

ILLINOIS POLLUTION CONTROL BOARD
January 21, 1988

IN THE MATTER OF:)
)
UIC UPDATE, USEPA REGULATIONS) R87-29
(1-1-87 THROUGH 6-30-87))

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 702 and 704.

On August 20, 1987 the Board opened this docket for the purpose of updating the UIC rules to agree with recent USEPA amendments. On September 17, 1987, the Board proposed amendments to 35 Ill. Adm. Code 702 and 704. The proposal appeared October 30, 1987, at 11 Ill. Reg. 17366. As is detailed in the Opinion of this same day, the Board has modified the proposal in response to public comment received.

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 January 1 through June 30, 1987.

This Order is supported by an Opinion adopted this same day. The Board will withhold filing these rules until February 21, 1988, to allow time for motions for reconsideration by the agencies involved in the authorization process.

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

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RCRA AND UIC PERMIT PROGRAMS

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AUTHORITY: Implementing Section 13 and 22.4 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1985, ch. 111 1/2, pars. 1013, 1022.4 and 1027).

SOURCE: Adopted in R81-32, 47 PCB 93, at 6 Ill. Reg. 12479, effective as noted in 35 Ill. Adm. Code 700.106; amended in R82-19 at at, 53 PCB 131, 7 Ill. Reg. 14352, effective as noted in 35 Ill. Adm. Code 700.106; amended in R84-9, 64 PCB 427, at 9 Ill. Reg. 11926, effective July 24, 1985; amended in R85-23 at 10 Ill. Reg. 13274, effective July 29, 1986; amended in R86-1 at 10 Ill. Reg. 14083, effective August 12, 1986; amended in R86-28 at 11 Ill. Reg. 6131, effective March 24, 1987; amended in R87-5 at 11 Ill. Reg. 19376, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. , effective ; amended in R87-29 at 12 Ill. Reg. , effective .

SUBPART A: GENERAL PROVISIONS

Section 702.104 References

- a) When used in 35 Ill. Adm. Code 702, 703 and 704, the following publications are ~~is~~ incorporated by reference:

Code of Federal Regulations

10 CFR 20, Appendix B, Table II, Column 2 (1987).

40 CFR 136 (1987).

40 CFR 142 (1987).

NTIS. Available from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161, (703) 487-4600:

"Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication number SW-846 (Second Edition, 1982 as amended by Update I (April, 1984) and Update II (April, 1985)) (Document number PB 87-120-291)

- b) This Section incorporates no later editions or amendments.)

(Board Note: See 40 CFR 270.6 (1987).)

(Source: Amended at 12 Ill. Reg. ,
effective)

Section 702.110 Definitions

The following definitions apply to 35 Ill. Adm. Code 702, 703, 704 and 705. Terms not defined in this ~~section~~ Section have the meaning given by the appropriate Act. When a defined term appears in a definition, the defined term is sometimes placed within quotation marks as an aid to readers. When a definition applies primarily to one or more programs, those programs appear in parentheses after the defined terms.

~~-(Board Note: See 40 CFR 270-2)-~~

"Administrator" means the Administrator of the United States Environmental Protection Agency, or an authorized representative.

"Agency" means the Illinois Environmental Protection Agency.

"Application" means the Agency forms for applying for a permit ~~-7 including any additions, revisions or modifications to the forms-~~. For RCRA, application also includes the information required by the Agency under 35 Ill. Adm. Code 703.182 et seq. (contents of Part B of the RCRA application).

"Appropriate act and regulations" means the ~~-Solid Waste Disposal Act,~~ as amended by the ~~-Resource Conservation and Recovery Act (RCRA); Safe Drinking Water Act (SDWA);~~ or the "Environmental Protection Act," whichever is applicable; and applicable regulations promulgated under those statutes.

"Approved program or approved State" means a State or interstate program which has been approved or authorized by EPA under 40 CFR ~~-123-271~~ (1987) (RCRA) or Section 1422 of the SDWA (UIC).

"Aquifer" (RCRA and UIC) means a geological "formation", group of formations, or part of a formation that is capable of yielding a significant amount of water to a well or spring.

