

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Underground Injection Control Operating Requirements
- 2) Code Citation: 35 Ill. Adm. Code 730
- 3)

| <u>Section Numbers</u> : | <u>Proposed Actions</u> : |
|--------------------------|---------------------------|
| 730.101 | Amendment |
| 730.102 | Amendment |
| 730.103 | Amendment |
| 730.104 | Amendment |
| 730.105 | Amendment |
| 730.106 | Amendment |
| 730.108 | Amendment |
| 730.113 | Amendment |
| 730.132 | Amendment |
| 730.133 | Amendment |
| 730.134 | Amendment |
| 730.151 | Amendment |
| 730.161 | Amendment |
| 730.162 | Amendment |
| 730.164 | Amendment |
| 730.165 | Amendment |
| 730.167 | Amendment |
| 730.171 | Amendment |
| 730.172 | Amendment |
| 730.181 | Amendment |
| 730.182 | Amendment |
| 730.184 | Amendment |
| 730.185 | Amendment |
| 730.188 | Amendment |
| 730.189 | Amendment |
| 730.190 | Amendment |
| 730.191 | Amendment |
| 730.193 | Amendment |
| 730.194 | Amendment |
| 730.195 | Amendment |
- 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 730 are a single segment of the consolidated docket R17-14/R17-15/R18-11/R18-31

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STATE OF ILLINOIS
Pollution Control Board

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rulemaking that also affects 35 Ill. Adm. Code 702, 704, 705, 720 through 728, 733, 738, 739, and 810 through 812. Due to the extreme volume of the consolidated docket, each Part is covered by a notice in four separate issues of the *Illinois Register*. Included in this issue are 35 Ill. Adm. Code 730, 733, 738, 739, and 810 through 812. The consolidated docket R17-14/R17-15/R18-11/R18-31 rulemaking updates the Illinois hazardous waste, underground injection control (UIC), and Municipal Solid Waste Landfill (MSWLF) rules to incorporate amendments adopted by the United States Environmental Protection Agency (USEPA) during calendar years 2016 and 2017, embracing two update periods: July 1, 2016 through December 31, 2016 and July 1, 2017 through December 31, 2017. The consolidated docket R17-14/R17-15/R18-11/R18-31 rulemaking further makes numerous corrections and non-substantive stylistic revisions that the Board finds necessary. A comprehensive description is contained in the Board's opinion and order of March 3, 2016, proposing amendments in docket R16-7, which opinion and order is available from the address below.

The following briefly summarizes the federal actions in the update periods:

November 28, 2016 (81 Fed. Reg. 85696): USEPA revised requirements for importing and exporting hazardous waste. USEPA amended 40 C.F.R. 260 through 267, 271, and 273. USEPA intended greater protection of human health and the environment, greater consistency with current requirements for shipments between members of the Organization for Economic Cooperation and Development (OECD), and implementation of electronic submittal of import- and export-related documents into an Automated Export System.

November 28, 2016 (81 Fed. Reg. 85732): USEPA adopted the GIR, which extensively revised requirements for generators hazardous waste. USEPA revised rules in all parts of the hazardous waste rules: 40 C.F.R. 260 through 268, 270, 271, 273, and 279. The GIR also included revisions to RCRA Subtitle D rules in 40 C.F.R. 257 and 258. The federal MSWLF rules are codified in 40 C.F.R. 258. USEPA intended that reorganization of the hazardous waste generator requirements would make them more user-friendly and address gaps in the rules to make them more effective and protective of human health and the environment. USEPA also corrected inadvertent errors and remove obsolete provisions.

August 29, 2017 (82 Fed. Reg. 41015): USEPA established the Automated Export System (AES) filing compliance date, a critical implementation date for electronic reporting hazardous waste exports. As of December 31, 2017, exporters of manifested hazardous waste, exporters of universal waste, exporters of spent lead-acid batteries for recycling or disposal, and exporters of cathode ray

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tubes (CRTs) for recycling were to report using the AES for export shipments. After the AES filing compliance date, the use of paper reporting was no longer permissible for these exports.

December 26, 2017 (82 Fed. Reg. 60894): USEPA further revised the rules for imports and exports of hazardous waste. No person can assert a confidential business information (CBI) claim for documents relating to import, export, and transit of hazardous waste and those specific to export of excluded CRTs.

Specifically, the amendments to Part 730 make several needed corrections in the text of the rules.

Tables appear in a document entitled "Identical-in-Substance Rulemaking Addendum (Proposed)" that the Board added to consolidated docket R17-14/R17-15/R18-11/R18-31. The tables list the deviations from the literal text of the federal amendments and the several necessary corrections and stylistic revisions not directly derived from USEPA actions. Persons interested in the details of those deviations from the literal text should refer to the Identical-in-Substance Rulemaking Addendum (Proposed) in consolidated docket R17-14/R17-15/R18-11/R18-31.

Sections 13 and 22.4 of the Environmental Protection Act [415 ILCS 5/13 and 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) Does this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: 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)].

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- 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 consolidated docket R17-14/R17-15/R18-11/R18-31 and be addressed to:

Don A. Brown, 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 consolidated docket R17-14/R17-15/R18-11/R18-31:

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

312/814-6924
email: michael.mccambridge@illinois.gov

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:

- 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 disposing of industrial wastewaters into the sewage collection system of a publicly owned treatment works. 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)].
- 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

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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)].

