

**SUBCHAPTER I: FINANCIAL RESPONSIBILITY**

**§§331.142 - 331.144**

**Effective August 16, 2012**

**§331.142. Financial Assurance.**

(a) The permittee shall secure and maintain financial assurance for plugging and abandonment in the amount of the plugging and abandonment cost estimate for Class I, Class I salt cavern disposal wells and associated salt caverns, and Class III wells in a manner that meets the requirements of Chapter 37, Subchapter Q of this title (relating to Financial Assurance for Underground Injection Control Wells). Financial assurance for plugging and abandonment shall be provided in the amount of the plugging and abandonment cost estimate as provided in §331.143 of this title (relating to Cost Estimate for Plugging and Abandonment and Aquifer Restoration). Financial assurance for post closure of Class I hazardous wells shall be provided in the amount of the post closure cost estimate.

(b) The permittee of a hazardous waste Class I waste injection well shall establish and maintain sufficient liability coverage for bodily injury and property damage to third parties caused by sudden or nonsudden accidental occurrences arising from operations of the facility that meets the requirements of Chapter 37 of this title (relating to Financial Assurance) and §305.154(a)(11) of this title (relating to Standards).

(c) The requirement to maintain financial responsibility is enforceable regardless of whether the requirement is a condition of the permit.

Adopted July 25, 2012

Effective August 16, 2012

**§331.143. Cost Estimate for Plugging and Abandonment and Aquifer Restoration.**

(a) The owner or operator must prepare a written estimate, in current dollars, of the cost of:

(1) plugging the well(s) in accordance with the plugging and abandonment plan as specified in this chapter; and

(2) aquifer restoration for each production area authorization.

(b) Cost Estimates.

(1) The cost estimates required under subsection (a)(1) of this section must take into account all costs related to plugging and abandonment in accordance with the

applicable requirements of §331.46 of this title (relating Closure Standards) and the requirements of §331.86 of this title (relating to Closure).

(2) The cost estimate required under subsection (a)(2) of this section must take into account all costs related to aquifer restoration.

(c) During the operating life of the facility, the owner or operator must keep at the facility the latest cost estimates for plugging and abandonment and for aquifer restoration prepared in accordance with subsection (a) of this section.

(d) On or before December 31st of each year, the owner or operator shall review and update as necessary the written estimate of the cost of plugging all wells and the cost of aquifer restoration to account for changes in costs exclusive of the inflation adjustment required under §37.131 of this title (relating to Annual Inflation Adjustments to Closure Cost Estimates). This update shall be submitted to the executive director no later than January 31st of each year.

Adopted February 11, 2009

Adopted March 12, 2009

**§331.144. Approval of Plugging and Abandonment.**

Within 60 days after receiving certifications from the owner or operator and an independent licensed professional engineer or licensed professional geoscientist that plugging and abandonment has been accomplished in accordance with the plugging and abandonment plan, the executive director will notify the owner or operator in writing that he is no longer required by this section to maintain financial assurance for plugging and abandonment of the well, unless the executive director has reason to believe that plugging and abandonment has not been in accordance with the plugging and abandonment plan. Financial assurance may not be released without the written approval of the executive director.

Adopted September 10, 2003

Effective October 2, 2003