310 CMR 27.00: UNDERGROUND INJECTION CONTROL REGULATIONS

Section

27.01: Purpose

The purpose of 310 CMR 27.00 is to protect underground sources of drinking water by regulating the underground injection of hazardous wastes, fluids used for extraction of minerals, oil, and energy and any other fluids having potential to contaminate groundwater as required by the Federal Safe Drinking Water Act, 42 U.S.C. §§ 300h through 300h-8. 310 CMR 27.00 is not intended to apply to the drilling, development, and rehabilitation of drinking water supply wells, water production wells, or monitoring wells. Specific sections of 310 CMR 27.00 should be read together with 310 CMR 15.000: *The State Environmental Code, Title 5: Standard Requirements for the Siting, Construction, Inspection, Upgrade and Expansion of On-site Sewage Treatment and Disposal Systems and for the Transport and Disposal of Septage*, 40.0000: *Massachusetts Contingency Plan*, 314 CMR 5.00: *Groundwater Discharge Permit Program*, and 20.00: *Reclaimed Water Permit Program and Standards*, which contain relevant information.

27.02: Definitions

As used in 310 CMR 27.00, the terms in 310 CMR 27.02 shall have the following meanings:

Aquifer means a geological formation, group of formations, or part of a formation that contains sufficient saturated permeable material to yield significant quantities of water to wells and springs.

Aquifer Remediation Well means any well used to inject fluids, nutrients, microbes, or gases into the subsurface for the purpose of discharging effluent from a groundwater treatment system, recovering contaminants (*e.g.*, air sparging), or enhancing/effecting *in-situ* remediation (*e.g.*, bioremediation).

Cesspool means a subsurface pit with open-jointed linings or holes in the bottom and/or sidewalls into which untreated sanitary waste is injected; the liquid portion of the sanitary waste is disposed of by seeping or leaching into the surrounding soils, and the solids or sludge are retained in the pit. Cesspools are nonconforming systems pursuant to 310 CMR 15.000: *The State Environmental Code, Title 5: Standard Requirements for the Siting, Construction, Inspection, Upgrade and Expansion of On-site Sewage Treatment and Disposal Systems and for the Transport and Disposal of Septage*.

Closure means the act of securing an injection well to prevent it from contaminating an underground source of drinking water, or from otherwise endangering the health of persons or the environment. A well that has gone through the closure process is referred to as closed.

Commissioner means the Commissioner of the Department of Environmental Protection.

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Conversion means a change in the operation of an injection well that results in a change in the existing classification of the injection well or results in a change in the injection well's type of injection within a specific class of injection well.

Department means the Massachusetts Department of Environmental Protection.

Dry Well means a subsurface pit with open-jointed lining or holes constructed above the water table so that the bottom and sides are typically dry except when receiving fluids.

Exempt Aquifer means an aquifer or its portion that has been exempted from 310 CMR 27.00 in accordance with the procedures in 310 CMR 27.07.

Experimental Technology means a technology which has not been proven feasible under the conditions in which it is being tested.

Fluid means any material or substance that is capable of movement whether in a semisolid, liquid, sludge, gas, or any other physical state.

Formation means a body of rock characterized by a degree of lithologic homogeneity, which is prevailingly, but not necessarily tabular and mappable on the earth's surface or traceable in the subsurface.

Formation Fluid means fluid present in a formation under natural conditions (as opposed to introduced fluids, such as drilling mud).

Groundwater means all water that exists beneath the land surface in soils or geologic formations, specifically that part of the subsurface water in the saturated zone.

Hazardous Waste means hazardous waste as defined in M.G.L. c. 21C, § 2.

Improved Sinkhole means a naturally occurring karst depression or other natural crevice found in volcanic terrain and other geologic settings which have been modified by man for the purpose of directing and emplacing fluids into the subsurface.

Inactive Well means a Class V injection well that is not currently being used for the purpose of underground injection but continues to be properly secured and maintained such that it is not receiving and does not have the potential to receive an underground injection.

Injection means the emplacement of fluids into a formation by gravity or greater pressure through a well.

Injection Well means a well into which fluids are being introduced.

Local Approving Authority means the board of health or its authorized agent or an agent of a health district constituted pursuant to M.G.L. c. 111, § 27, acting on behalf of the applicable board of health.