- 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)].
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2017 and January 2018

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

1 TITLE 35: ENVIRONMENTAL PROTECTION
2 SUBTITLE G: WASTE DISPOSAL
3 CHAPTER I: POLLUTION CONTROL BOARD
4 SUBCHAPTER d: UNDERGROUND INJECTION CONTROL AND
5 UNDERGROUND STORAGE TANK PROGRAMS
6

7 PART 730
8 UNDERGROUND INJECTION CONTROL OPERATING REQUIREMENTS
9

10 SUBPART A: GENERAL
11

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|----|---------|---|
| 12 | Section | |
| 13 | 730.101 | Applicability, Scope, and Effective Date |
| 14 | 730.102 | Laws Authorizing Regulations |
| 15 | 730.103 | Definitions |
| 16 | 730.104 | Criteria for Exempted Aquifers |
| 17 | 730.105 | Classification of Injection Wells |
| 18 | 730.106 | Area of Review |
| 19 | 730.107 | Corrective Action |
| 20 | 730.108 | Mechanical Integrity |
| 21 | 730.109 | Criteria for Establishing Permitting Priorities |
| 22 | 730.110 | Plugging and Abandoning Wells |

23
24 SUBPART B: CRITERIA AND STANDARDS APPLICABLE
25 TO CLASS I NON-HAZARDOUS WASTE INJECTION WELLS
26

| | | |
|----|---------|---|
| 27 | Section | |
| 28 | 730.111 | Applicability |
| 29 | 730.112 | Construction Requirements |
| 30 | 730.113 | Operating, Monitoring, and Reporting Requirements |
| 31 | 730.114 | Information to be Considered by the Agency |

32
33 SUBPART C: CRITERIA AND STANDARDS APPLICABLE
34 TO CLASS II INJECTION WELLS
35

| | | |
|----|---------|---|
| 36 | Section | |
| 37 | 730.121 | Adoption of Criteria and Standards Applicable to Class II Injection Wells by the 38 Illinois Department of Natural Resources, Office of Mines and Minerals 39 |

40 SUBPART D: CRITERIA AND STANDARDS APPLICABLE
41 TO CLASS III INJECTION WELLS
42

| | | |
|----|---------|--|
| 43 | Section | |
|----|---------|--|

- 44 730.131 Applicability
- 45 730.132 Construction Requirements
- 46 730.133 Operating, Monitoring, and Reporting Requirements
- 47 730.134 Information to be Considered by the Agency

48

49 SUBPART F: CRITERIA AND STANDARDS APPLICABLE
50 TO CLASS V INJECTION WELLS

51

52 Section

- 53 730.151 Applicability
- 54 730.152 Inventory and Assessment (Repealed)

55

56 SUBPART G: CRITERIA AND STANDARDS APPLICABLE TO
57 CLASS I HAZARDOUS WASTE INJECTION WELLS

58

59 Section

- 60 730.161 Applicability and Definitions
- 61 730.162 Minimum Criteria for Siting
- 62 730.163 Area of Review
- 63 730.164 Corrective Action for Wells in the Area of Review
- 64 730.165 Construction Requirements
- 65 730.166 Logging, Sampling, and Testing Prior to New Well Operation
- 66 730.167 Operating Requirements
- 67 730.168 Testing and Monitoring Requirements
- 68 730.169 Reporting Requirements
- 69 730.170 Information to be Evaluated
- 70 730.171 Closure
- 71 730.172 Post-Closure Care
- 72 730.173 Financial Responsibility for Post-Closure Care

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74 SUBPART H: CRITERIA AND STANDARDS APPLICABLE TO CLASS VI WELLS

75

76 Section

- 77 730.181 Applicability
- 78 730.182 Required Class VI Injection Well Permit Information
- 79 730.183 Minimum Criteria for Siting
- 80 730.184 Area of Review and Corrective Action
- 81 730.185 Financial Responsibility
- 82 730.186 Injection Well Construction Requirements
- 83 730.187 Logging, Sampling, and Testing Prior to Injection Well Operation
- 84 730.188 Injection Well Operating Requirements
- 85 730.189 Mechanical Integrity
- 86 730.190 Testing and Monitoring Requirements

- 87 730.191 Reporting Requirements
- 88 730.192 Injection Well Plugging
- 89 730.193 Post-Injection Site Care and Site Closure
- 90 730.194 Emergency and Remedial Response
- 91 730.195 Alternative Class VI Injection Well Depth Requirements

92

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

95

96 SOURCE: Adopted in R81-32 at 6 Ill. Reg. 12479, effective March 3, 1984; amended in R82-19
 97 at 7 Ill. Reg. 14426, effective March 3, 1984; recodified at 10 Ill. Reg. 14174; amended in R89-2
 98 at 14 Ill. Reg. 3130, effective February 20, 1990; amended in R89-11 at 14 Ill. Reg. 11959,
 99 effective July 9, 1990; amended in R93-6 at 17 Ill. Reg. 15646, effective September 14, 1993;
 100 amended in R94-5 at 18 Ill. Reg. 18391, effective December 20, 1994; amended in R95-4 at 19
 101 Ill. Reg. 10047, effective June 27, 1995; amended in R00-11/R01-1 at 24 Ill. Reg. 18680,
 102 effective December 7, 2000; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 1281, effective
 103 December 20, 2006; amended in R11-14 at 36 Ill. Reg. 1661, effective January 20, 2012;
 104 amended in R17-14/R17-15/R18-12 at 42 Ill. Reg. _____, effective _____.

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SUBPART A: GENERAL

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Section 730.101 Applicability, Scope, and Effective Date

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- a) This Part sets forth technical criteria and standards for the Underground Injection Control (UIC) Program. This Part must be read in conjunction with 35 Ill. Adm. Code 702, 704, and 705, which also apply to the UIC program. 35 Ill. Adm. Code 702 and 704 prescribe the regulatory requirements for the UIC permit program. 35 Ill. Adm. Code 704 further outlines hazardous waste management requirements and sets forth the financial assurance requirements applicable to Class I hazardous waste injection wells and requirements applicable to certain types of Class V injection wells. 35 Ill. Adm. Code 705 describes the procedures the Agency must use for issuing UIC permits.

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- b) ~~Any~~ On and after February 1, 1984, any underground injection that is not authorized by rule or by permit is unlawful.

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- c) Electronic reporting. The filing of any document pursuant to any provision of this Part as an electronic document is subject to 35 Ill. Adm. Code 720.104.

