

**TEXAS NATURAL RESOURCE CONSERVATION COMMISSION  
TECHNICAL PEER REVIEW DOCUMENT**

<i>This Section to be Completed by Issue Initiator</i>	
<b>TITLE OR ISSUE</b>	
Flexibility of scheduling of annual mechanical integrity testing (MIT) and pressure fall-off testing (PFOT) of Class I injection wells.	
<b>DOCUMENT INITIATED BY</b> (Name/Office/Phone Number)	<b>DATE</b>
Ben Knape, Team Leader, UIC/UURW/I&HW/OWM, TNRCC	10/30/96
<b>ISSUE DESCRIPTION</b>	
<p>Mechanical integrity testing and pressure fall-off testing of Class I wells are required to be performed “annually” (see 30 TAC §331.64(d), and 30 TAC §331.64(g)(2)). Well operators and their representatives maintain that flexibility is needed in scheduling these tests, based on the interdependency of Class I wells and the related manufacturing facilities they serve, and the costly and complicated nature of temporary well shutdowns for the purpose of well testing according to rigid schedules. Accordingly, operators have at times sought extensions as necessary to schedule annual well tests to coincide with plant shutdowns for annual maintenance and to minimize scheduling conflicts with service companies to perform the tests. Consistent with the Commissioner’s Guiding Principles (1996), especially the promotion of regulatory flexibility in achieving environmental goals, considerations and recommendations for policy on interpretation and implementation of the subject rule are presented as follows.</p>	
<b>WHO’S AFFECTED?</b>	
Class I injection well operators, well testing consultants and service companies, and TNRCC staff (UURW/I&HW/OWM).	
<i>This Section to be Completed by Peer Review Team</i>	
<b>FACTORS CONSIDERED</b>	
<p>1. UURW Section staff maintains tracking of Class I well MIT and PFOT status including dates of most recently performed MITs and PFOTs, and dates when testing is due. According to specifications of Program Authorization documents and annual Grant Workplans, this staff is responsible for compliance monitoring of Class I well MITs and PFOTs including review and approval of test plans and schedules, compliance assistance on location during tests, and review of reports on completed tests.</p> <p>2. EPA Headquarters staff have offered the opinion that the federal rule specifications for performing MITs (40 CFR 146.68(d)) and PFOTs (40 CFR 146.68(e)(1)) “annually”, conveys flexibility for approval of reasonable extensions. In stakeholder meetings to develop ideas for “Reinventing UIC”, EPA has agreed in principle to the idea of three-month extensions in performing annual MITs and PFOTs as justified by plant maintenance schedules or the availability of specialized service companies to schedule and perform the tests. EPA further has emphasized and encouraged in such discussions, flexible interpretation of existing rules through development of guidance or other policy documents to the maximum extent feasible in lieu of rulemaking.</p>	

3. TNRCC staff notes that in promulgation of an earlier version of the state rule (effective from 1989 through 1994) on periodic MITs which allowed approval of extensions of up to three months, (a) there was no adverse public comment upon proposal or at any time during the effective duration of the rule, and (b) in implementing the rule, the Executive Director's staff noted no obvious abuse of the rule to subvert its intent for regular periodic testing. The rule was changed in 1994 to adopt the exact language of the federal rule in specifying that tests be done "annually", after EPA Headquarters and Region 6 staff agreed that the federal rule could be interpreted flexibly to allow for approval of reasonable extensions.

**FINDING(S) AND RECOMMENDATION(S)**

1. Adopt UIC program policy interpreting the MIT and PFOT rules as flexibly allowing the executive director to approve extensions of test dates not to exceed three months beyond the anniversary date of the previous year's testing.
2. UURW staff shall be responsible for Class I well MIT and PFOT compliance monitoring, tracking, and initiating enforcement. Accordingly, all questions regarding Class I MIT or PFOT issues should be referred to the UURW Section, and Questions 7, 8, and 9 of Section 3 (Records Review) of the TNRCC Disposal Well Inspection Checklist should be deleted.

**COMMENTS**

REVIEW COMPLETED BY	NAMES	INITIALS	DATE
<input checked="" type="checkbox"/> Technical Review Group	Ben Knappe, UIC	_____	_____
	Chuck Greene, UIC	_____	_____
<input type="checkbox"/> Section Technical Panel	Jim Boswell, UIC	_____	_____
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