

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: UIC Permit Program
- 2) Code Citation: 35 Ill. Adm. Code 704
- 3) Section Numbers: Proposed Action:
704.150 Amend
704.187 Amend
- 4) Statutory Authority: 415 ILCS 5/7.2, 13, 22.4, and 27
- 5) A Complete Description of the Subjects and Issues Involved: The amendments to Part 704 are a single segment of the docket R13-15 rulemaking that also affects 35 Ill. Adm. Code 703, 720, 722, 724, 725, 726, 727, 728 and 738, each of which is covered by a separate notice in this issue of the *Illinois Register*. To save space, a more detailed description of the subjects and issues involved in the docket R13-15 rulemaking in this issue of the *Illinois Register* only in the answer to question 5 in the Notice of Adopted Amendments for 35 Ill. Adm. Code 703. A comprehensive description is contained in the Board's opinion and order of June 20, 2013, proposing amendments in docket R13-15, which opinion and order is available from the address below.
- Specifically, the amendments to Part 704 facilitate updating the incorporations by reference and make corrections that the Board has determined are needed. The Board's opinion and order of June 20, 2013 in docket R13-15 discusses the more substantial corrections made in the text. Tables that appear in that opinion and order list all of the various corrections and amendments included in this proceeding. Persons interested in the details of those corrections and amendments should refer to the June 20, 2013 opinion and order in docket R13-15.
- Section 22.4 of the Environmental Protection Act [415 ILCS 5/22.4] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No

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- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No. The centralized location of all incorporations by reference for the purposes of all of the Illinois hazardous waste and underground injection control regulations, including Part 704, is 35 Ill. Adm. Code 720.111.
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b) (2010)].
- 11) Are there any other rulemakings pending on this Part? No
- 12) Time, Place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference docket R13-15 and be addressed to:

John T. Therriault, Assistant Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

Please direct inquiries to the following person and reference docket R13-15:

Michael J. McCambridge
Staff Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60601

Phone: 312/814-6924
E-mail: mccambm@ipcb.state.il.us

Request copies of the Board's opinion and order at 312-814-3620, or download a copy from the Board's Website at <http://www.ipcb.state.il.us>.

- 13) Initial regulatory flexibility analysis:

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- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking may affect those small businesses, small municipalities, and not-for-profit corporations that generate, transport, treat, store, or dispose of hazardous waste. These proposed amendments do not create or enlarge a state mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b) (2010)].
- B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records. These proposed amendments do not create or enlarge a state mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b) (2010)].
- C) Types of Professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer. These proposed amendments do not create or enlarge a state mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b) (2010)].
- 14) Regulatory Agenda on which this rulemaking was summarized: December 2012

The full text of the Proposed Amendments begins on the next page:

EXEMPT

JCAR350704-1309187r01

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
704.108	Electronic Reporting

SUBPART B: PROHIBITIONS

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704.121	Prohibition Against Unauthorized Injection
704.122	Prohibition Against Movement of Fluid into USDW
704.123	Identification of USDWs and Exempted Aquifers
704.124	Prohibition Against Class IV Injection Wells
704.125	Prohibition Against Non-Experimental Class V Injection Wells for Geologic Sequestration
704.128	Requirements for Class VI Injection Wells
704.129	Transitioning from a Class II Injection Well to a Class VI Injection Well

SUBPART C: AUTHORIZATION OF UNDERGROUND INJECTION BY RULE

Section	Content
704.141	Existing Class I and III Injection Wells
704.142	Prohibitions Against Injection into Wells Authorized by Rule
704.143	Expiration of Authorization
704.144	Requirements
704.145	Existing Class IV Injection Wells
704.146	Class V Injection Wells
704.147	Requiring a Permit
704.148	Inventory Requirements

- 44 704.149 Requiring other Information
- 45 704.150 Requirements for Class I and III Injection Wells Authorized by Rule
- 46 704.151 RCRA Interim Status for Class I Injection Wells

47
48 SUBPART D: APPLICATION FOR PERMIT

- 49
- 50 Section
- 51 704.161 Application for Permit; Authorization by Permit
- 52 704.162 Area Permits
- 53 704.163 Emergency Permits
- 54 704.164 Signatories to Permit Applications

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56 SUBPART E: PERMIT CONDITIONS

- 57
- 58 Section
- 59 704.181 Additional Conditions
- 60 704.182 Establishing UIC Permit Conditions
- 61 704.183 Construction Requirements
- 62 704.184 Corrective Action
- 63 704.185 Operation Requirements
- 64 704.186 Hazardous Waste Requirements
- 65 704.187 Monitoring and Reporting
- 66 704.188 Plugging and Abandonment
- 67 704.189 Financial Responsibility
- 68 704.190 Mechanical Integrity
- 69 704.191 Additional Conditions
- 70 704.192 Waiver of Requirements by Agency
- 71 704.193 Corrective Action
- 72 704.194 Maintenance and Submission of Records

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74 SUBPART F: REQUIREMENTS FOR WELLS INJECTING HAZARDOUS WASTE

- 75
- 76 Section
- 77 704.201 Applicability
- 78 704.202 Authorization
- 79 704.203 Requirements