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BOARD NOTE: Subsection (c) of this Section is derived from 40 CFR 3 and 145.11(a)(33) (2017)(2011).

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(Source: Amended at 42 Ill. Reg. _____, effective _____)

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Section 730.102 Laws Authorizing Regulations

The laws authorizing these regulations and all other UIC program regulations are included in the Environmental Protection Act~~[415 ILCS 5]~~, as amended.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 730.103 Definitions

The following definitions apply to the underground injection control program.

"Abandoned well" means a well whose use has been permanently discontinued or that is in a state of disrepair such that it cannot be used for its intended purpose or for observation purposes.

"Act" 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.L. 95-609, 42 USC 6901).

"Administrator" means the Administrator of the U.S. Environmental Protection Agency or the Administrator's designee.

"Agency" means the Illinois Environmental Protection Agency.

"Application" means the Agency forms for applying for a permit, including any additions, revisions, or modifications to the forms. For RCRA, application also includes the information required by the Agency pursuant to 35 Ill. Adm. Code 703.182-703.188 and 703.200 (contents of Part B of the RCRA application).

"Aquifer" means a geologic 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" means the area surrounding an "injection well" described according to the criteria set forth in Section 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 (one-quarter mile) or a number calculated according to the criteria set forth in Section 730.106.

"Casing" means a pipe or tubing of appropriate material, of varying diameter and weight, lowered into a borehole during or after drilling in order to support the sides of the hole and thus prevent the walls from caving, to prevent loss of drilling mud into porous ground or to prevent water, gas, or other fluid from entering or

173 leaving the hole.
174
175 "Catastrophic collapse" means the sudden and utter failure of overlying "strata"
176 caused by removal of underlying materials.
177
178 "Cementing" means the operation whereby a cement slurry is pumped into a
179 drilled hole or forced behind the casing.
180
181 "Cesspool" means a "drywell" that receives untreated sanitary waste containing
182 human excreta and which sometimes has an open bottom or perforated sides.
183
184 "Confining bed" means a body of impermeable or distinctly less permeable
185 material stratigraphically adjacent to one or more aquifers.
186
187 "Confining zone" means a geologic formation, group of formations, or part of a
188 formation that is capable of limiting fluid movement above an injection zone.
189
190 "Contaminant" means any physical, chemical, biological, or radiological
191 substance or matter in water.
192
193 "Conventional mine" means an open pit or underground excavation for the
194 production of minerals.
195
196 ~~"Date of approval by USEPA of the Illinois UIC program" means February 1,~~
197 ~~1984.~~
198
199 "Director" means the Director of the Illinois Environmental Protection Agency or
200 the Administrator's designee.
201
202 "Disposal well" means a well used for the disposal of waste into a subsurface
203 stratum.
204
205 "Drywell" means a well, other than an improved sinkhole or subsurface fluid
206 distribution system, that is completed above the water table so that its bottom and
207 sides are typically dry except when receiving fluids.
208
209 ~~"Effective date of the UIC program" means February 1, 1984.~~
210
211 "Environmental Protection Act" means the Environmental Protection Act [415
212 ILCS 5].
213
214 "EPA" or "USEPA" means the United States Environmental Protection Agency.
215

216 "Exempted aquifer" means an "aquifer" or its portion that meets the criteria in the
217 definition of "underground source of drinking water" but which has been
218 exempted according to the procedures of 35 Ill. Adm. Code 704.123, 704.104, and
219 702.105.

220
221 "Existing injection well" means an "injection well" other than a "new injection
222 well:".

223
224 "Experimental technology" means a technology that has not been proven feasible
225 under the conditions in which it is being tested.

226
227 "Facility or activity" means any HWM facility, UIC injection well, or any other
228 facility or activity (including land or appurtenances thereto) that is subject to
229 regulation under the "State" RCRA or UIC program.

230
231 "Fault" means a surface or zone of rock fracture along which there has been
232 displacement.

233
234 "Flow rate" means the volume per unit time of the flow of a gas or other fluid
235 substance that emerges from an orifice, pump or turbine or which passes along a
236 conduit or channel.

237
238 "Fluid" means material or substance that flows or moves, whether in a semisolid,
239 liquid sludge, gas, or any other form or state.

240
241 "Formation" means a body of rock characterized by a degree of lithologic
242 homogeneity that is prevailingly, but not necessarily, tabular and is mappable on
243 the earth's surface or traceable in the subsurface.

244
245 "Formation fluid" means fluid present in a formation under natural conditions as
246 opposed to introduced fluids, such as drilling mud.

247
248 "Generator" means any person, by site location, whose act or process produces
249 hazardous waste identified or listed in 35 Ill. Adm. Code 721.

250
251 "Groundwater" means water below the land surface in a zone of saturation.

252
253 "Hazardous waste" means a hazardous waste as defined in 35 Ill. Adm. Code
254 721.103.

255
256 "Hazardous waste management facility" or "HWM facility" means all contiguous
257 land, and structures, other appurtenances and improvements on the land used for
258 treating, storing, or disposing of hazardous waste. A facility may consist of

259 several treatment, storage, or disposal operational units (for example, one or more
260 landfills, surface impoundments, or combination of them).

261
262 "HWM facility" means Hazardous waste management facility.

263
264 "Illinois" means the State of Illinois.

265
266 "Improved sinkhole" means a naturally occurring karst depression or other natural
267 crevice that is found in volcanic terrain and other geologic settings that have been
268 modified by man for the purpose of directing and emplacing fluids into the
269 subsurface.

270
271 "Injection well" means a well into which fluids are being injected.

272
273 "Injection zone" means a geologic formation, group of formations, or part of a
274 formation receiving fluids through a well.

275
276 "Lithology" means the description of rocks on the basis of their physical and
277 chemical characteristics.

