From: Wendy Wiltse
To: Nancy Rumrill; David Albright
Subject: Fw: UIC operating conditions
Date: 10/21/2009 05:21 PM

Nancy, I just faxed you the information I have on nutrient loads for the west maui area. The numbers are old and the land use has changed such that agriculture is greatly reduced today compared with 1990's. Note also that the wastewater injection loads have increased since 1996 because they are no longer able to achieve low total N in effluent and flows are up. At any rate, the relationships are unchanged.....the largest potential nutrient load in the area is from injeciton wells.

Also see below some thoughts from Hudson Slay and copy of the HI UIC rule 11-23-11 (3) that requires compliance with Ch 55.(NPDES).

Wendy

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----- Forwarded by Wendy Wiltse/R9/USEPA/US on 10/21/2009 02:12 PM -----

From: Hudson Slay/R9/USEPA/US
To: Wendy Wiltse/R9/USEPA/US@EPA
Date: 10/21/2009 10:50 AM
Subject: Fw: UIC operating conditions

Below are the Operating Conditions found in Section 11-23 of DOH's UIC regulations. This seems to provide DOH with the latitude to use their UIC permit to go beyond the protection of underground sources of drinking water. In fact, Wendy had a discussion with Chauncey Hew yesterday and he offered again to consider increased nitrogen limits in the DOH UIC permit for the Lahaina plant due to the impacts to coastal waters. The missing piece of information is what is a defensible nitrogen permit limit that would be protective of the coastal waters. It seems that this information will be needed whether the ultimate route of dealing with the issue is the UIC permit (state or federal) or an NPDES permit. Is it possible for EPA to use a contractor to work on potential permit limits?

Wendy and I have also been brainstorming about pulling together a presentation for DOH by those actively engaged in management/monitoring/modeling efforts associated with injection well impacts in the Kahekili area (e.g., UH, HI Division of Aquatic Resources, USGS). Making sure that DOH management is fully aware of data being collected which reflect the impacts of the injection is important for the DOH-EPA meeting in December.

Please let us know your thoughts.

Hudson

§11-23-11 Operating Conditions

1. No injection well shall be operated, modified or otherwise utilized without a UIC permit issued by the department. Only subclass C wells that meet the requirements of section 11-23-12(f) shall be exempt from obtaining a UIC permit to operate.
2. No person shall construct, operate, maintain, convert, plug, abandon or conduct any other injection activity in a manner which allows the movement of fluid containing a contaminant into underground sources of drinking water, if the presence of that contaminant may cause a violation of any national or state primary drinking water rule or may otherwise adversely affect the health of one or more persons.
3. All injection wells shall be operated in such a manner that they do not violate any of the department's administrative rules under title 11, Hawaii Administrative Rules, regulating various aspects of water quality and pollution, and chapters 342-B, 342-D, 342-F, 342-H, 342-J, 342-L, and 342-N, HRS The rules include:
    1. Chapter 11-20, "Rules Relating To Potable Water Systems"
    2. Chapter 11-62, "Wastewater Systems" and
    3. Chapter 11-55, "Water Pollution Control"
4. The operation of all injection wells shall also conform to any limitations on quantity and quality of the injected fluid as are deemed appropriate by the director for the purposes of this chapter.
5. If at any time the department learns that an injection well may cause a violation of primary drinking water rules, the department shall order the injector to take such actions as may be necessary to prevent the violation, including, where required, cessation of operation of the injection well.
6. Notwithstanding any other provision of this section, the department shall issue a cease and desist order, effective immediately, upon receipt of information that a contaminant which is present in, or likely to enter, a system, or underground source of drinking water, supplying water for human consumption, poses an imminent and substantial danger to the health of a person or persons

[Eff 7/6/84; am and comp] (Auth: HRS §340E-2) (Imp: HRS §§340E-2 and 340E-4, 40 CFR §§144.11, 144.12, 144.24, 144.25, 144.31, 144.40 and 146.52)