Motor Vehicle Waste Disposal Well means a well that receives or has received fluids from vehicular repair or maintenance activities, such as an auto body repair shop, automotive repair shop, new and used car dealerships, specialty repair shop (*e.g.*, transmission and muffler repair shops), or any facility that does vehicular repair work.

Nonpoint Source means a diffuse source that is not regulated as a point source and is normally associated with precipitation and runoff from the land or percolation.

On-site System or Disposal System or On-site Subsurface Sewage Disposal System or System means a system or series of systems for the treatment and disposal of sanitary sewage below the ground surface on a facility.

(a) The standard components of a system are: a building sewer; a septic tank to retain solids and scum; a distribution box; a soil absorption system containing effluent distribution lines to distribute and treat septic tank effluent prior to injection into appropriate subsurface soils; and a reserve area.

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(b) These terms also include Tight Tanks, Shared Systems and Alternative Systems. Unless the text of 310 CMR 15.000: *The State Environmental Code, Title 5: Standard Requirements for the Siting, Construction, Inspection, Upgrade and Expansion of On-site Sewage Treatment and Disposal Systems and for the Transport and Disposal of Septage* indicates otherwise, these terms also include nonconforming systems as defined by 310 CMR 15.000.

Owner means the owner of any injection well subject to 310 CMR 27.00.

Operator means the operator of any injection well subject to 310 CMR 27.00.

Person means any individual, partnership, corporation, firm, association, authority, trust, or group, including, but not limited to a city, town, county, district, the Commonwealth and its agencies, and the federal government.

Plugging means the act or process of stopping the flow of water, oil, or gas into or out of a formation through a borehole or well penetrating that formation.

Pollutant means any element or property of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter, in whatever form and whether originating at a point or major nonpoint source, which is or may be discharged, drained, or otherwise introduced into any sewage system, treatment works, or waters of the Commonwealth.

Radioactive Waste means any waste which contains radioactive material in concentrations which exceed those listed in federal regulations at 10 CFR Part 20: *Appendix B, Table 2, column 2*.

Sanitary Waste means any liquid or solid wastes originating solely from humans and human activities, such as wastes collected from toilets, showers, wash basins, sinks used for cleaning domestic areas, sinks used for food preparation, clothes washing operations, and sinks or washing machines where food and beverage serving dishes, glasses, and utensils are cleaned. Sources of these wastes may include single or multiple residences, hotels and motels, restaurants, bunkhouses, schools, ranger stations, crew quarters, guard stations, campgrounds, picnic grounds, day-use recreation areas, other commercial facilities, and industrial facilities provided the waste is not mixed with industrial waste.

Soil Absorption System means a system of trenches, galleries, chambers, pits, field(s) or bed(s) together with effluent distribution lines and aggregate which is installed in appropriate soils to receive and distribute fluids below the surface of the ground.

Total Dissolved Solids means the total dissolved (filterable) solids as determined by the use of the method specified in 40 CFR Part 136 or other method approved by the Department.

Type of Injection refers to the nature of the wastewater injected into the well. Types of Injection for Class V wells include, but are not limited to the following: open-loop geothermal, stormwater, water purification backwash, groundwater infiltration, non-contact cooling water, aquaculture, aquifer storage, motor vehicle waste disposal, motor vehicle rinse water, large capacity cesspools; subsidence control; and radioactive waste.

UIC means the Underground Injection Control program under Part C of the Safe Drinking Water Act (P.L. 95-523), as amended by P.L. 95-502; 42 U.S.C. §§ 300h through 300h-8.

Underground Injection means the subsurface emplacement of fluids through a well.

Underground Source of Drinking Water (USDW) means an aquifer or its portion which supplies any public water supply system; or which contains a sufficient quantity of groundwater to supply a public water supply system; and either currently supplies drinking water for human consumption, or contains less than 10,000 mg/l total dissolved solids; and which is not an exempt aquifer.

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Well means any structure, including but not limited to a bored, drilled, or driven shaft, a dug hole, seepage pit, an improved sinkhole, or a soil absorption system that injects directly to the subsurface regardless of the depth below ground surface of the injection. A ground surface injection structure is considered a well for the purpose of these regulations if the depth is greater than its largest surface dimension. Ground surface injection to a trench or seepage pit that has been filled with greater than 18 inches of permeable fill material is considered a well, regardless of the depth and width dimensions.

