

- Petition reissuances
- New Petitions
- Well Failures
- Plume Overlap





# Questions



Forrest Frederick, EPA Region 6, [Frederick.Forrest@epa.gov](mailto:Frederick.Forrest@epa.gov), 214-665-6656