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

- 83
- 84 Section
- 85 704.210 Applicability
- 86 704.211 Definitions

- 87 704.212 Cost Estimate for Plugging and Abandonment
- 88 704.213 Financial Assurance for Plugging and Abandonment
- 89 704.214 Trust Fund
- 90 704.215 Surety Bond Guaranteeing Payment
- 91 704.216 Surety Bond Guaranteeing Performance
- 92 704.217 Letter of Credit
- 93 704.218 Plugging and Abandonment Insurance
- 94 704.219 Financial Test and Corporate Guarantee
- 95 704.220 Multiple Financial Mechanisms
- 96 704.221 Financial Mechanism for Multiple Facilities
- 97 704.222 Release of the Owner or Operator
- 98 704.230 Incapacity
- 99 704.240 Wording of the Instruments

SUBPART H: ISSUED PERMITS

- 103 Section
- 104 704.260 Transfer
- 105 704.261 Modification
- 106 704.262 Causes for Modification
- 107 704.263 Well Siting
- 108 704.264 Minor Modifications

SUBPART I: REQUIREMENTS FOR CLASS V INJECTION WELLS

- 112 Section
- 113 704.279 General
- 114 704.280 Definition of a Class V Injection Well
- 115 704.281 Examples of Class V Injection Wells
- 116 704.282 Protection of Underground Sources of Drinking Water
- 117 704.283 Notification of a Class V Injection Well
- 118 704.284 Permit Requirements
- 119 704.285 Applicability of the Additional Requirements
- 120 704.286 Definitions
- 121 704.287 Location in a Groundwater Protection Area or Another Sensitive Area
- 122 704.288 Additional Requirements
- 123 704.289 Closure of a Class V Injection Well

125 AUTHORITY: Implementing Sections 7.2, 13, and 22.4 and authorized by Section 27 of the
 126 Environmental Protection Act [415 ILCS 5/7.2, 13, 22.4, and 27].

127
 128 SOURCE: Adopted in R81-32 at 6 Ill. Reg. 12479, effective March 3, 1984; amended in R82-
 129 19, at 7 Ill. Reg. 14402, effective March 3, 1984; amended in R83-39, at 55 PCB 319, at 7 Ill.

130 Reg. 17338, effective December 19, 1983; amended in R85-23 at 10 Ill. Reg. 13290, effective
 131 July 29, 1986; amended in R87-29 at 12 Ill. Reg. 6687, effective March 28, 1988; amended in
 132 R88-2 at 12 Ill. Reg. 13700, effective August 16, 1988; amended in R88-17 at 13 Ill. Reg. 478,
 133 effective December 30, 1988; amended in R89-2 at 14 Ill. Reg. 3116, effective February 20,
 134 1990; amended in R94-17 at 18 Ill. Reg. 17641, effective November 23, 1994; amended in R94-
 135 5 at 18 Ill. Reg. 18351, effective December 20, 1994; amended in R00-11/R01-1 at 24 Ill. Reg.
 136 18612, effective December 7, 2000; amended in R01-30 at 25 Ill. Reg. 11139, effective August
 137 14, 2001; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 605, effective December 20, 2006;
 138 amended in R11-14 at 36 Ill. Reg. 1613, effective January 20, 2012; amended in R13-15 at 37 Ill.
 139 Reg. _____, effective _____.

141 **SUBPART C: AUTHORIZATION OF UNDERGROUND INJECTION BY RULE**

143 **Section 704.150 Requirements for Class I and III Injection Wells Authorized by Rule**

144
 145 The following requirements apply to the owner or operator of a Class I or Class III well
 146 authorized by rule under this Subpart C, as provided by Section 704.144.

- 147
- 148 a) The owner or operator must comply with all applicable requirements of this
 149 Subpart C and with Sections 704.121, 704.122, 704.124, 704.201, 704.202, and
 150 704.203. Any noncompliance with these requirements constitutes a violation of
 151 the Act and SDWA and is grounds for enforcement action, except that the owner
 152 or operator need not comply with these requirements to the extent and for the
 153 duration such noncompliance is authorized by an emergency permit under Section
 154 704.163.

 - 155 b) Twenty-four hour reporting. The owner or operator must report any
 156 noncompliance that may endanger health or the environment, including either of
 157 the events described in subsection (b)(1) or (b)(2) of this Section, subject to the
 158 conditions of subsection (b)(3) of this Section:
 - 159 1) Any monitoring or other information that indicates that any contaminant
 160 may cause an endangerment to a USDW; or
 - 161 2) Any noncompliance or malfunction of the injection system that may cause
 162 fluid migration into or between USDWs.
 - 163 3) Any information must be provided orally within 24 hours from the time
 164 the owner or operator becomes aware of the circumstances. A written
 165 submission must also be provided within five days of the time the owner
 166 or operator becomes aware of the circumstances. The written submission
 167 must contain a description of the noncompliance and its cause; the period
 168 of noncompliance, including exact dates and times, and if the
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noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

c) Plugging and abandonment plan.

1) The owner or operator must prepare, maintain, and comply with a plan for plugging and abandonment of the wells or project that meets the requirements of 35 Ill. Adm. Code 730.110. For purposes of this subsection (c), temporary intermittent cessation of injection operations is not abandonment.