27.03: Classes of Injection Wells

(1) Class I.
(a) wells used by generators of hazardous wastes or owners or operators of hazardous waste management facilities to inject fluids beneath the lowermost formation containing a USDW within ¼ mile of the well bore;
(b) other industrial or municipal wells which inject fluids beneath the lowermost formation containing, within ¼ mile of the well bore, an underground source of drinking water; and
(c) radioactive waste disposal wells which inject fluids below the lowermost formation containing an underground source of drinking water within ¼ mile of the well bore.

(2) Class II. Wells used to inject fluids:
(a) which are brought to the surface in connection with conventional oil or natural gas production and that may be commingled with wastewater from gas plants as an integral part of production operations, unless those waters are classified as hazardous waste at the time of injection;
(b) for enhanced recovery of oil or natural gas; and
(c) for storage of hydrocarbons that are liquid at standard temperature and pressure.

(3) Class III. Wells used for extraction of minerals including:
(a) mining of sulfur by the Frasch process;
(b) solution mining of minerals;
(c) *in situ* combustion of fossil fuel; and
(d) *in situ* production of uranium or other metals.

This category includes only *in situ* production from ore bodies which have not been conventionally mined. Solution mining of conventional mines (such as stopes leaching) is regulated as Class V.

(4) Class IV. Wells used by generators of hazardous or radioactive wastes, by owners or operators of hazardous waste management facilities, by owners or operators of radioactive waste disposal sites, or by any other person to dispose of hazardous wastes or radioactive wastes into or above a formation containing a USDW within ¼ mile of the well bore.

(5) Class V. Injection wells not included in Classes I, II, III, or IV. Class V injection wells are further defined in 310 CMR 27.05.

27.04: Prohibited Activities

(1) No person shall inject fluids into or through any Class I, II, or III injection well and no person shall construct, install, operate or maintain any Class I, II, or III injection well.

(2) No person shall construct, install, operate or maintain a Class IV well that is not part of a response action conducted or performed in compliance with M.G.L. c. 21E and 310 CMR 40.0000: *Massachusetts Contingency Plan*, or in use for the purpose of remediation at a release site pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), 42 U.S.C. §§ 9601 through 9675, or the requirements and provisions of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. §§ 6901 through 6992k.

(3) No person shall inject or cause to be injected any fluid into or through a registered Class V well:

27.04: continued

(a) where that injection may cause or allow the movement of fluid containing any pollutant into underground sources of drinking water and the presence of that pollutant causes or is likely to cause a violation of 310 CMR 22.00: *Drinking Water*;
(b) where that injection may impair the use of ground water as an actual or potential source of potable water; or
(c) which in the opinion of the Department adversely affects or may adversely affect the health of persons.

(4) No person shall construct or install a cesspool of any size.

(5) An existing cesspool that has a design flow of 2,000 gallons per day (gpd) or greater is failing to protect public health and safety and the environment. Any owner of a cesspool with a design flow of 2,000 gpd or greater shall:
(a) 30 days prior to upgrade of the cesspool notify the Department's Underground Injection Control program and the local approving authority on a *UIC Class V Well Registration and Pre-closure Notification Form* available from the Department of the owner's intent to upgrade the cesspool by April 5, 2005; and
(b) by April 5, 2005, upgrade each cesspool, that has a design flow of 2,000 gallons per day or greater, in accordance with 310 CMR 15.404: *Maximum Feasible Compliance - Approvals for Upgrades* and 15.405: *Contents of Local Upgrade Approval* unless either:
1. an earlier date for an upgrade is required by the Department or the local approving authority pursuant to 310 CMR 15.303(2); or
2. an earlier date for an upgrade is required by 310 CMR 15.305: *Deadlines for Completion of Upgrades*.

(6) No person shall construct, install, operate or maintain a motor vehicle waste disposal well in the Commonwealth.

(7) The existence of any of the following wells is prohibited and the owner of such well shall properly close it in accordance with 310 CMR 27.10 and 27.12:
(a) a Class V injection well that is either receiving an underground injection for which it is not registered, or which has the potential to receive such an injection because it is not properly secured and maintained;
(b) an observation, monitoring, or production well that is either receiving an underground injection or has the potential to do so because it is not properly secured and maintained; and
(c) a borehole that was not properly sealed after the soil collection activities were completed or after the termination of well installation activities prior to well completion.