278
279 "Owner or operator" means the owner or operator of any facility or activity
280 subject to regulation under RCRA, UIC, or the Environmental Protection Act.

281
282 "Packer" means a device lowered into a well that can be expanded to produce a
283 fluid-tight seal.

284
285 "Permit" means an authorization, license, or equivalent control document issued
286 by the Agency to implement the requirements of this Part and 35 Ill. Adm. Code
287 702 through 705. Permit does not include RCRA interim status (Subpart C of 35
288 Ill. Adm. Code 703), UIC authorization by rule (Subpart C of 35 Ill. Adm. Code
289 704), or any permit that has not yet been the subject of final Agency action, such
290 as a draft permit or a proposed permit.

291
292 "Plugging" means the act or process of stopping the flow of water, oil, or gas into
293 or out of a formation through a borehole or well penetrating that formation.

294
295 "Plugging record" means a systematic listing of permanent or temporary
296 abandonment of water, oil, gas, test, exploration, and waste injection wells, and
297 may contain a well log, description of amounts and types of plugging material
298 used, the method employed for plugging, a description of formations that are
299 sealed and a graphic log of the well showing formation location, formation
300 thickness, and location of plugging structures.

301

302 "Point of injection," for a Class V injection well, means the last accessible
303 sampling point prior to waste fluids being released into the subsurface
304 environment through the well. For example, the point of injection of a Class V
305 septic system might be the distribution box – the last accessible sampling point
306 before the waste fluids drain into the underlying soils. For a dry well, it is likely
307 to be the well bore itself.

308
309 "Pressure" means the total load or force per unit area acting on a surface.

310
311 "Project" means a group of wells in a single operation.

312
313 "Radioactive Waste" means any waste that contains radioactive material in
314 concentrations that exceed those listed in Table II, column 2 in appendix B to 10
315 CFR 20 (Water Effluent Concentrations), incorporated by reference in 35 Ill.
316 Adm. Code 720.111.

317
318 "RCRA" means the Solid Waste Disposal Act, as amended by the Resource
319 Conservation and Recovery Act of 1976 (42 USC 6901 et seq.).

320
321 "Sanitary waste" means liquid or solid wastes originating solely from humans and
322 human activities, such as wastes collected from toilets, showers, wash basins,
323 sinks used for cleaning domestic areas, sinks used for food preparation, clothes
324 washing operations, and sinks or washing machines where food and beverage
325 serving dishes, glasses, and utensils are cleaned. Sources of these wastes may
326 include single or multiple residences, hotels and motels, restaurants, bunkhouses,
327 schools, ranger stations, crew quarters, guard stations, campgrounds, picnic
328 grounds, day-use recreation areas, other commercial facilities, and industrial
329 facilities, provided the waste is not mixed with industrial waste.

330
331 "SDWA" means the Safe Drinking Water Act (42 USC 300(f) et seq.).

332
333 "Septic system" means a well that is used to emplace sanitary waste below the
334 surface and which is typically comprised of a septic tank and subsurface fluid
335 distribution system or disposal system.

336
337 "Site" means the land or water area where any facility or activity is physically
338 located or conducted, including adjacent land used in connection with the facility
339 or activity.

340
341 "Sole or principal source aquifer" means an aquifer that has been designated by
342 the Administrator pursuant to Section 1424(a) or (e) of SDWA (42 USC 300h-
343 3(a) or (e)).

344

345 "State" means the State of Illinois.

346

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

349

350 "Subsidence" means the lowering of the natural land surface in response to: earth
351 movements; lowering of fluid pressure, removal of underlying supporting material
352 by mining or solution of solids, either artificially or from natural causes;
353 compaction due to wetting (hydrocompaction); oxidation of organic matter in
354 soils; or added load on the land surface.

355

356 "Subsurface fluid distribution system" means an assemblage of perforated pipes,
357 drain tiles, or other similar mechanisms intended to distribute fluids below the
358 surface of the ground.

359

360 "Surface casing" means the first string of well casing to be installed in the well.

361

362 "Total dissolved solids" or "TDS" means the total dissolved (filterable) solids, as
363 determined by use of the method specified in 40 CFR 136.3 (Identification of Test
364 Procedures; the method for filterable residue), incorporated by reference in 35 Ill.
365 Adm. Code 720.111.

366

367 "UIC" means the Underground Injection Control program under Part C of the
368 Safe Drinking Water Act (42 USC 300h through 300h-8), including the approved
369 Illinois program.

370

371 "Underground injection" means a "well injection-".

372

373 "Underground source of drinking water" or "USDW" means an aquifer or its
374 portion of which the following is true:

375

376 It supplies any public water system; or

377

378 It contains a sufficient quantity of groundwater to supply a public water
379 system; and

380

381 It currently supplies drinking water for human consumption; or

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383 It contains less than 10,000 mg/ℓ total dissolved solids; and

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385 It is not an exempted "aquifer-".

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387 "USDW" means underground source of drinking water.

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"Well" means a bored, drilled, or driven shaft whose depth is greater than the largest surface dimension; a dug hole whose depth is greater than the largest surface dimension; an improved sinkhole; or a subsurface fluid distribution system.

"Well injection" means the subsurface emplacement of fluids through a well.

"Well monitoring" means the measurement, by on-site instruments or laboratory methods, of the quality of water in a well.

"Well plug" means a watertight and gastight seal installed in a borehole or well to prevent movement of fluids.

"Well stimulation" means several processes used to clean the well bore, enlarge channels, and increase pore space in the interval to be injected, thus making it possible for wastewater to move more readily into the formation, and includes surging, jetting, blasting, acidizing, and hydraulic fracturing.

BOARD NOTE: Derived from 40 CFR 146.3 (2017)~~(2011)~~.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 730.104 Criteria for Exempted Aquifers

An aquifer or a portion of an aquifer that meets the criteria for an "underground source of drinking water" in Section 730.103 is an "exempted aquifer" for a Class I, Class III, or Class V injection well if the Board determines pursuant to 35 Ill. Adm. Code 704.123 that the aquifer meets the criteria of either subsections (a) and (b) or (a) and (c) ~~of this Section~~. For a Class VI injection well, the Board must determine that the well meets the criteria of subsection (d) ~~of this Section~~.