2) Submission of plan.

A) The owner or operator must submit the plan on any forms prescribed by the Agency.

B) The owner or operator must submit any proposed significant revision to the method of plugging reflected in the plan no later than the notice of plugging required by subsection (i) of this Section (i.e., 45 days prior to plugging, unless shorter notice is approved).

C) The plan must include the following information:

i) The nature and quantity and material to be used in plugging;

ii) The location and extent (by depth) of the plugs;

iii) Any proposed test or measurement to be made;

iv) The amount, size, and location (by depth) of casing to be left in the well;

v) The method and location where casing is to be parted; and

vi) The estimated cost of plugging the well.

D) After a cessation of operations of two years, the owner or operator must plug and abandon the well in accordance with the plan, unless the owner or operator performs both of the following actions:

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- 216 i) It provides written notice to the Agency; and
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218 ii) It describes actions or procedures, satisfactory to the
219 Agency that the owner or operator will take to ensure that
220 the well will not endanger a USDW during the period of
221 temporary abandonment. These actions and procedures
222 must include compliance with the technical requirements
223 applicable to active injection wells, unless the operator
224 obtains regulatory relief in the form of a variance or
225 adjusted standard from the technical requirements pursuant
226 to 35 Ill. Adm. Code 104 and Title IX of the Act [415 ILCS
227 5/Title IX].
228

- 229 E) The owner or operator of any well that has been temporarily
230 abandoned (ceased operations for more than two years and which
231 has met the requirements of subsections (c)(2)(D)(i) and
232 (c)(2)(D)(ii)) of this Section must notify the Agency in writing
233 prior to resuming operation of the well.
234

235 d) Financial responsibility.
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- 237 1) The owner or operator or transferor of a Class I or Class III injection well
238 is required to demonstrate and maintain financial responsibility and
239 resources to close, plug, and abandon the underground injection operation
240 in a manner acceptable to the Agency until one of the following has
241 occurred:
242
243 A) The well has been plugged and abandoned in accordance with an
244 approved plugging and abandonment plan pursuant to subsection
245 (c) of this Section and 35 Ill. Adm. Code 730.110 and submission
246 of a plugging and abandonment report has been made pursuant to
247 subsection (k) of this Section;
248
249 B) The well has been converted in compliance with subsection (j) of
250 this Section; or
251
252 C) The transferor has received notice from the Agency that the
253 transferee has demonstrated financial responsibility for the well.
254 The owner or operator must show evidence of such financial
255 responsibility to the Agency by the submission of a surety bond or
256 other adequate assurance, such as a financial statement.
257
258 2) The owner or operator was to have submitted such evidence no later than

- 259 March 3, 1985. Where the ownership or operational control of the well
 260 was transferred later than March 3, 1985, the transferee must submit such
 261 evidence no later than the date specified in the notice required pursuant to
 262 subsection (1)(2) of this Section.
 263
- 264 3) The Agency may require the owner or operator to submit a revised
 265 demonstration of financial responsibility if the Agency has reason to
 266 believe that the original demonstration is no longer adequate to cover the
 267 cost of closing, plugging, and abandoning the well.
 268
- 269 4) The owner or operator of a well injecting hazardous waste must comply
 270 with the financial responsibility requirements of Subpart G of this Part.
 271
- 272 5) An owner or operator must notify the Agency by certified mail of the
 273 commencement of any voluntary or involuntary proceeding under Title 11
 274 (Bankruptcy) of the United States Code that names the owner or operator
 275 as debtor, within 10 business days after the commencement of the
 276 proceeding. Any party acting as guarantor for the owner or operator for
 277 the purpose of financial responsibility must so notify the Agency if the
 278 guarantor is named as debtor in any such proceeding.
 279
- 280 6) In the event of commencement of a proceeding specified in subsection
 281 (d)(5) of this Section, an owner or operator that has furnished a financial
 282 statement for the purpose of demonstrating financial responsibility
 283 pursuant to this Section will be deemed to be in violation of this
 284 subsection (d) until an alternative financial assurance demonstration
 285 acceptable to the Agency is provided either by the owner or operator or by
 286 its trustee in bankruptcy, receiver, or other authorized party. All parties
 287 must be prohibited from injecting into the well until such alternative
 288 financial assurance is provided.
 289
- 290 e) This subsection (e) corresponds with 40 CFR 144.28(e), which pertains
 291 exclusively to enhanced recovery and hydrocarbon storage wells (Class II wells).
 292 Those wells are regulated by the Illinois Department of Natural Resources, Office
 293 of Mines and Minerals, rather than by the Board and the Agency. This statement
 294 maintains structural consistency with USEPA rules.
 295
- 296 f) Operating requirements.
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- 298 1) No person must cause or allow injection between the outermost casing
 299 protecting USDWs and the well bore.
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- 301 2) Maintenance of mechanical integrity.

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- A) The owner or operator of a Class I or Class III injection well authorized by rule under this Subpart C must establish and maintain mechanical integrity, as defined in 35 Ill. Adm. Code 730.106, until either of the following has occurred:
 - i) The well is properly plugged and abandoned in accordance with an approved plugging and abandonment plan pursuant to subsection (c) of this Section and 35 Ill. Adm. Code 730.110 and a plugging and abandonment report is submitted pursuant to subsection (k); or
 - ii) The well is converted in compliance with subsection (j) of this Section.