"Area of review" (UIC) means the area surrounding an injection well described according to the criteria set forth in 35 Ill. Adm. Code 730.106 or in the case of an area permit, the project area plus a circumscribing area the width of which is either 402 meters (1/4 of a mile) or a number calculated according to the criteria set

forth in 35 Ill. Adm. Code 730.106.

"Board" means the Illinois Pollution Control Board.

"Closure" (RCRA) means the act of securing a "Hazardous Waste Management Facility" pursuant to the requirements of 35 Ill. Adm. Code 724.

"Contaminant" (UIC) means any physical, chemical, biological or radiological substance or matter in water.

"CWA" means the Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) P.L. 92-500, as amended by P.L. 95-217, and P.L. 95-576; 33 U.S.C. 1251 et seq. (1987).

"Date of approval by USEPA of the Illinois UIC program" means February 1, 1984.

"Director" means the Director of the Illinois Environmental Protection Agency or ~~his~~ the Director's designee.

"Disposal" (RCRA) means the discharge, deposit, injection, dumping, spilling, leaking or placing of any "hazardous waste" into or on any land or water ~~or into any well~~ -so that such hazardous waste or any constituent ~~thereof~~ of the waste may enter the environment or be emitted into the air or discharged into any waters, including ~~ground water~~ groundwater.

"Disposal Facility" (RCRA) means a facility or part of a facility at which "hazardous waste" is intentionally placed into or on the land or water, and at which hazardous waste will remain after closure.

"Draft Permit" means a document prepared under 35 Ill. Adm. Code 705.141 indicating the Agency's tentative decision to issue, deny, modify, ~~revoke and reissue,~~ -terminate or reissue a "permit". A notice of intent to deny a permit, as discussed in 35 Ill. Adm. Code 705.141 is a type of "draft permit". A denial of a request for modification, as discussed in 35 Ill. Adm. Code 705.128, is not a "draft permit". A "proposed permit" is not a "draft permit".

"Drilling Mud" (UIC) means a heavy suspension used in drilling an "injection well", introduced down the drill pipe and through the drill bit.

"Elementary neutralization unit" means a device which:

Is used for neutralizing wastes which are hazardous

wastes only because they exhibit the corrosivity characteristics defined in 35 Ill. Adm. Code 721.122, or are listed in 35 Ill. Adm. Code 721--
-Subpart D only for this reason; and

Meets the definition of tank, container, transport vehicle-- or vessel in 35 Ill. Adm. Code 720.110.

"Emergency Permit" means a RCRA or UIC "permit" issued in accordance with 35 Ill. Adm. Code 703.221 or 704.163, respectively.

"Environmental Protection Act" means the Environmental Protection Act (Ill. Rev. Stat. --1983-1985, ch. 111 1/2, par. 1001 et seq.)-- as amended--.

"Environmental Protection Agency" ("EPA") means the United States Environmental Protection Agency.

"EPA" means the United States "Environmental Protection Agency".

"Exempted aquifer" (UIC) means an "aquifer" or its portion that meets the criteria in the definition of "underground source of drinking water" but which has been exempted according to the procedures in 35 Ill. Adm. Code 702.105, 704.104 and 704.123(b).

"Existing hazardous waste management (HWM) facility" or "existing facility" means a facility which was in operation or for which construction commenced on or before November 19, 1980. A facility has commenced construction if:

The owner or operator has obtained the Federal, State and local approvals or permits necessary to begin physical construction; and ~~either:-~~

Either:

A continuous on-site, physical construction program has begun; or

The owner or operator has entered into contractual obligations -- which cannot be cancelled or modified without substantial loss -- for physical construction of the facility to be completed within a reasonable time.

"Existing injection well" (UIC) means an "injection well" other than a "new injection well".

"Facility or activity" means any "HWM facility", UIC

"injection well", or any other facility or activity (including land or appurtenances thereto) that is subject to regulations under the ~~"State"~~ Illinois RCRA or UIC program.

"Federal, State and local approvals or permits necessary to begin physical construction" means permits and approvals required under Federal, State or local hazardous waste control statutes, regulations or ordinances. (See 35 Ill. Adm. Code 700.102 et seq.)