- a) The aquifer does not currently serve as a source of drinking water; and
- b) The aquifer cannot now and will not in the future serve as a source of drinking water because one or more of the following is true of the aquifer:
 - 1) The aquifer is mineral, hydrocarbon, or geothermal energy producing, or a permit applicant can demonstrate, as part of a permit application for a Class II or III injection well, that the aquifer contains minerals or hydrocarbons that are expected to be commercially producible considering their quantity and location;

- 431 2) The aquifer is situated at a depth or location that makes recovery of water
432 for drinking water purposes economically or technologically impractical;
433
- 434 3) The aquifer is so contaminated that it would be economically or
435 technologically impractical to render that water fit for human
436 consumption; or
437
- 438 4) The aquifer is located over a Class III injection well mining area subject to
439 subsidence or catastrophic collapse; or
440
- 441 c) The total dissolved solids content of the groundwater in the aquifer is more than
442 3,000 and less than 10,000 mg/l, and the aquifer is not reasonably expected to
443 supply a public water system.
444
- 445 d) The areal extent of an aquifer exemption for a Class II enhanced oil recovery or
446 enhanced gas recovery well is expanded for the exclusive purpose of Class VI
447 injection for geologic sequestration pursuant to 35 Ill. Adm. Code 704.123(d) if
448 the Agency determines that the aquifer meets the following criteria:
449
 - 450 1) The aquifer does not currently serve as a source of drinking water;
451
 - 452 2) The total dissolved solids content of the ground water in the aquifer is
453 greater than 3,000 mg/l and less than 10,000 mg/l; and
454
 - 455 3) The aquifer is not reasonably expected to supply a public water system.
456

457 BOARD NOTE: Derived from 40 CFR 146.4 (2017)~~(2011)~~.

458 (Source: Amended at 42 Ill. Reg. _____, effective _____)
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460

461 **Section 730.105 Classification of Injection Wells**

462 Injection wells are classified as follows:
463

- 464 a) Class I injection wells. A Class I injection well is any of the following:
465
 - 466 1) A Class I hazardous waste injection well that is used by a generator of
467 hazardous waste or an owner or operator of a hazardous waste
468 management facility to inject hazardous waste beneath the lowermost
469 formation containing an underground source of drinking water within 402
470 meters (one-quarter mile) of the well bore.
471
 - 472 2) An industrial or municipal disposal well that injects fluids beneath the
473

474 lowermost formation containing an underground source of drinking water
475 within 402 meters (one-quarter mile) of the well bore.

476
477 3) A radioactive waste disposal well that injects fluids below the lowermost
478 formation containing an underground source of drinking water within 402
479 meters (one-quarter mile) of the well bore.

480
481 b) Class II injection wells. A Class II injection well is one that injects any of the
482 following types of fluids:

483
484 1) Fluids that are brought to the surface in connection with conventional oil
485 or natural gas production and which may be commingled with wastewaters
486 from gas plants that are an integral part of production operations, unless
487 those waters are classified as a hazardous waste at the time of injection;

488
489 2) Fluids that are used for enhanced recovery of oil or natural gas; and

490
491 3) Fluids that are used for storage of hydrocarbons that are liquid at standard
492 temperature and pressure.

493
494 c) Class III injection wells. A Class III injection well is one that injects fluid for
495 extraction of minerals, including one used in any of the following activities:

496
497 1) Mining of sulfur by the Frasch process;

498
499 2) In situ production of uranium or other metals. This category includes only
500 in situ production from ore bodies that have not been conventionally
501 mined. Solution mining of conventional mines, such as stopes leaching, is
502 included in Class V; or

503
504 3) Solution mining of salts or potash.

505
506 BOARD NOTE: Class III injection well would include a well that is used for the
507 recovery of geothermal energy to produce electric power, but would not include a
508 well that is used in heating or aquaculture that falls under Class V.

509
510 d) Class IV injection wells. A Class IV injection well is any of the following:

511
512 1) A well used by a generator of hazardous waste or of radioactive waste, by
513 an owner or operator of a hazardous waste management facility, or by an
514 owner or operator of a radioactive waste disposal site to dispose of
515 hazardous waste or radioactive waste into a formation that contains an
516 underground source of drinking water within 402 meters (one-quarter