(8) No person shall inject fluids into or through any Class V injection well that is not maintained in accordance with 310 CMR 27.00 and registered in accordance with 310 CMR 27.08, unless the well is exempt from registration under 310 CMR 27.07(2).

27.05: Authorized Activities

(1) Any person may construct, install, operate or maintain a Class IV or Class V aquifer remediation well in the conduct or performance of a response action in accordance with the provisions of M.G.L. c. 21E, 310 CMR 40.0000: *Massachusetts Contingency Plan*, or for the purpose of remediation at a release site, pursuant to CERCLA, 42 U.S.C. §§ 9601 through 9675, or RCRA, 42 U.S.C. §§ 6901 through 6992k. Well authorization under 310 CMR 27.05 is also contingent upon remaining in compliance with 310 CMR 27.00 including, but not limited to, the registration requirements in 310 CMR 27.08.

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(2) Any person may construct, install, operate or maintain a Class V well in compliance with 310 CMR 27.00 and other applicable regulations and statutes including, but not limited to M.G.L. c. 21, § 43; 314 CMR 5.00: *Ground Water Discharge Permit Program*; 310 CMR 15.000: *The State Environmental Code, Title 5: Standard Requirements for the Siting, Construction, Inspection, Upgrade and Expansion of On-site Sewage Treatment and Disposal Systems and for the Transport and Disposal of Septage*; and 248 CMR 10.00: *Uniform State Plumbing Code*. Class V wells shall include but not be limited to the following types of injections:

(a) effluent from a heat exchanger;
(b) non-contact cooling water;
(c) stormwater runoff;
(d) water purification backwash;
(e) uncontaminated water used to replenish or recharge an aquifer;
(f) uncontaminated fresh water used to create a salt water intrusion barrier to prevent the intrusion of salt water into the fresh water;
(g) wastewater from on-site subsurface sewage disposal systems regulated under 314 CMR 5.00: *Ground Water Discharge Permit Program* or 310 CMR 15.00: *The State Environmental Code, Title 5: Standard Requirements for the Siting, Construction, Inspection, Upgrade and Expansion of On-site Sewage Treatment and Disposal Systems and for the Transport and Disposal of Septage*;
(h) uncontaminated water used for the purpose of subsidence control (*i.e.*, to reduce or eliminate subsidence associated with the overdraft of groundwater);
(i) wastewater from the recovery of geothermal energy for heating, aquaculture and the production of electrical power;
(j) aquaculture wastewater;
(k) other types of aquifer remediation discharges not included in 310 CMR 27.05(1);
(l) process water and wastewater disposal;
(m) groundwater infiltration;
(n) swimming pool drainage;
(o) experimental technology wastewater; and
(p) other types of groundwater discharges regulated under 314 CMR 5.00: *Ground Water Discharge Permit Program* that also meet the definition of 310 CMR 27.02: Well.

(3) Well authorization under 310 CMR 27.05, for discharges that have applied for and received MassDEP approval for UIC registration, expires on the effective date of any Department-issued permit for that discharge, or upon the proper closure of the well in compliance with 310 CMR 27.10.

27.06: Protection

(1) No person shall conduct an activity that is prohibited by 310 CMR 27.00 or that will endanger an aquifer or portion of an aquifer that meets the definition of an underground source of drinking water. The following guidance documents describe methods and procedures the Department deems likely to achieve this standard:

(a) MassDEP *Standard Design Guidelines for Shallow UIC Class V Injection Wells*;
(b) MassDEP *Guidelines for Ground Source Heat Pump Wells*;
(c) MassDEP fact sheet: *Registration of Discharges to the Ground from Pump Houses and Other Public Water System Facilities Including Discharges from In-line Analyzers*; and
(d) MassDEP *Massachusetts Stormwater Handbook*.

27.07: Exemption

(1) Aquifer. The Department may exempt an aquifer from being an underground source of drinking water if, after notice and an opportunity for a public hearing the Department determines, subject to the approval of the U. S. Environmental Protection Agency, that the aquifer:

(a) currently does not serve as a source of public drinking water; and,
(b) cannot now and will not in the future serve as a source of public drinking water because:
1. it is used to produce mineral, hydrocarbon or geothermal energy;
2. it is so contaminated that it would be economically or technologically impractical to render the water fit for human consumption; or

27.07: continued

3. it contains more than 3000 mg/l Total Dissolved Solids and it is not reasonably expected to be used as a source of public drinking water.