"Final authorization" (RCRA) means approval by EPA of the Illinois Hazardous Waste Management Program which has met the requirements of ~~See~~ Section 3006(b) of RCRA and the applicable requirements of 40 CFR 1237 Subparts A and B-271, Subpart A (1987). EPA granted initial final authorization on January 31, 1986.

"Fluid" (UIC) means any material or substance which flows or moves whether in a semisolid, liquid, sludge, gas or any other form or state.

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

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

"Generator" (RCRA) means any person, by site location, whose act or process produces "hazardous waste" identified or listed in 35 Ill. Adm. Code 721.

"Groundwater" (RCRA and UIC) means a water below the land surface in a zone of saturation.

"Hazardous Waste" (RCRA and UIC) means a hazardous waste as defined in 35 Ill. Adm. Code 721.103.

"Hazardous waste management facility ("HWM facility")" means all contiguous land, and structures, other appurtenances and improvements on the land, used for treating, storing or disposing of "hazardous waste". A facility may consist of several "treatment", "storage" or "disposal" operational units (for example, one or more landfills, surface impoundments or combinations of them).

"HWM facility" (RCRA) means "Hazardous Waste Management facility".

"Injection well" (RCRA and UIC) means a "well" into which "fluids" are being injected.

"Injection zone" (UIC) means a geological "formation", group of formations or part of a formation receiving fluids through a "well".

"In operation" (RCRA) means a facility which is treating, storing or disposing of "hazardous waste".

"Interim authorization" (RCRA) means approval by EPA of the Illinois Hazardous Waste Management program which has met the requirements of ~~See~~ Section 3006(c) of RCRA and applicable requirements of 40 CFR ~~123~~, Subpart F-271 (1987). This happened on May 17, 1982.

"Interstate agency" means an agency of two or more states established by or under an agreement or compact approved by the Congress, or any other agency of two or more states having substantial powers or duties pertaining to the control of pollution as determined and approved by the Administrator under the "appropriate Act and regulations".

"Major facility" means any RCRA or UIC "facility or activity" classified as such by the Regional Administrator or the Agency.

"Manifest" (RCRA and UIC) means the shipping document originated and signed by the "generator" which contains the information required by 35 Ill. Adm. Code 722-~~7~~ Subpart B- of 35 Ill. Adm. Code 809-.

"National Pollutant Discharge Elimination System" means the ~~national~~ program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits and imposing and enforcing pretreatment requirements ~~under Sections 307, 402, 318 and 405 of CWA and~~ under ~~See~~ Section 12(f) of the Environmental Protection Act and 35 Ill. Adm. Code 309-~~7~~ Subpart A. The term includes an "approved program".

"New HWM facility" (RCRA) means a "Hazardous Waste Management facility" which began operation or for which construction commenced after November 19, 1980.

"New injection well" (UIC) means a "well" which began injection after the UIC program for the State of Illinois applicable to the well is approved.

"Off-site" (RCRA) means any site which is not "on-site".

"On-site" (RCRA) means on the same or geographically contiguous property which may be divided by public or

private right(s)-of-way, provided the entrance and exit between the properties is at a cross-roads intersection, and access is by crossing as opposed to going along, the right(s)-of-way. Non-contiguous properties owned by the same person but connected by a right-of-way which the person controls and to which the public does not have access, is also considered on-site property.

"Owner or operator" means the owner or operator of any "facility or activity" subject to regulation under the RCRA or UIC programs.

"Permit" means an authorization, license or equivalent control document issued to implement the requirements of this Part and 35 Ill. Adm. Code 703, 704 and 705.

"Permit" includes RCRA "permit by rule" (35 Ill. Adm. Code 703.141), UIC area permit (35 Ill. Adm. Code 704.162) and RCRA or UIC "Emergency Permit" (35 Ill. Adm. Code 703.221 and 704.163). "Permit" does not include RCRA interim status (35 Ill. Adm. Code ~~700-105-703.153 et seq.~~), UIC authorization by rule (35 Ill. Adm. Code ~~704-7~~ - Subpart C), or any permit which has not yet been the subject of final Agency action, such as a "Draft Permit" or a "Proposed Permit."

"Person" means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, political subdivision, state agency, or any other legal entity, or their legal representative, agent or assigns.