- 517 mile) of the well.
518
519 2) A well used by a generator of hazardous waste or of radioactive waste, by
520 an owner or operator of a hazardous waste management facility, or by an
521 owner or operator of a radioactive waste disposal site to dispose of
522 hazardous waste or radioactive waste above a formation that contains an
523 underground source of drinking water within 402 meters (one-quarter
524 mile) of the well.
525
526 3) A well used by a generator of hazardous waste or an owner or operator of
527 a hazardous waste management facility to dispose of hazardous waste that
528 cannot be classified pursuant to subsection (a)(1), (d)(1), or (d)(2) ~~of this~~
529 ~~Section~~ (e.g., wells used to dispose of hazardous wastes into or above a
530 formation that contains an aquifer that has been exempted pursuant to
531 Section 730.104).
532
533 e) Class V injection wells. A Class V injection well is any not included in Class I,
534 Class II, Class III, Class IV, or Class VI. Specific types of Class V injection wells
535 include the following:
536
537 1) Air conditioning return flow wells used to return the water used in a heat
538 pump for heating or cooling to the supply aquifer;
539
540 2) Cesspools, including multiple dwelling, community, or regional cesspools,
541 or other devices that receive wastes that have an open bottom and
542 sometimes have perforated sides. The UIC requirements do not apply to
543 single family residential cesspools or to non-residential cesspools that
544 receive solely sanitary wastes and have the capacity to serve fewer than 20
545 persons a day;
546
547 3) Cooling water return flow wells used to inject water previously used for
548 cooling;
549
550 4) Drainage wells used to drain surface fluid, primarily storm runoff, into a
551 subsurface formation;
552
553 5) Dry wells used for the injection of wastes into a subsurface formation;
554
555 6) Recharge wells used to replenish the water in an aquifer;
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557 7) Salt water intrusion barrier wells used to inject water into a fresh water
558 aquifer to prevent the intrusion of salt water into the fresh water;
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- 8) Sand backfill and other backfill wells used to inject a mixture of water and sand, mill tailings, or other solids into mined out portions of subsurface mines whether what is injected is a radioactive waste or not;
 - 9) Septic system wells used to inject the waste or effluent from a multiple dwelling, business establishment, community, or regional business establishment septic tank. The UIC requirements do not apply to single family residential septic system wells, or to nonresidential septic system wells that are used solely for the disposal of sanitary waste and which have the capacity to serve fewer than 20 persons a day;
 - 10) Subsidence control wells (not used for the purpose of oil or natural gas production) used to inject fluids into a non-oil or gas producing zone to reduce or eliminate subsidence associated with the overdraft of fresh water;
 - 11) Radioactive waste disposal wells other than Class IV injection wells;
 - 12) Injection wells associated with the recovery of geothermal energy for heating, aquaculture, or production of electric power;
 - 13) Wells used for solution mining of conventional mines such as stopes leaching;
 - 14) Wells used to inject spent brine into the same formation from which it was withdrawn after extraction of halogens or their salts; and
 - 15) Injection wells used in experimental technologies.
- f) Class VI injection wells. A Class VI injection well is any of the following:
- 1) An injection well that is not experimental in nature and which is used for geologic sequestration of carbon dioxide beneath the lowermost formation containing a USDW;
 - 2) An injection well that is used for geologic sequestration of carbon dioxide and which has been granted a permit that includes alternative injection well depth requirements pursuant to Section 730.195; or
 - 3) An injection well that is used for geologic sequestration of carbon dioxide and which has received an expansion to the areal extent of an existing Class II enhanced oil recovery or enhanced gas recovery aquifer exemption pursuant to Section 730.104 and 35 Ill. Adm. Code 704.123(d).

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BOARD NOTE: Derived from 40 CFR 146.5 (2017)(2011).

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 730.106 Area of Review

The area of review for each injection well or each field, project, or area in Illinois must be determined according to either subsection (a) or (b) of this Section. The Agency may solicit input from the owners or operators of injection wells within Illinois as to which method is most appropriate for each geographic area or field.

- a) Zone of endangering influence.
 - 1) The zone of endangering influence must be the applicable of the following:
 - A) In the case of an application for a well permit pursuant to 35 Ill. Adm. Code 704.161, that area the radius of which is the lateral distance in which the pressures in the injection zone may cause the migration of the injection or formation fluid into an underground source of drinking water; or
 - B) In the case of an application for an area permit pursuant to 35 Ill. Adm. Code 704.162, the project area plus a circumscribing area the width of which is the lateral distance from the perimeter of the project area, in which the pressures in the injection zone may cause the migration of the injection or formation fluid into an underground source of drinking water.
 - 2) Computation of the zone of endangering influence may be based upon the parameters listed below and should be calculated for an injection time period equal to the expected life of the injection well or pattern. The following modified This equation illustrates one form that the mathematical model may take.

$$r = \sqrt{\frac{2.25 \text{ kHt}}{S \times 10^x}}$$

where:

$$x = \frac{4 \pi KH (h_w - h_{bo} \times S_b G_b)}{}$$

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641
642

2.3 Q

643

- r = Radius of endangering influence from injection well (length)
- k = Hydraulic conductivity of the injection zone (length/time)
- H = Thickness of the injection zone (length)
- t = Time of injection (time)
- S = Storage coefficient (dimensionless)
- Q = Injection rate (volume/time)
- h_{bo} = Observed original hydrostatic head of injection zone (length) measured from the base of the lowermost underground source of drinking water
- h_w = Hydrostatic head of underground source of drinking water (length) measured from the base of the lowest underground source of drinking water
- S_pG_b = Specific gravity of fluid in the injection zone (dimensionless)
- π = 3.14159 (dimensionless)

644

645

3) The above equation is based on the following assumptions:

646

A) The injection zone is homogenous and isotropic;

648

B) The injection zone has infinite area extent;

649

650

C) The injection well penetrates the entire thickness of the injection zone;

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652

653

D) The well diameter is infinitesimal compared to "r" when injection time is longer than a few minutes; and

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656

E) The emplacement of fluid into the injection zone creates instantaneous increase in pressure.

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658

659

b) Fixed radius.

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1) In the case of an application for a well permit pursuant to 35 Ill. Adm. Code 704.161, a fixed radius around the well of not less than 402 meters (one-quarter mile) may be used.

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2) In the case of an application for an area permit pursuant to 35 Ill. Adm. Code 704.162, a fixed width of not less than 402 meters (one-quarter mile) for the circumscribing area may be used.