(2) Registration. The following Class V injection wells are exempt from the registration requirements of 310 CMR 27.08:

(a) on-site subsurface sewage disposal systems used solely for the disposal of sanitary sewage and regulated under 310 CMR 15.000: *The State Environmental Code, Title 5: Standard Requirements for the Siting, Construction, Inspection, Upgrade and Expansion of On-site Sewage Treatment and Disposal Systems and for the Transport and Disposal of Septage*;

(b) Class V injection wells permitted under 314 CMR 5.00: *Ground Water Discharge Permit Program*; and

(c) Class V injection wells on properties that are only used for one single-family residential unit, and that are only used for one or more of the following types of discharges:

1. stormwater runoff;
2. water purification backwash;
3. wastewater from the recovery of geothermal energy for heating, or water used for cooling;
4. groundwater infiltration; and
5. swimming pool drainage.

27.08: Registration

(1) The owner and operator of an existing, proposed, or closed Class IV or Class V well that meets any of the following criteria shall jointly submit an electronic registration application to the Department using the Department's electronic filing system (unless the Department indicates that an alternative filing format is acceptable at the time of filing, or unless the Department grants a hardship exemption that allows for paper submission on a form available from the Department) in accordance with the following:

(a) Unless exempt pursuant to 310 CMR 27.07, the owner and operator of a Class V well in existence as of September 13, 2002, shall jointly submit a registration application to the Department for each such well by January 1, 2003;

(b) Unless exempt pursuant to 310 CMR 27.07, the owner and operator of a Class V injection well first put into use after September 13, 2002, shall jointly submit a registration application to the Department prior to commencing any injection;

(c) The owner and operator of a registered Class IV or Class V injection well shall jointly submit a registration application to the Department prior to any conversion of the injection well's class or type of injection;

(d) Unless exempt pursuant to 310 CMR 27.07, the owner or operator or Massachusetts Licensed Site Professional (LSP) of record of a property with an existing Class IV or Class V aquifer remediation well authorized by 310 CMR 27.05(1) shall submit the information required by 310 CMR 27.08(2) on a form provided by the Department by the following deadlines:

1. by April 1, 2017, for a well in existence as of October 1, 2016; or
2. within 30 days after commencing any injection for a well first put into use after October 1, 2016; and

(e) The owner and operator of a Class V injection well that has become an inactive well or has gone through a closure process for which a Department-issued UIC registration number has not been issued shall jointly submit a registration application to the Department unless that well was closed prior to September 13, 2002.

(2) A registration application submitted to the Department by the owner and operator of an existing, proposed, or closed Class IV or Class V well shall be signed by both the owner and operator of the well and shall include all information requested by the form including, but not limited to, the following:

(a) facility name;
(b) facility location;
(c) name of facility owner;
(d) legal contact for facility owner;

27.08: continued

(e) name of facility operator;
(f) legal contact for facility operator;
(g) nature and type of well(s); and
(h) operating status of well(s).

(3) Failure by the Department to approve, approve with conditions or deny a complete application within the timelines established in 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, shall be deemed to be an approval of the application.

(4) No person may commence or convert any injection into a well for which a registration application has been submitted pursuant to 310 CMR 27.08(1)(b) or (c), until the registration is approved by the Department.

(5) The Department may deny a registration application or impose conditions on its approval of a registration application if it determines that:

(a) the injection well does not conform to the applicable standards for registration established by 310 CMR 27.00;
(b) the injection is causing or allowing, or may cause or allow, the movement of fluid containing any pollutant into underground sources of drinking water and the presence of that pollutant is causing or is likely to cause a violation of 310 CMR 22.00: *Drinking Water*;
(c) the injection is impairing or may impair the use of ground water as an actual or potential source of potable water;
(d) the injection is adversely affecting or may adversely affect the health of persons;
(e) the application was not timely submitted in accordance with 310 CMR 27.08(1);
(f) the application is incomplete; or
(g) the applicant has submitted information in the registration application which the applicant knew or reasonably should have known was false or misleading.