- B) The Agency may require by permit condition that the owner or operator comply with a schedule describing when mechanical integrity demonstrations must be made.

- 3) Cessation upon Lack of Mechanical Integrity.
 - A) When the Agency determines that a Class I (non-hazardous) or Class III injection well lacks mechanical integrity pursuant to 35 Ill. Adm. Code 730.108, the Agency must give written notice of its determination to the owner or operator.
 - B) Unless the Agency requires immediate cessation, the owner or operator must cease injection into the well within 48 hours of receipt of the Agency's determination.
 - C) The Agency may allow plugging of the well in accordance with 35 Ill. Adm. Code 730.110, or require the owner or operator to perform such additional construction, operation, monitoring, reporting, and corrective action as is necessary to prevent the movement of fluid into or between USDWs caused by the lack of mechanical integrity.
 - D) The owner or operator may resume injection upon receipt of written notification from the Agency that the owner or operator has demonstrated mechanical integrity pursuant to 35 Ill. Adm. Code 730.108.

- 4) The Agency may allow the owner or operator of a well that lacks

345 mechanical integrity pursuant to 35 Ill. Adm. Code 730.108(a)(1) to
 346 continue or resume injection if the owner or operator has made a
 347 satisfactory demonstration that there is no movement of fluid into or
 348 between USDWs.

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 350 5) For a Class I injection well, unless an alternative to a packer has been
 351 approved under 35 Ill. Adm. Code 730.112(c), the owner or operator must
 352 fill the annulus between the tubing and the long string of casings with a
 353 fluid approved by the Agency and maintain a pressure, also approved by
 354 the Agency, on the annulus. The owner or operator of a Class I well
 355 completed with tubing and packer must fill the annulus between tubing
 356 and casing with a non-corrosive fluid and maintain a positive pressure on
 357 the annulus. For any other Class I injection well, the owner or operator
 358 must insure that the alternative completion method will reliably provide a
 359 comparable level of protection of USDWs.

360 6) Injection pressure for Class I and III injection wells.

361
 362 A) Except during stimulation, the owner or operator must not exceed
 363 an injection pressure at the wellhead that must be calculated so as
 364 to assure that the pressure during injection does not initiate new
 365 fractures or propagate existing fractures in the injection zone; and

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 367 B) The owner or operator must not inject at a pressure that will initiate
 368 fractures in the confining zone or cause the movement of injection
 369 or formation fluids into a USDW.

370
 371 g) Monitoring Requirements. The owner or operator must perform the monitoring as
 372 described in this subsection (g). Monitoring of the nature of the injected fluids
 373 must comply with applicable analytical methods cited in tables IA (List of
 374 Approved Biological Methods), IB (List of Approved Inorganic Test Procedures),
 375 IC (List of Approved Test Procedures for Non-Pesticide Organic Compounds), ID
 376 (List of Approved Test Procedures for Pesticides), IE (List of Approved
 377 Radiologic Test Procedures), and IF (List of Approved Methods for
 378 Pharmaceutical Pollutants) of 40 CFR 136.3 (Identification of Test Procedures)
 379 (1993) or in appendix III of 40 CFR 261 (Chemical Analysis Test Methods)
 380 (1992), each incorporated by reference in 35 Ill. Adm. Code 720.111(b), or with
 381 other methods that have been approved by the Agency.
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 384 1) The owner or operator of a Class I injection well must undertake the
 385 following actions:

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 387 A) It must analyze the nature of the injected fluids with sufficient

frequency to yield data representative of their characteristics;

- B) It must install and use continuous recording devices to monitor injection pressure, flow rate and volume, and the pressure on the annulus between the tubing and the long string of casing; and
- C) It must install and use monitoring wells within the area of review, if required by the Agency, to monitor any migration of fluids into and pressure in the USDWs. The type, number, and location of the wells; the parameters to be measured; and the frequency of monitoring must be approved by the Agency.

2) This subsection (g)(2) corresponds with 40 CFR 144.28(g)(2), a provision related to Class II injection wells, which are regulated by the Illinois Department of Natural Resources, Office of Mines and Minerals, and not by the Board. This statement maintains structural consistency with USEPA rules.

3) The owner or operator of a Class III injection well must undertake the following actions:

- A) It must provide to the Agency a qualitative analysis and ranges in concentrations of all constituents of injected fluids at least once within the first year of authorization and thereafter whenever the injection fluid is modified to the extent that the initial data are incorrect or incomplete.
 - i) The owner or operator may request confidentiality pursuant to Sections 7 and 7.1 of the Act and 35 Ill. Adm. Code 130.
 - ii) If the information is proprietary the owner or operator may in lieu of the ranges in concentrations choose to submit maximum concentrations that must not be exceeded.
 - iii) In such a case the owner or operator must retain records of the undisclosed concentration and provide them upon request to the Agency as part of any enforcement investigation;
- B) It must monitor injection pressure and either flow rate or volume semi-monthly, or meter and record daily injected and produced fluid volumes as appropriate;