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3) In determining the fixed radius, the following factors must be taken into

670

671 consideration: the chemistry of injected and formation fluids; the
672 hydrogeology; the population and groundwater use and dependence; and
673 historical practices in the area.
674

675 c) If the area of review is determined by a mathematical model pursuant to
676 subsection (a) ~~of this Section~~, the permissible radius is the result of such
677 calculation even if it is less than 402 meters (one-quarter mile).
678

679 (Source: Amended at 42 Ill. Reg. _____, effective _____)
680

681 **Section 730.108 Mechanical Integrity**
682

683 a) The owner or operator must demonstrate mechanical integrity when required by
684 other Sections. An injection well has mechanical integrity if both of the following
685 conditions are fulfilled:
686

- 687 1) There is no significant leak in the casing, tubing, or packer; and
- 688 2) There is no significant fluid movement into an underground source of
689 drinking water through vertical channels adjacent to the injection bore.
690

691 b) One of the following tests must be used to demonstrate the absence of significant
692 leaks pursuant to subsection (a)(1) ~~of this Section~~:
693

- 694 1) Following an initial pressure test, monitoring of the tubing-casing annulus
695 pressure with sufficient frequency to be representative, as determined by
696 the Agency, while maintaining an annulus pressure different from
697 atmospheric pressure measured at the surface; or
698
- 699 2) A pressure test with liquid or gas.
700

701 c) One of the following methods may be used to determine the absence of significant
702 fluid movement pursuant to subsection (a)(2) ~~of this Section~~:
703

- 704 1) The results of a temperature or noise log;
705
- 706 2) For Class III injection wells where the nature of the casing precludes the
707 use of the logging techniques prescribed at subsection (c)(1) ~~of this~~
708 ~~Section~~, cementing records demonstrating the presence of adequate
709 cement to prevent migration; or
710
- 711 3) For Class III injection wells where the Agency elects to rely on cementing
712 records to demonstrate the absence of significant fluid movement, the
713

714 monitoring program prescribed by 35 Ill. Adm. Code 730.113(b) must be
715 designed to verify the absence of significant fluid movement.
716

- 717 d) The Agency may allow the use of a test to demonstrate mechanical integrity other
718 than those listed in subsections (b) and (c) ~~of this Section~~. To obtain approval, the
719 owner or operator must submit a written request to the Agency that sets forth the
720 proposed test and all technical data supporting its use. The Agency must approve
721 the request if the test will reliably demonstrate the mechanical integrity of wells
722 for which its use is proposed.
723
- 724 e) In conducting and evaluating the tests enumerated in this Section or others to be
725 allowed by the Agency, the owner or operator and the Agency must apply
726 methods and standards generally accepted in the industry. When the owner or
727 operator reports the results of mechanical integrity tests to the Agency, it must
728 include a description of the test and the method used. In making its evaluation,
729 the Agency must review monitoring and other test data submitted since the
730 previous evaluation.
731
- 732 f) The Agency may require additional or alternative tests if the results presented by
733 the owner or operator pursuant to subsection (e) ~~of this Section~~ are not
734 satisfactory to the Agency to demonstrate that there is no movement of fluid into
735 or between USDWs resulting from the injection activity.
736

737 (Source: Amended at 42 Ill. Reg. _____, effective _____)
738

739 SUBPART B: CRITERIA AND STANDARDS APPLICABLE
740 TO CLASS I NON-HAZARDOUS WASTE INJECTION WELLS
741

742 **Section 730.113 Operating, Monitoring, and Reporting Requirements**
743

- 744 a) Operating Requirements. Operating requirements must, at a minimum, specify
745 the following:
746
- 747 1) That, except during stimulation, injection pressure at the wellhead must
748 not exceed a maximum that must be calculated so as to assure that the
749 pressure in the injection zone during injection does not initiate new
750 fractures or propagate existing fractures in the injection zone. In no case
751 must injection pressure initiate fractures in the confining zone or cause the
752 movement of injection or formation fluids into an underground source of
753 drinking water;
754
- 755 2) That injection between the outermost casing protecting underground
756 sources of drinking water and the well bore is prohibited; and

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3) That, unless an alternative to a packer has been approved pursuant to Section 730.112(c), the annulus between the tubing and the long string of casings must be filled with a fluid approved by permit condition, and a pressure prescribed by permit condition must be maintained on the annulus.

b) Monitoring Requirements. Monitoring requirements must, at a minimum, include all of the following:

- 1) The analysis of the injected fluids with sufficient frequency to yield representative data of their characteristics;
- 2) Installation and use of 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;
- 3) A demonstration of mechanical integrity pursuant to Section 730.108 at least once every five years during the life of the well; and
- 4) The type, number, and location of wells within the area of review to be used to monitor any migration of fluids into and pressure in the underground sources of drinking water, the parameters to be measured, and the frequency of monitoring.

c) Reporting Requirements. Reporting requirements must, at a minimum, include:

- 1) Quarterly reports to the Agency on each of the following:
 - A) The physical, chemical, and other relevant characteristics of injection fluids;
 - B) The monthly average, maximum, and minimum values for injection pressure, flow rate and volume, and annular pressure; and
 - C) The results of monitoring prescribed pursuant to subsection (b)(4) of this Section.
- 2) Reporting the results, with the first quarterly report after the completion of each of the following:
 - A) Periodic tests of mechanical integrity;

800 B) Any other test of the injection well conducted by the permittee if
801 required by permit condition; and

802
803 C) Any well work over.

804
805 d) Ambient monitoring.

806
807 1) Based on a site-specific assessment of the potential for fluid movement
808 from the well or injection zone and on the potential value of monitoring
809 wells to detect such movement, the Agency must require the owner or
810 operator to develop a monitoring program. At a minimum, the Agency
811 must require monitoring of the pressure buildup in the injection zone
812 annually, including at a minimum, a shut down of the well for a time
813 sufficient to conduct a valid observation of the pressure fall-off curve.

814
815 2) When prescribing a monitoring system the Agency may also require:

816
817 A) Continuous monitoring for pressure changes in the first aquifer
818 overlying the confining zone. When such a well is installed, the
819 owner or operator must, on a quarterly basis, sample the aquifer
820 and analyze for constituents specified by permit condition;

821
822 B) The use of indirect, geophysical techniques to determine the
823 position of the waste front, the water quality in a formation
824 designated by permit condition or to provide other site-specific
825 data;

826
827 C) Periodic monitoring of the ground water quality in the first aquifer
828 overlying the injection zone;

829
830 D) Periodic monitoring of the ground water quality in the lowermost
831 USDW; and

832
833 E) Any additional monitoring necessary to determine whether fluids
834 are moving into or between USDWs.

