

John Therriault - R11-14 UIC Update-Telephone communication for file as P.C.

From: Mike McCambridge
To: Therriault, John
Date: 2/8/2011 10:01 AM
Subject: R11-14 UIC Update-Telephone communication for file as P.C.
CC: Crowley, Kathleen; Girard, Tanner; Kyle.Rominger@illinois.gov; Tipsord, Marie

RECEIVED
CLERK'S OFFICE

FEB 08 2011

STATE OF ILLINOIS
Pollution Control Board

PCH 1

John Therriault: Please place a copy of this e-mail in docket R11-14 as a public comment.

I received a call last Monday (January 31, 2011) from Kyle Rominger, Illinois EPA Div. Legal Counsel. He wanted to know the status and projected timing on the R11-14 UIC Update amendments. USEPA adopted rules establishing and governing a new Class VI of injection wells that are used for carbon sequestration. The Agency is debating whether to pursue State implementation of the federal requirements.

I told Mr. Rominger that the work on the R11-14 amendments had not yet begun, and that a proposal would not be ready for several weeks. I suggested that the Agency could address the issues relating to the scope of the Board's IIS mandate and whether Illinois should adopt the Class VI rules by way of public comment after appearance of the proposal. I stated that the comment period was the appropriate time to consider any issues relative to whether the Board should adopt the Class VI injection well rules. I further told Mr. Rominger that the Agency could always request that the Board delay action on any IIS rule, and the Board would weigh any such request consistent with the one-year mandate, subject to minimally necessary extension upon demonstration of reasons for delay.

When asked if the Board has confronted similar instances of whether to adopt USEPA rules, I stated that the Board is generally required to adopt rules within the scope of an IIS mandate. I told Mr. Rominger of the recent experience with the Aircraft Drinking Water Rule under the Board's SDWA-related IIS mandate in R10-1/R10-17/R11-6. I explained that the Board proposed the ADWR because the ADWR was a National Primary Drinking Water Regulation, as such are generally within the scope of the Board's IIS mandate, but the Board did not adopt the ADWR because USEPA contemplated direct implementation without states' involvement. I also raised the fact that the Board does not regulate Class II wells (oil and gas extraction wells), which are regulated by another State agency. I explained that I was unfamiliar with the history behind the Class II wells. Mr. Rominger was aware that Board regulations have historically not regulated Class II injection wells.

Michael J. McCambridge
 Attorney
 Illinois Pollution Control Board
 312-814-6924



Print Only When
Necessary

Green
Government