- 431 C) It must monitor the fluid level in the injection zone semi-monthly,
 432 where appropriate; and
 433
 434 D) All Class III injection wells may be monitored on a field or project
 435 basis rather than an individual well basis by manifold monitoring.
 436 Manifold monitoring may be used in cases of facilities consisting
 437 of more than one injection well, operating with a common
 438 manifold. Separate monitoring systems for each well are not
 439 required provided the owner or operator demonstrates to the
 440 Agency that manifold monitoring is comparable to individual well
 441 monitoring.
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 443 h) Reporting requirements. The owner or operator must submit reports to the
 444 Agency as follows:
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 446 1) For a Class I injection well, quarterly reports on all of the following:
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 448 A) The physical, chemical, and other relevant characteristics of the
 449 injection fluids;
 450
 451 B) Monthly average, maximum and minimum values for injection
 452 pressure, flow rate and volume, and annular pressure;
 453
 454 C) The results from groundwater monitoring wells prescribed in
 455 subsection (f)(1)(C) of this Section;
 456
 457 D) The results of any test of the injection well conducted by the owner
 458 or operator during the reported quarter if required by the Agency;
 459 and
 460
 461 E) Any well work over performed during the reported quarter.
 462
 463 2) This subsection (h)(2) corresponds with 40 CFR 144.28(h)(2), a provision
 464 related to Class II injection wells, which are regulated by the Illinois
 465 Department of Natural Resources, Office of Mines and Minerals, and not
 466 by the Board. This statement maintains structural consistency with
 467 USEPA rules.
 468
 469 3) For a Class III injection well, all of the following:
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 471 A) Quarterly reporting on all monitoring, as required in subsections
 472 (f)(2)(A), (f)(2)(B), and (f)(2)(C) of this Section;
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- B) Quarterly reporting of the results of any periodic tests required by the Agency that are performed during the reported quarter; and
 - C) Monitoring may be reported on a project or field basis rather than an individual well basis where manifold monitoring is used.
- i) Retention of records. The owner or operator must retain records of all monitoring information, including the following:
- 1) Calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, and copies of all reports required by this section, for a period of at least three years from the date of the sample, measurement or report. This period may be extended by request of the Agency at any time; and
 - 2) The nature and composition of all injected fluids until three years after the completion of any plugging and abandonment procedures specified under Section 704.188. The owner or operator must retain the records after the three year retention period unless it delivers the records to the Agency or obtains written approval from the Agency to discard the records.
- j) Notice of abandonment. The owner or operator must notify the Agency at least 45 days before conversion or abandonment of the well.
- k) Plugging and abandonment report. Within 60 days after plugging a well or at the time of the next quarterly report (whichever is less) the owner or operator must submit a report to the Agency. If the quarterly report is due less than 15 days before completion of plugging, then the report must be submitted within 60 days. The report must be certified as accurate by the person who performed the plugging operation. Such report must consist of either:
- 1) A statement that the well was plugged in accordance with the plan previously submitted to the Agency; or
 - 2) Where actual plugging differed from the plan previously submitted, an updated version of the plan, on any form supplied by the Agency, specifying the different procedures used.
- l) Change of ownership.
- 1) The owner or operator must notify the Agency of a transfer of ownership or operational control of the well at least 30 days in advance of the proposed transfer.

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- 2) The notice must include a written agreement between the transferor and the transferee containing a specific date when the financial responsibility demonstration of subsection (d) of this Section will be met by the transferee.
- 3) The transferee is authorized to inject unless it receives notification from the Agency that the transferee has not demonstrated financial responsibility pursuant to subsection (d) of this Section.

m) Requirements for a Class I hazardous waste injection well. The owner or operator of any Class I injection well injecting hazardous waste must comply with Section 704.203. In addition the owner or operator must properly dispose of, or decontaminate by removing all hazardous waste residues, all injection well equipment.

BOARD NOTE: Derived from 40 CFR 144.28 (2012)(2011).

(Source: Amended at 37 Ill. Reg. _____, effective _____)

SUBPART E: PERMIT CONDITIONS

Section 704.187 Monitoring and Reporting

UIC permits must require by condition monitoring and reporting requirements, as set forth in 35 Ill. Adm. Code 730. The permittee must be required to identify types of tests and methods used to generate the monitoring data. Monitoring of the nature of the injected fluids must comply with applicable analytical methods cited and described in tables IA (List of Approved Biological Methods), IB (List of Approved Inorganic Test Procedures), IC (List of Approved Test Procedures for Non-Pesticide Organic Compounds), ID (List of Approved Test Procedures for Pesticides), IE (List of Approved Radiologic Test Procedures), and IF (List of Approved Methods for Pharmaceutical Pollutants) of 40 CFR 136.3 (Identification of Test Procedures) or in appendix III of 40 CFR 261 (Chemical Analysis Test Methods), each incorporated by reference in 35 Ill. Adm. Code 720.111(b); ~~as stated in Appendix C to 35 Ill. Adm. Code 261;~~ or, in certain circumstances, by other methods that have been approved in writing by the Agency.

BOARD NOTE: Derived from 40 CFR 144.52(a)(5) (2012)(2005).