"Phase I" (RCRA) means, as used in the corresponding federal regulations, the period of time commencing May 19, 1980. For Illinois purposes, Phase I began on May 17, 1982.

"Phase II" (RCRA) means, as used in the corresponding federal regulations, the period of time commencing May 19, 1980. For Illinois purposes, Phase II will commence whenever USEPA grants final authorization to the Agency to issue RCRA permits for any class of facility or unit. This occurred on January 31, 1986.

"Physical construction" (RCRA) means excavation, movement of earth, erection of forms or structures or similar activity to prepare an "HWM facility" to accept "hazardous waste".

"Plugging" (UIC) 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.

"POTW" means "publicly owned treatment works".

"Project" (UIC) means a group of wells in a single operation.

"Publicly owned treatment works" ("POTW") -means any device or system used in the treatment (including recycling and reclamation) of municipal sewage or industrial wastes of a liquid nature which is owned by a "state" or "municipality". This definition includes sewers, pipes or other conveyances only if they convey wastewater to a POTW providing treatment. is as defined in 35 Ill. Adm. Code 310.

"Radioactive waste" (UIC) means any waste which contains radioactive material in concentrations which exceed those listed in 10 CFR 20, Appendix B, Table II, Column 2, incorporated by reference in Section 702.104.

"RCRA" means the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976 (P. L. 94-580, as amended by P-ub-. L. 95-609, P.L. 96-510, 42 U.S.C. 6901 et seq. (1987).

"RCRA permit" means a permit required under Section 21(f) of the Environmental Protection Act.

"Regional Administrator" means the Regional Administrator for the EPA Region in which the facility is located or -his-the Regional Administrator's designee.

"Schedule of compliance" means a schedule of remedial measures included in a "permit", including an enforceable sequence of interim requirements (for example, actions, operations or milestone events) leading to compliance with the "appropriate Act and regulations".

"SDWA" means the Safe Drinking Water Act (Pub. L. -95-93-523, as amended- by Pub. L. 95-1900-; 42 U.S.C. 300f et seq. (1987).

"Section 404 program" or "State 404 program" or "404" means an "approved state program" to regulate the "discharge of dredged material" and the "discharge of fill material" under Section 404 of the Clean Water Act in "state regulated waters".-

"Site" means the land or water area where any "facility or activity" is physically located or conducted, including adjacent land used in connection with the facility or activity.

"SIC Code" means codes pursuant to the -current- Standard Industrial Classification Manual-7 Executive

Office of the President, Office of Management and Budget, Washington, D.C.-- incorporated by reference in 35 Ill. Adm. Code 720.111.

"State" means the State of Illinois.

"State Director" means the Director of the Illinois Environmental Protection Agency.

"State/EPA Agreement" means an agreement between the Regional Administrator and the State which coordinates EPA and State activities, responsibilities and programs including those under the RCRA and SDWA.

"Storage" (RCRA) means the holding of "hazardous waste" for a temporary period, at the end of which the hazardous waste is treated, disposed or stored elsewhere.

"Stratum (plural strata)" (UIC) means a single sedimentary bed or layer, regardless of thickness, that consists of generally the same kind of rock material.

"Total dissolved solids" (UIC) means the total dissolved (filterable) solids as determined by use of the method specified in 40 CFR 136, incorporated by reference in Section 702.104.

"Transfer facility" means any transportation related facility including loading docks, parking areas, storage areas and other similar areas where shipments of hazardous waste are held during the normal course of transportation.

"Transporter" (RCRA) means a person engaged in the off-site transportation of "hazardous waste" by air, rail, highway or water.

"Treatment" (RCRA) means any method, technique, process, including neutralization, designed to change the physical, chemical or biological character or composition of any "hazardous waste" so as to neutralize such wastes, or so as to recover energy or material resources from the waste, or so as to render such wastes non-hazardous, or less hazardous; safer to transport, store or dispose of; or amenable for recovery, amenable for storage or reduced in volume.

"UIC" means the Underground Injection Control program-- under Part C of the Safe Drinking Water Act, including an "approved program"--.

"Underground Injection" (UIC) means a "well injection".

