

ILLINOIS POLLUTION CONTROL BOARD
June 30, 1988

IN THE MATTER OF:)
)
UIC UPDATE, USEPA REGULATIONS) R88-2
(7-1-87 THROUGH 12-31-87))

FINAL ORDER. ADOPTED RULE

ORDER OF THE BOARD (by J. Anderson):

Pursuant to Section 13(c) of the Environmental Protection Act (Act), the Board is amending the UIC regulations found in 35 Ill. Adm. Code 704.

On January 7, 1988 the Board opened this docket for the purpose of updating the UIC rules to agree with recent USEPA amendments.

Section 13 of the Act governs adoption of regulations establishing the UIC program in Illinois. Section 13(c) provides for quick adoption of regulations which are "identical in substance" to federal regulations; Section 13(c) provides that Title VII of the Act and Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the Administrative Procedure Act, it is not subject to first notice or to second notice review by the Joint Committee on Administrative Rules (JCAR). The federal UIC regulations are found at 40 CFR 144 and 146. This rulemaking updates Illinois' UIC rules to correspond with federal amendments during the period July 1 through December 31, 1987.

This Order is supported by an Opinion adopted this same day. The complete text of the amendments is as follows:

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER b: PERMITS

PART 704
UIC PERMIT PROGRAM

SUBPART A: GENERAL PROVISIONS

Section	Content
704.101	Content
704.102	Scope of the Permit or Rule Requirement
704.103	Identification of Aquifers
704.104	Exempted Aquifers
704.105	Specific Inclusions and Exclusions

704.106 Classification of Injection Wells
704.107 Definitions

SUBPART B: PROHIBITIONS

Section
704.121 Prohibition of Unauthorized Injection
704.122 Prohibition of Movement of Fluid into USDW
704.123 Identification of USDW and Exempted Aquifers
704.124 Prohibition of Class IV Wells

SUBPART C: AUTHORIZATION OF UNDERGROUND INJECTION BY RULE

Section
704.141 Existing Class I and III Wells
704.142 Existing Class IV Wells, not into USDW (Renumbered)
704.143 Expiration of Authorization
704.144 Requirements
704.145 Existing Class IV Wells
704.146 Class V Wells
704.147 Requiring a Permit
704.148 Inventory Requirements
704.149 Requiring other Information
704.150 Requirements for Class I and III Wells authorized by Rule
704.151 RCRA Interim Status for Class I Wells

SUBPART D: APPLICATION FOR PERMIT

Section
704.161 Application for Permit; Authorization by Permit
704.162 Area Permits
704.163 Emergency Permits
704.164 Signatories to Permit Applications

SUBPART E: PERMIT CONDITIONS

Section
704.181 Additional Conditions
704.182 Establishing UIC Permit Conditions
704.183 Construction Requirements
704.184 Corrective Action
704.185 Operation Requirements
704.186 Hazardous Waste Requirements
704.187 Monitoring and Reporting
704.188 Plugging and Abandonment
704.189 Financial Responsibility
704.190 Mechanical Integrity
704.191 Additional Conditions
704.192 Waiver of Requirements by Agency
704.193 Corrective Action

SUBPART F: REQUIREMENTS FOR WELLS INJECTING HAZARDOUS WASTE

Section
704.201 Applicability
704.202 Authorization
704.203 Requirements

SUBPART G: FINANCIAL RESPONSIBILITY FOR CLASS I
HAZARDOUS WASTE INJECTION WELLS

Section
704.210 Applicability
704.211 Definitions
704.212 Cost Estimate for Plugging and Abandonment
704.213 Financial Assurance for Plugging and Abandonment
704.214 Trust Fund
704.215 Surety Bond Guaranteeing Payment
704.216 Surety Bond Guaranteeing Performance
704.217 Letter of Credit
704.218 Plugging and Abandonment Insurance
704.219 Financial Test and Corporate Guarantee
704.220 Multiple Financial Mechanisms
704.221 Financial Mechanism for Multiple Facilities
704.222 Release of the Owner or Operator
704.230 Incapacity
704.240 Wording of the Instruments

AUTHORITY: Implementing Sections 13 and 22.4 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1981, ch. 111 1/2, pars. 1013, 1022.4 and 1027).