(Source: Amended at 37 Ill. Reg. _____, effective _____)

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

PART 704
UIC PERMIT PROGRAM

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- 704.287 Location in a Groundwater Protection Area or Another Sensitive Area
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704.289 Closure of a Class V Injection Well

AUTHORITY: Implementing Sections 7.2, 13, and 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 13, 22.4, and 27].

SOURCE: Adopted in R81-32 at 6 Ill. Reg. 12479, effective March 3, 1984; amended in R82-19, at 7 Ill. Reg. 14402, effective March 3, 1984; 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. 13700, effective August 16, 1988; amended in R88-17 at 13 Ill. Reg. 478, effective December 30, 1988; amended in R89-2 at 14 Ill. Reg. 3116, effective February 20, 1990; amended in R94-17 at 18 Ill. Reg. 17641, effective November 23, 1994; amended in R94-5 at 18 Ill. Reg. 18351, effective December 20, 1994; amended in R00-11/R01-1 at 24 Ill. Reg. 18612, effective December 7, 2000; amended in R01-30 at 25 Ill. Reg. 11139, effective August 14, 2001; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 605, effective December 20, 2006; amended in R11-14 at 36 Ill. Reg. 1613, effective January 20, 2012; amended in R13-15 at 37 Ill. Reg. _____, effective _____.

SUBPART C: AUTHORIZATION OF UNDERGROUND INJECTION BY RULE

Section 704.150 Requirements for Class I and III Injection Wells Authorized by Rule

The following requirements apply to the owner or operator of a Class I or Class III well authorized by rule under this Subpart C, as provided by Section 704.144.

- a) The owner or operator must comply with all applicable requirements of this Subpart C and with Sections 704.121, 704.122, 704.124, 704.201, 704.202, and 704.203. Any noncompliance with these requirements constitutes a violation of the Act and SDWA and is grounds for enforcement action, except that the owner or operator need not comply with these requirements to the extent and for the duration such noncompliance is authorized by an emergency permit under Section 704.163.
- b) Twenty-four hour reporting. The owner or operator must report any noncompliance that may endanger health or the environment, including either of the events described in subsection (b)(1) or (b)(2) of this Section, subject to the conditions of subsection (b)(3) of this Section:

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- 1) Any monitoring or other information that indicates that any contaminant may cause an endangerment to a USDW; or
 - 2) Any noncompliance or malfunction of the injection system that may cause fluid migration into or between USDWs.
 - 3) Any information must be provided orally within 24 hours from the time the owner or operator becomes aware of the circumstances. A written submission must also be provided within five days of the time the owner or operator becomes aware of the circumstances. The written submission must contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- c) Plugging and abandonment plan.
- 1) The owner or operator must prepare, maintain, and comply with a plan for plugging and abandonment of the wells or project that meets the requirements of 35 Ill. Adm. Code 730.110. For purposes of this subsection (c), temporary intermittent cessation of injection operations is not abandonment.
 - 2) Submission of plan.
 - A) The owner or operator must submit the plan on any forms prescribed by the Agency.
 - B) The owner or operator must submit any proposed significant revision to the method of plugging reflected in the plan no later than the notice of plugging required by subsection (i) of this Section (i.e., 45 days prior to plugging, unless shorter notice is approved).
 - C) The plan must include the following information:
 - i) The nature and quantity and material to be used in plugging;

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- ii) The location and extent (by depth) of the plugs;
 - iii) Any proposed test or measurement to be made;
 - iv) The amount, size, and location (by depth) of casing to be left in the well;
 - v) The method and location where casing is to be parted; and
 - vi) The estimated cost of plugging the well.
- D) After a cessation of operations of two years, the owner or operator must plug and abandon the well in accordance with the plan, unless the owner or operator performs both of the following actions:
- i) It provides written notice to the Agency; and
 - ii) It describes actions or procedures, satisfactory to the Agency that the owner or operator will take to ensure that the well will not endanger a USDW during the period of temporary abandonment. These actions and procedures must include compliance with the technical requirements applicable to active injection wells, unless the operator obtains regulatory relief in the form of a variance or adjusted standard from the technical requirements pursuant to 35 Ill. Adm. Code 104 and Title IX of the Act [415 ILCS 5/Title IX].
- E) The owner or operator of any well that has been temporarily abandoned (ceased operations for more than two years and which has met the requirements of subsections (c)(2)(D)(i) and (c)(2)(D)(ii)) of this Section must notify the Agency in writing prior to resuming operation of the well.
- d) Financial responsibility.
- 1) The owner or operator or transferor of a Class I or Class III injection well is required to demonstrate and maintain financial responsibility and resources to close, plug, and abandon the underground injection operation in a manner acceptable to the Agency until one of the following has

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occurred:

- A) The well has been plugged and abandoned in accordance with an approved plugging and abandonment plan pursuant to subsection (c) of this Section and 35 Ill. Adm. Code 730.110 and submission of a plugging and abandonment report has been made pursuant to subsection (k) of this Section;
 - B) The well has been converted in compliance with subsection (j) of this Section; or
 - C) The transferor has received notice from the Agency that the transferee has demonstrated financial responsibility for the well. The owner or operator must show evidence of such financial responsibility to the Agency by the submission of a surety bond or other adequate assurance, such as a financial statement.
- 2) The owner or operator was to have submitted such evidence no later than March 3, 1985. Where the ownership or operational control of the well was transferred later than March 3, 1985, the transferee must submit such evidence no later than the date specified in the notice required pursuant to subsection ~~(1)~~(2) of this Section.
 - 3) The Agency may require the owner or operator to submit a revised demonstration of financial responsibility if the Agency has reason to believe that the original demonstration is no longer adequate to cover the cost of closing, plugging, and abandoning the well.
 - 4) The owner or operator of a well injecting hazardous waste must comply with the financial responsibility requirements of Subpart G of this Part.
 - 5) An owner or operator must notify the Agency by certified mail of the commencement of any voluntary or involuntary proceeding under Title 11 (Bankruptcy) of the United States Code that names the owner or operator as debtor, within 10 business days after the commencement of the proceeding. Any party acting as guarantor for the owner or operator for the purpose of financial responsibility must so notify the Agency if the guarantor is named as debtor in any such proceeding.
 - 6) In the event of commencement of a proceeding specified in subsection

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(d)(5) of this Section, an owner or operator that has furnished a financial statement for the purpose of demonstrating financial responsibility pursuant to this Section will be deemed to be in violation of this subsection (d) until an alternative financial assurance demonstration acceptable to the Agency is provided either by the owner or operator or by its trustee in bankruptcy, receiver, or other authorized party. All parties must be prohibited from injecting into the well until such alternative financial assurance is provided.

- e) This subsection (e) corresponds with 40 CFR 144.28(e), which pertains exclusively to enhanced recovery and hydrocarbon storage wells (Class II wells). Those wells are regulated by the Illinois Department of Natural Resources, Office of Mines and Minerals, rather than by the Board and the Agency. This statement maintains structural consistency with USEPA rules.
- f) Operating requirements.
 - 1) No person must cause or allow injection between the outermost casing protecting USDWs and the well bore.
 - 2) Maintenance of mechanical integrity.
 - A) The owner or operator of a Class I or Class III injection well authorized by rule under this Subpart C must establish and maintain mechanical integrity, as defined in 35 Ill. Adm. Code 730.106, until either of the following has occurred:
 - i) The well is properly plugged and abandoned in accordance with an approved plugging and abandonment plan pursuant to subsection (c) of this Section and 35 Ill. Adm. Code 730.110 and a plugging and abandonment report is submitted pursuant to subsection (k); or
 - ii) The well is converted in compliance with subsection (j) of this Section.
 - B) The Agency may require by permit condition that the owner or operator comply with a schedule describing when mechanical integrity demonstrations must be made.

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- 3) Cessation upon Lack of Mechanical Integrity.
 - A) When the Agency determines that a Class I (non-hazardous) or Class III injection well lacks mechanical integrity pursuant to 35 Ill. Adm. Code 730.108, the Agency must give written notice of its determination to the owner or operator.
 - B) Unless the Agency requires immediate cessation, the owner or operator must cease injection into the well within 48 hours of receipt of the Agency's determination.
 - C) The Agency may allow plugging of the well in accordance with 35 Ill. Adm. Code 730.110, or require the owner or operator to perform such additional construction, operation, monitoring, reporting, and corrective action as is necessary to prevent the movement of fluid into or between USDWs caused by the lack of mechanical integrity.
 - D) The owner or operator may resume injection upon receipt of written notification from the Agency that the owner or operator has demonstrated mechanical integrity pursuant to 35 Ill. Adm. Code 730.108.
- 4) The Agency may allow the owner or operator of a well that lacks mechanical integrity pursuant to 35 Ill. Adm. Code 730.108(a)(1) to continue or resume injection if the owner or operator has made a satisfactory demonstration that there is no movement of fluid into or between USDWs.
- 5) For a Class I injection well, unless an alternative to a packer has been approved under 35 Ill. Adm. Code 730.112(c), the owner or operator must fill the annulus between the tubing and the long string of casings with a fluid approved by the Agency and maintain a pressure, also approved by the Agency, on the annulus. The owner or operator of a Class I well completed with tubing and packer must fill the annulus between tubing and casing with a non-corrosive fluid and maintain a positive pressure on the annulus. For any other Class I injection well, the owner or operator must insure that the alternative completion method will reliably provide a comparable level of protection of USDWs.

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- 6) Injection pressure for Class I and III injection wells.
 - A) Except during stimulation, the owner or operator must not exceed an injection pressure at the wellhead that must be calculated so as to assure that the pressure during injection does not initiate new fractures or propagate existing fractures in the injection zone; and
 - B) The owner or operator must not inject at a pressure that will initiate fractures in the confining zone or cause the movement of injection or formation fluids into a USDW.