(6) No person may continue any injection into a well for which a registration application has been submitted pursuant to 310 CMR 27.08(1)(a) or (d) if the registration is denied by the Department.

Links to the UIC regulations and guidelines, UIC registration filing instructions, and a link to the Department's electronic filing system can be found at: http://www.mass.gov/eea/agencies/massdep/water/drinking/underground-injection-control.html.

27.09: Requiring a Permit

The Department may require the owner and/or operator of any Class V well to obtain a Massachusetts Groundwater Discharge Permit under 314 CMR 5.00: *Ground Water Discharge Permit Program* as the Department deems necessary for the protection of a USDW, the environment, or public health.

27.10: Well Closure

(1) Compliance with M.G.L. c. 21E, CERCLA or RCRA. Each person performing a remedial activity as part of an injection well closure shall perform such activity in accordance with the provisions of M.G.L. c. 21E, 310 CMR 40.0000: *Massachusetts Contingency Plan*, CERCLA, 42 U.S.C. §§ 9601 through 9675, and RCRA, 42 U.S.C. §§ 6901 through 6992k, as applicable.

(2) Minimum Closure Requirements. The owner and operator of a Class IV or Class V well shall properly close the well upon the termination of the use of the well for the type of Class IV or Class V injection for which it was permitted or registered. At a minimum, the owner and operator shall undertake the following activities:

(a) eliminate well or injection:

1. the well shall be physically removed or plugged to permanently prevent the vertical movement of water within the well; all physical hazards at the ground surface associated with the well's construction or location shall be eliminated; and all inlets into the drainage system leading to the well shall be permanently sealed; or

27.10: continued

2. the well is authorized by and permitted in accordance with 314 CMR 5.00: *Ground Water Discharge Permit Program*; or

3. all inlets to the well that are associated with the Class IV or Class V type of injection shall be permanently eliminated or sealed. This option may only be exercised if the well has been converted to, or was already in use for, another type of withdrawal or injection activity for which all necessary approvals have been obtained;

(b) assess all soil, gravel, sludge, liquids or other materials adjacent to the injection well and all components of the drainage system leading to the injection well;

(c) remove and dispose of any contaminated soil, gravel, sludge, liquids or other materials adjacent to the injection well and all contaminated components of the drainage system leading to the injection well in accordance with all federal, state, and local requirements;

(d) except as provided in 310 CMR 27.10(2)(e):

1. 30 days prior to closure, submit to the Department the applicable Class V Well *Pre-closure Notification Form* available from the Department; and

2. within seven days following completion of closure of the injection well, submit to the Department documentation of closure on a *Post-closure Notification Form* available from the Department;

(e) within 30 days of completion of the closure of a Class IV or Class V aquifer remediation well authorized by 310 CMR 27.05(1), submit to the Department documentation of closure on a form provided by the Department for such purpose; and

(f) prior to sealing each floor drain, submit to the Department a completed *Form WS1, Notice of Plumbing Inspector Approval to Seal Floor Drain*.

(3) Additional Closure Activities. If the Department determines that it is likely that there has been movement of injection or formation fluids into any USDW or a release or threat of release of oil and/or hazardous material to the environment, the Department may require and the owner and operator of the well shall complete any additional closure measures the Department deems necessary for the preservation of the USDW.

(4) The Department's guidance document entitled, *Massachusetts Closure Guidance for Underground Injection Control (UIC) Wells (including shallow injection wells*), Guidance # BRP/DWM/DW/G04-3, describes methods and procedures which the Department deems likely to satisfy the requirements of 310 CMR 27.10.

27.11: Recordkeeping and Reporting

(1) The owner and operator of a registered Class IV or Class V well shall make all existing records and information concerning the construction and operation of the well available to the Department within ten days of receipt of a request by the Department, unless the Department agrees in writing to a later date.

(2) Records shall be kept by the owner and operator of a registered Class IV or Class V well for a period of at least three years from the date of any sample, measurement, report, or application. This period may be extended by request of the Department.

(3) Records associated with the nature and composition of all injected fluids shall be kept by the owner and operator for a period of at least three years from the date of closure of a registered Class IV or Class V well.

(4) If requested by the Department, the owner and operator of a registered Class IV or Class V well shall deliver records kept pursuant to 310 CMR 27.11 to the Department, in an electronic format or another format acceptable to the Department, at the conclusion of their retention period.