SOURCE: Adopted in R81-32, at 47 PCB 95, at 6 Ill. Reg. 12479, effective as noted in 35 Ill. Adm. Code 700.106; amended in R82-19, at 7 Ill. Reg. 14402, effective as noted in 35 Ill. Adm. Code 700.106; amended in R83-39, at 55 PCB 319, at 7 Ill. Reg. 17338, effective December 19, 1983; amended in R85-23 at 10 Ill. Reg. 13290, effective July 29, 1986; amended in R87-29 at 12 Ill. Reg. 6687, effective March 28, 1988; amended in R88-2 at 12 Ill. Reg. , effective

SUBPART C: AUTHORIZATION OF UNDERGROUND INJECTION BY RULE

Section 704.151 RCRA Interim Status for Class I Wells

The minimum standards which define acceptable injection of hazardous waste during the period of interim status under 35 Ill. Adm. Code 703 are set out in the applicable provisions of this Part, 35 Ill. Adm. Code 725.530 and 730. The issuance of a UIC permit does not automatically terminate interim status. A Class I well's interim status does, however, automatically terminate upon issuance to that well of a RCRA permit, or upon the well's receiving a RCRA permit by rule under 35 Ill. Adm. Code 703.141. Thus, until a Class I well injecting hazardous waste

receives a RCRA permit or RCRA permit by rule, the well's interim status requirements are the applicable requirements imposed pursuant to this Part and 35 Ill. Adm. Code 725 and 730, including any requirements imposed in the UIC permit.

(Board Note: See 40 CFR 144.1(h), as adopted at 52 Fed. Reg. 45797, December 1, 1987)

Source: Added at 12 Ill. Reg. effective

SUBPART D: APPLICATION FOR PERMIT

Section 704.161 Application for Permit; Authorization by Permit

- a) Permit application. Except for owners or operators authorized by rule, all underground injections are prohibited unless authorized by permit. Persons currently authorized by rule must still apply for a permit as specified in subsection (b) unless the authorization was for a Class V well under Section 704.146. Rules authorizing well injections for which permit applications have been submitted shall lapse for a particular well injection or project upon the effective date of the permit or permit denial for that well injection or project. Procedures for application issuance and administration of emergency permits are found exclusively in Section 704.163.

(Board Note: See 40 CFR 144.31(a) (1987))

- b) Time to apply. Any person who performs or proposes an underground injection for which a permit is or will be required shall submit an application to the Agency as follows:
- 1) For existing wells:
 - A) Within 180 days after the Agency notifies such person that an application is required; or
 - B) If the waste being injected into the well is a hazardous waste accompanied by a manifest or delivery document, by August 1, 1984; or
 - C) Except as otherwise provided in subsections (b)(1)(A) and (b)(1)(B), by February 1, 1986.
 - 2) For new injection wells, except new wells in projects authorized under Section 704.141 or covered by an existing area permit under Section

704.162(c), a reasonable time before construction is expected to begin.

(Board Note: See 40 CFR 144.31(c) (1987))

c) Contents of UIC application. The applicant shall demonstrate that the underground injection will not endanger drinking water sources. The form and content of the UIC permit application may be prescribed by the Agency including the materials required by 35 Ill. Adm. Code 702.123.

d) Information requirements for Class I hazardous waste injection wells.

1) The following information is required for each active Class I hazardous waste injection well at a facility seeking a UIC permit:

A) Dates well was operated.

B) Specification of all wastes which have been injected into the well, if available.

2) The owner or operator of any facility containing one or more active hazardous waste injection wells must submit all available information pertaining to any release of hazardous waste or constituents from any active hazardous waste injection well at the facility.

3) The owner or operator of any facility containing one or more active Class I hazardous waste injection wells must conduct such preliminary site investigations as are necessary to determine whether a release is occurring, has occurred or is likely to have occurred.

(Board Note: See 40 CFR 144.31(g) (1987), as amended at 52 Fed. Reg. 45797, December 1, 1987)

d- e) In addition to the materials required by 35 Ill. Adm. Code 702.123, the applicant shall identify and submit on a list with the permit application the names and addresses for all owners of record of land within one-quarter mile (401 meters) of the facility boundary. This requirement may be waived by the Agency where the site is located in a populous area such that the requirement would be impracticable.

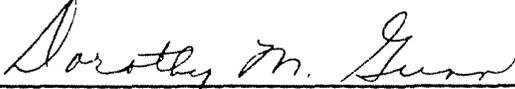
(Board Note: See 40 CFR 144.31-(a), (c), (g) and (e)(9) (1987))

Source: Amended at 12 Ill. Reg.
effective

The Board will withhold filing of these amendments until July 15, 1988, in order to allow time for motions for reconsideration by the agencies involved in the authorization process.

IT IS SO ORDERED

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 30th day of June, 1988, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board