"Underground source of drinking water" ("USDW") (RCRA and UIC) means an "aquifer" or its portion:

Which:

- Which ~~s~~-Supplies any public water system; or
- Which ~~e~~-Contains a sufficient quantity of groundwater to supply a public water system; and

Currently supplies drinking water for human consumption; or

Contains less than 10,000 mg/l total dissolved ~~solvents~~-solids; and

Which is not an "exempted aquifer".

"USDW" (RCRA and UIC) means an "underground source of drinking water".

"USEPA" means the United States Environmental Protection Agency.

"Wastewater treatment unit" means a device which:

Is part of a wastewater treatment facility which is subject to regulation under ~~either Section 402 or Section 307(b)~~ of the Clean Water Act or -35 Ill. Adm. Code 309-7 -Subpart A or 310; and

Receives and treats or stores an influent wastewater which is a hazardous waste as defined in 35 Ill. Adm. Code 721.103, or generates and accumulates a wastewater treatment sludge which is a hazardous waste as defined in 35 Ill. Adm. Code 721.103, or treats or stores a wastewater treatment sludge which is a hazardous waste as defined in 35 Ill. Adm. Code 721.103, and

Meets the definition of tank in 35 Ill. Adm. Code 720.110.

~~"Waters of the United States or Waters of the U.S."~~
means:

All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide,

All interstate waters, including interstate

"Wetlands";

All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, "wetlands", sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds the use, degradation or destruction of which would affect or could affect interstate or foreign commerce including any such waters:

which are or could be used by interstate or foreign travelers for recreational or other purposes;

from which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or

which are used or could be used for industrial purposes by industries in interstate commerce;

All impoundments of waters otherwise defined as waters of the United States under this definition;

Tributaries of waters identified in paragraphs (a)(1) through (a)(4) of this definition;

The territorial sea; and

"Wetlands" adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (a)(1) through (a)(6) of this definition;

Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of CWA (other than cooling ponds as defined in 40 CFR 423.11(m) which also meet the criteria for this definition) are not waters of the United States.-

"Well" (UIC) means a bored, drilled or driven shaft, or a dug hole, whose depth is greater than the largest surface dimension.

"Well injection" (UIC) means the subsurface emplacement of "fluids" through a bored, drilled, or driven "well"; or through a dug well, where the depth of the dug well is greater than the largest surface dimension.

- "Wetlands" means those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil

conditions. Wetlands generally include swamps, marshes, bogs and similar areas.--

(Board Note: See 40 CFR 144.3 and 270.2 (1987)).

(Source: Amended at 12 Ill. Reg. ,
effective)

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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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. , effective .

SUBPART A: GENERAL PROVISIONS

Section 704.101 Content

The regulations in this ~~s~~-Subpart set forth the specific requirements for the UIC (Underground Injection Control) permit program. These rules are intended to implement the UIC permit requirement of Section 12(g) of the Environmental Protection Act (Act). These rules are intended to be identical in substance to United States Environmental Protection Agency (USEPA) rules found in 40 CFR 144 (1987). The regulations in this Subpart are supplemental to the requirements in 35 Ill. Adm. Code 702, which contains requirements for both the RCRA and UIC permit programs. Operating requirements for injection wells are included in 35 Ill. Adm. Code 730.

(Board Note: See 40 CFR ~~122.31(a)~~-144.1(1987).)

(Source: Amended at 12 Ill. Reg. ,
effective)

Section 704.106 Classification of Injection Wells

Injection wells are classified as follows:

a) Class I

- 1) Wells used by generators of hazardous wastes or owners or operators of hazardous waste management facilities to inject hazardous waste beneath the lowermost formation containing, within 402 meters (one-quarter mile) of the well bore, and underground source of drinking water.
- 2) Other industrial and municipal disposal wells which inject fluids beneath the lowermost formation containing, within 402 meters (one quarter mile) of the well bore, an underground source of drinking water.

b) Class II. Wells which inject fluids:

- 1) Which are brought to the surface in connection with natural gas storage operations, or conventional oil or natural gas production and may be commingled with waste waters from gas plants which are an integral part of production operations, unless those waters are classified as a hazardous waste at the time of injection;
- 2) For enhanced recovery of oil or natural gas; and
- 3) For storage of hydrocarbons which are liquid at standard temperature and pressure.