27.12: Corrective Action

(1) The Department may require closure of any injection well if it determines that closure is necessary for the protection of any USDW, the environment, or public health, or if the well or any injection into or through the well does not comply with 310 CMR 27.00.

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(2) If the Department determines that closure of a well is necessary pursuant to 310 CMR 27.12(1), the owner and operator of the well shall close the well in accordance with 310 CMR 27.10 and 27.12(4).

(3) The owner and operator of an injection well that is in violation of 310 CMR 27.04 shall close the well in accordance with 310 CMR 27.10 and 27.12(4).

(4) The owner and operator of the well shall immediately prevent fluids from entering into or through the well until the well or injection has been eliminated in accordance with 310 CMR 27.10(2)(a) or until:

(a) the injection is connected to a municipal sanitary sewer line in accordance with 314 CMR 7.00: *Sewer System Extension and Connection Permit Program*;

(b) the injection is connected to a tight tank provided the connection complies with all applicable Department regulations; or

(c) the injection is addressed under a plan approved by the Department.

27.13: Right of Entry

(1) The owner and operator of a Class IV or Class V well shall allow the Department and its authorized representatives to:

(a) Enter upon the premises where the well is located, or where records required to be maintained by 310 CMR 27.00 or the terms and conditions of the registration are kept;

(b) Have access to and copy, at reasonable times, any records that must be kept pursuant to 310 CMR 27.00 or the terms and conditions of the registration;

(c) Inspect at reasonable times any facilities, equipment, practices, or operations regulated or required by 310 CMR 27.00 or the terms and conditions of the registration; and

(d) Sample, monitor or test at reasonable times for the purpose of determining compliance with the terms and conditions of the registration and 310 CMR 27.00.

27.14: Orders, Violations and Penalties

(1) Orders. The Department may issue such orders as necessary to aid in the implementation and enforcement of M.G.L. c. 21, § 27, c. 21A, § 2(28), c. 111, § 160, and 310 CMR 27.00. Such orders may include, but shall not be limited to, orders requiring persons to cease any activity that is in violation of 310 CMR 27.00 or to carry out such activities necessary to bring such person into compliance. The Department may also require any person to provide information, in a timeframe specified by the Department, that the Department deems necessary to determine whether such person is subject to, in violation of, or has violated M.G.L. c. 21, § 27, c. 21A, § 2(28), c. 111, § 160, or 310 CMR 27.00

(2) Violations. It shall be a violation of M.G.L. c. 111, § 160, and 310 CMR 27.00 to:

(a) Fail to comply with any order of the Department;

(b) Inject fluids into or through any Class I, II, III, IV or V injection well contrary to the requirements of 310 CMR 27.00 or the terms and conditions of any registration issued pursuant to 310 CMR 27.00, or to construct, install, operate or maintain any Class I, II, III, IV or V injection well contrary to the requirements of 310 CMR 27.00 or the terms and conditions of any registration issued pursuant to 310 CMR 27.00;

(c) Fail to submit a timely registration application for an activity that requires registration pursuant to 310 CMR 27.08;

(d) Make any false, inaccurate, incomplete or misleading statement in any record, report, plan, log, register, registration, application or other document submitted to the Department or required to be kept or maintained by 310 CMR 27.00 or the terms and conditions of a registration issued pursuant to 310 CMR 27.00;

(e) Fail to provide any information requested by the Department pursuant to 310 CMR 27.00 or a registration or order issued pursuant to M.G.L. c. 111, § 160, or 310 CMR 27.00.

(3) Penalties. Any person violating 310 CMR 27.00 shall be subject to the full range of legal actions authorized by M.G.L. c. 21A, § 16, c. 111, § 160, 310 CMR 27.00 and any other applicable law or regulations including, without limitation, criminal fines, imprisonment, and civil and administrative orders and penalties.

27.15: Severability

If any provision of 310 CMR 27.00 or its application is held invalid, such invalidity shall not affect other provisions or applications of 310 CMR 27.00 which can be given effect without the invalid provision or application, and the provisions of 310 CMR 27.00 are declared to be severable.

REGULATORY AUTHORITY

310 CMR 27.00: M.G.L. c. 21, § 27, c. 21A, § 2(28) and c. 111, § 160.