A. SOURCES

✓1. 1425 DRAFT GUIDANCE

✓2. REGION 6 GUIDANCE PACKAGE

✓3. MOA BETWEEN EPA/CA ON AZ WASTE

✓4. DRAFT GUIDANCE RE: MOA FROM HDQTRS

✓5. COMMENTS ON OKLAHOMA PACKAGE FROM HDQTRS

1. 1425 GUIDANCE

X a. COMMITMENT TO CARRY OUT PROGRAM AS DESCRIBED / SUPPORTED BY APPROPRIATE LEVEL OF STAFF / RESOURCES

X b. EPA RIGHT OF ACCESS TO PERTINENT FILES

X c. SPECIFY PROCEDURES FOR EPA INSPECTION OF WELLS OR OF RECORDS

X d. RECOGNISE EPA AUTHORITY FOR FED ENF. UNDER SECT. 1423 OF SDWA

X e. PROVIDE EPA WITH ANNUAL REPORT ON OPERATION OF STATE PROGRAM - CONTENT NEGOTIABLE

X f. AQUIFER EXEMPTIONS FOR CLASS II CONSISTENT WITH EXEMPTIONS FOR OTHERS

X g. WHEN APPROPRIATE, INCLUDE PROVISIONS FOR JOINT PROCESSING OF PERMITS

X h. IF ALTERNATE MECH. INTEG. TESTS USED BY STATE, METHODOLOGY WILL BE DESCRIBED TO EPA FOR ASSESSMENT.

2/1

2. HDQTR'S DRAFT GUIDANCE

✗ 1. BASIS = SECTION 123.1, 123.6

2. GENERAL

✗ a. effective date

✗ b. coverage (e.g. Class of well)

✗ c. coordination/relation to SEPA (2)

✗ d. modifications (3)

✗ e. maintenance of primacy (3)

INF. ✗ f. 1423 SDWA (3)

✗ g. future revisions to fed program + state demonstration (3)

✗ h. std for administration of program e.g. w/ application (3)

✗ i. EPA → state statutes, regs, guidelines, stds, policy decisions, directives, and any other factors (4)

✗ j. state - notify EPA of state mods in law, reg, resource (4)

3. SHARING OF INFO

✗ a. availability

✗ b. confidentiality

✗ c. EPA info to state for implementation (5)

4. STATE REPORTS

pg. 7 major = → ✗ a. recommended qtrly report on noncompliance majors 40 CFR 122.18(a)(6)

class I, IV ✗ b. specific dates for reports

b. annual non-compliance 122.18(c)(6)

✗ d. annual report 122.18(c)(4) (6)

✗ e. mid-course evaluation data

(122.18, 146.15, 146.25, 146.35)

5. PROGRAM EVALUATION

a. annual reviews by EPA using quarterly reports, annual non-compliance, program reports + other requested info to determine State program consistency w/ program submittal, SDWA, appropos reg + guidance/policies (8)

X b. draft to review to State in 60 days 15 days for comment. EPA recommendations to State based on review (8)

6. COMPLIANCE MONITORING/ENF.

X a. priority to human health

X b. adhere to compliance monitoring tracking/eval. program in program submittal. (9)

7. OPTIONAL (9)

X a. review/comment on state permits

b. selections of activities/facilities for inspection

1) priorities may be
inspect some permits
reg by rule
op w/ greatest human health potential

c. SEE PG. 10 FOR PRIORITIES

d. WAIVE ADV. NOTICE ON CASES OF EMERGENCY OR OTHERWISE NECESSARY

e. EPA/STATE COORDINATION w/ STATE LEAD (SEND PERMIT INFO) (10)

8. PERMIT TRANSFER/PROCESSING

a. EPA → STATE all relevant info

4. REGION & GUIDANCE PKG

I. GENERAL

- X 1. PERIODIC REVIEW OF MOA
- X 2. MODIFIED UPON EITHER PARTY'S INITIATIVE
- X 3. PRIMACY
- X 4. 1443
- X 5. REVISIONS TO FED LAW ETC
- X 6. OPERATE OR PROGRAM
- X 7. EPA INFORMATION
- X 8. STATE NOTIFY EPA — 146.04
- X 9. AQUIFER EXEMPTIONS — MAJOR PROGRAM MODS. — 122.35

II. RESPONSIBILITY

A. SHARING OF INFO

- X 1. EXCH. OF INFO
- X 2. EXCESS
- X 3. RETENTION OF RECORDS

B. STATE REPORTS

- X 1. QTRLY REPORTS → on mgors qtrly
- X 2. NON-COMPLIANCE REPORTS 122.18
- X 3. annual non-compliance on minors
- X 4. annual report 122.18(c)(4)(i)
- X 5. mid-year info 122.18(c)(4)(ii)
  146.15
  146.25
  146.35

in appropos format

- X C. Program Evaluation

D. Compliance Monitoring / Enf.

- X 1. pet description, in timely manner
  a) emergency
- X 2. compliance monitoring / tracking / evaluation / enforcement procedure
- X 3. State [illegible] / Fed

E. Permit Transfer / Processing
1. transfer such info
2. coordinate processing

F. Permit Review
1. list of all new permits issued
2. specify info re permits
3. a basis for compliance activities
4. prompt submittal of an adequate for injection well permit app.

5/1

5. Hdqtr's comments re: Oklahoma

- a. recognise state has enforcement authority
- b. EPA override (1423/emergency powers)
- c. AQUIFER EXEMPTION PROCEDURE
- d. "FRESH WATER" DEFINITION
- e. CORRELATION OF PROGRAM DESCRIPTION TO STATUTES
  USE OF STATUTES
- f. DEFINITION OF "PERSON"
- g. MECH. INTEGRITY TESTING (OUTSIDE WELL CASING)
- h. TREATMENT OF EXISTING WELLS
- i. non-FRACTURING REQUIREMENTS
- j. INCENTIVE TO COMPLY.
- k. MOA in EFFECT AFTER 10 WORKING DAYS
- + FED LAND l. JOINT PROCESSING FOR INDIAN
- m. COMMITMENT TO WITNESS % OF MI TESTS?
- n. mid-year evaluation.