- g) Monitoring Requirements. The owner or operator must perform the monitoring as described in this subsection (g). Monitoring of the nature of the injected fluids must comply with applicable analytical methods cited in tables IA (List of Approved Biological Methods), IB (List of Approved Inorganic Test Procedures), IC (List of Approved Test Procedures for Non-Pesticide Organic Compounds), ID (List of Approved Test Procedures for Pesticides), IE (List of Approved Radiologic Test Procedures), and IF (List of Approved Methods for Pharmaceutical Pollutants) of 40 CFR 136.3 (Identification of Test Procedures) (1993) or in appendix III of 40 CFR 261 (Chemical Analysis Test Methods) (1992), each incorporated by reference in 35 Ill. Adm. Code 720.111(b), or with other methods that have been approved by the Agency.
 - 1) The owner or operator of a Class I injection well must undertake the following actions:
 - A) It must analyze the nature of the injected fluids with sufficient frequency to yield data representative of their characteristics;
 - B) It must install and use continuous recording devices to monitor injection pressure, flow rate and volume, and the pressure on the annulus between the tubing and the long string of casing; and
 - C) It must install and use monitoring wells within the area of review, if required by the Agency, to monitor any migration of fluids into and pressure in the USDWs. The type, number, and location of the wells; the parameters to be measured; and the frequency of monitoring must be approved by the Agency.
 - 2) This subsection (g)(2) corresponds with 40 CFR 144.28(g)(2), a provision

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related to Class II injection wells, which are regulated by the Illinois Department of Natural Resources, Office of Mines and Minerals, and not by the Board. This statement maintains structural consistency with USEPA rules.

- 3) The owner or operator of a Class III injection well must undertake the following actions:
 - A) It must provide to the Agency a qualitative analysis and ranges in concentrations of all constituents of injected fluids at least once within the first year of authorization and thereafter whenever the injection fluid is modified to the extent that the initial data are incorrect or incomplete.
 - i) The owner or operator may request confidentiality pursuant to Sections 7 and 7.1 of the Act and 35 Ill. Adm. Code 130.
 - ii) If the information is proprietary the owner or operator may in lieu of the ranges in concentrations choose to submit maximum concentrations that must not be exceeded.
 - iii) In such a case the owner or operator must retain records of the undisclosed concentration and provide them upon request to the Agency as part of any enforcement investigation;
 - B) It must monitor injection pressure and either flow rate or volume semi-monthly, or meter and record daily injected and produced fluid volumes as appropriate;
 - C) It must monitor the fluid level in the injection zone semi-monthly, where appropriate; and
 - D) All Class III injection wells may be monitored on a field or project basis rather than an individual well basis by manifold monitoring. Manifold monitoring may be used in cases of facilities consisting of more than one injection well, operating with a common manifold. Separate monitoring systems for each well are not required provided the owner or operator demonstrates to the Agency that manifold monitoring is comparable to individual well

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monitoring.

- h) Reporting requirements. The owner or operator must submit reports to the Agency as follows:
 - 1) For a Class I injection well, quarterly reports on all of the following:
 - A) The physical, chemical, and other relevant characteristics of the injection fluids;
 - B) Monthly average, maximum and minimum values for injection pressure, flow rate and volume, and annular pressure;
 - C) The results from groundwater monitoring wells prescribed in subsection (f)(1)(C) of this Section;
 - D) The results of any test of the injection well conducted by the owner or operator during the reported quarter if required by the Agency; and
 - E) Any well work over performed during the reported quarter.
 - 2) This subsection (h)(2) corresponds with 40 CFR 144.28(h)(2), a provision related to Class II injection wells, which are regulated by the Illinois Department of Natural Resources, Office of Mines and Minerals, and not by the Board. This statement maintains structural consistency with USEPA rules.
 - 3) For a Class III injection well, all of the following:
 - A) Quarterly reporting on all monitoring, as required in subsections (f)(2)(A), (f)(2)(B), and (f)(2)(C) of this Section;
 - B) Quarterly reporting of the results of any periodic tests required by the Agency that are performed during the reported quarter; and
 - C) Monitoring may be reported on a project or field basis rather than an individual well basis where manifold monitoring is used.
- i) Retention of records. The owner or operator must retain records of all monitoring

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information, including the following:

- 1) Calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, and copies of all reports required by this section, for a period of at least three years from the date of the sample, measurement or report. This period may be extended by request of the Agency at any time; and
 - 2) The nature and composition of all injected fluids until three years after the completion of any plugging and abandonment procedures specified under Section 704.188. The owner or operator must retain the records after the three year retention period unless it delivers the records to the Agency or obtains written approval from the Agency to discard the records.
- j) Notice of abandonment. The owner or operator must notify the Agency at least 45 days before conversion or abandonment of the well.
- k) Plugging and abandonment report. Within 60 days after plugging a well or at the time of the next quarterly report (whichever is less) the owner or operator must submit a report to the Agency. If the quarterly report is due less than 15 days before completion of plugging, then the report must be submitted within 60 days. The report must be certified as accurate by the person who performed the plugging operation. Such report must consist of either:
- 1) A statement that the well was plugged in accordance with the plan previously submitted to the Agency; or
 - 2) Where actual plugging differed from the plan previously submitted, an updated version of the plan, on any form supplied by the Agency, specifying the different procedures used.
- l) Change of ownership.
- 1) The owner or operator must notify the Agency of a transfer of ownership or operational control of the well at least 30 days in advance of the proposed transfer.
 - 2) The notice must include a written agreement between the transferor and the transferee containing a specific date when the financial responsibility demonstration of subsection (d) of this Section will be met by the

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