- c) Class III. Wells which inject for extraction of mineral, including:
 - 1) Mining of sulfur by the Frasch process;
 - 2) 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 of conventional mines such as stopes leaching is included in Class V;
 - 3) Solution mining of salts or potash.
- d) Class IV.
 - 1) Wells used by generators of hazardous wastes or of radioactive wastes, by owners or operators of hazardous waste management facilities or by owners or operators of radioactive waste disposal sites to dispose of hazardous wastes or radioactive wastes into a formation which within 402 meters (one quarter mile) of the well contains an underground source of drinking water.
 - 2) Wells used by generators of hazardous waste or of radioactive waste, by owners or operators of hazardous waste management facilities, or by owners or operators of radioactive waste disposal sites to dispose of hazardous waste or radioactive waste above a formation which within 402 meters (one-quarter mile) of the well contains an underground source of drinking water.
 - 3) Wells used by generators of hazardous waste or owners or operators of hazardous waste management facilities to dispose of hazardous waste, which cannot be classified under ~~paragraphs~~ subsections (a)(1) or (d)(1) and (d)(2) (e.g., wells used to dispose of hazardous waste into or above a formation which contains an aquifer which has been exempted pursuant to 35 Ill. Adm. Code 730.104).
- e) Class V. Injection wells not included in Classes I, II, III, or IV.

(Board Note: See 40 CFR ~~122.32~~-144.6 (1987).)

(Source: Amended at 12 Ill. Reg. ,
effective)

SUBPART B: PROHIBITIONS

Section 704.122 Prohibition of Movement of Fluid into USDW

- a) No owner or operator shall construct, operate, maintain,

convert, plug, abandon or conduct any other injection activity in a manner that allows the movement of fluid containing any contaminant into underground sources of drinking water, if the presence of that contaminant may cause a violation of any primary drinking water regulation under 40 CFR 142, incorporated by reference in 35 Ill. Adm. Code 702.104, or may otherwise adversely affect the health of persons. The applicant for a permit shall have the burden of showing that the requirement of this paragraph are met.

- b) For Class I and III wells, if any water quality monitoring of an underground source of drinking water indicates the movement of a contaminant into the underground source of drinking water, except as authorized under 35 Ill. Adm. Code 730, the Agency shall prescribe such additional requirements for construction, corrective action, operation, monitoring or reporting (including closure of the injection well) as are necessary to prevent such movement. In the case of wells authorized by permit, these additional requirements shall be imposed by modifying the permit in accordance with 35 Ill. Adm. Code 702.183 through 702.185, or the permit may be subject to revocation under 35 Ill. Adm. Code 702.186 if cause exists, or appropriate enforcement action may be taken if the permit has been violated. In the case of wells authorized by rule, see Section 704.141 through 704.146.
- c) For Class V wells, if at any time the Agency learns that a Class V well may cause a violation of primary drinking water regulations under 40 CFR 142, incorporated by reference in 35 Ill. Adm. Code 702.104, it shall:
 - 1) Require the injector to obtain an individual permit;
 - 2) Issue a permit which requires the injector to take such actions (including where required closure of the injection well) as may be necessary to prevent the violation; or
 - 3) Take enforcement action.
- d) Whenever the Agency learns that a Class V well may be otherwise adversely affecting the health of persons, it may prescribe such actions as may be necessary to prevent the adverse effect, including any action authorized under ~~paragraph~~ subsection (c).
- e) Notwithstanding any other provision of this ~~section~~ Section, the Agency may take emergency action upon receipt of information that a contaminant which is present in or is likely to enter a public water system

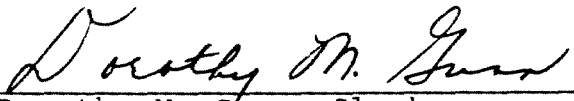
or underground source of drinking water may present an imminent and substantial endangerment to the health of persons. The Agency may declare an emergency and affix a seal pursuant to Section 34 of the Act.

(Board Note: See 40 CFR 144.12 (1987).)

(Source: Amended at 12 Ill. Reg. ,
effective)

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 21st day of January, 1988, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board