835
836 BOARD NOTE: Derived from 40 CFR 146.13 (2017)~~(2005)~~.

837
838 (Source: Amended at 42 Ill. Reg. _____, effective _____)

839
840 SUBPART D: CRITERIA AND STANDARDS APPLICABLE
841 TO CLASS III INJECTION WELLS

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843 **Section 730.132 Construction Requirements**

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- a) A new Class III injection well must be cased and cemented to prevent the migration of fluids into or between underground sources of drinking water. The Agency may waive the cementing requirements for a new well in existing projects or portions of existing projects where it has substantial evidence that no contamination of underground sources of drinking water would result. The casing and cement used in the construction of each newly drilled well must be designed for the life expectancy of the well. In determining and specifying casing and cementing requirements, the following factors must be considered:
 - 1) The depth to the injection zone;
 - 2) The injection pressure, external pressure, internal pressure, axial loading, etc.;
 - 3) The hole size;
 - 4) The size and grade of all casing strings (wall thickness, diameter, nominal weight, length, joint specification, and construction material);
 - 5) The corrosiveness of injected fluids and formation fluids;
 - 6) The lithology of injection and confining zones; and
 - 7) The type and grade of cement.

- b) Appropriate logs and other tests must be conducted during the drilling and construction of a new Class III injection well. A descriptive report interpreting the results of such logs and tests must be prepared by a knowledgeable log analyst and submitted to the Agency. The logs and tests appropriate to each type of Class III injection well must be determined based on the intended function, depth, construction, and other characteristics of the well; the availability of similar data in the area of the drilling site; and the need for additional information that may arise from time to time as the construction of the well progresses. Deviation checks must be conducted on all holes where pilot holes and reaming are used, unless the hole will be cased and cemented by circulating cement to the surface. Where deviation checks are necessary they must be conducted at sufficiently frequent intervals to assure that vertical avenues for fluid migration in the form of diverging holes are not created during drilling.

- c) Where the injection zone is a formation that is naturally water-bearing, the following information concerning the injection zone must be determined or

886 calculated for a new Class III injection well or project:

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- 1) The fluid pressure;
 - 2) The fracture pressure; and
 - 3) The physical and chemical characteristics of the formation fluids.
- d) Where the injection formation is not a water-bearing formation, the information in subsection (c)(2) ~~of this Section~~ must be submitted.
- e) Where injection is into a formation that contains water with less than 10,000 mg/ℓ TDS, monitoring wells must be completed into the injection zone and into any underground sources of drinking water above the injection zone that could be affected by the mining operation. These wells must be located in such a fashion as to detect any excursion of injection fluids, process by-products, or formation fluids outside the mining area or zone. If the operation may be affected by subsidence or catastrophic collapse, the monitoring wells must be located so that they will not be physically affected.
- f) Where injection is into a formation that does not contain water with less than 10,000 mg/ℓ TDS, no monitoring wells are necessary in the injection stratum.
- g) Where the injection wells penetrate an USDW in an area subject to subsidence or catastrophic collapse, an adequate number of monitoring wells must be completed into the USDW to detect any movement of injected fluids, process by-products, or formation fluids into the USDW. The monitoring wells must be located outside the physical influence of the subsidence or catastrophic collapse.
- h) In determining the number, location, construction, and frequency of monitoring of the monitoring wells the following criteria must be considered:
- 1) The population relying on the USDW affected or potentially affected by the injection operation;
 - 2) The proximity of the injection operation to points of withdrawal of drinking water;
 - 3) The local geology and hydrology;
 - 4) The operating pressures and whether a negative pressure gradient is being maintained;

929 5) The nature and volume of the injected fluid, the formation water, and the
930 process by-products; and

931
932 6) The injection well density.

933
934 (Source: Amended at 42 Ill. Reg. _____, effective _____)
935

936 **Section 730.133 Operating, Monitoring, and Reporting Requirements**
937

938 a) Operating requirements. Operating requirements prescribed must, at a minimum,
939 specify each of the following:

940 1) That, except during well stimulation, the injection pressure at the wellhead
941 must be calculated so as to assure that the pressure in the injection zone
942 during injection does not initiate new fractures or propagate existing
943 fractures in the injection zone. In no case must injection pressure initiate
944 fractures in the confining zone or cause the migration of injection or
945 formation fluids into an underground source of drinking water; and

946 2) That injection between the outermost casing protecting underground
947 sources of drinking water and the well bore is prohibited.

948 b) Monitoring requirements. Monitoring requirements must, at a minimum, specify
949 the information set forth in subsections (b)(1) through (b)(5) ~~of this Section~~:
950

951 1) Monitoring of the nature of injected fluids with sufficient frequency to
952 yield representative data on its characteristics. Whenever the injection
953 fluid is modified to the extent that the analysis required by Section
954 730.134 (a)(7)(C) is incorrect or incomplete, the owner or operator must
955 provide the Agency with a new analysis as required by Section 730.134
956 (a)(7)(C);
957

958 2) Monitoring of injection pressure and either flow rate or volume
959 semimonthly, or metering and daily recording of injected and produced
960 fluid volumes, as appropriate;

961 3) Demonstration of mechanical integrity pursuant to Section 730.108 at least
962 once every five years during the life of the well for salt solution mining;

963 4) Monitoring of the fluid level in the injection zone semi-monthly, where
964 appropriate, and monitoring of the parameters chosen to measure water
965 quality in the monitoring wells required by Section 730.132(e) semi-
966 monthly; and
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- 5) Quarterly monitoring of wells required by Section 730.132(g).
- 6) A Class III injection well may be monitored on a field or project basis, rather than on 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 that manifold monitoring is comparable to individual well monitoring.
- c) Reporting requirements. Reporting requirements must, at a minimum, include the information set forth in subsections (c)(1) and (c)(2) ~~of this Section~~, subject to subsection (c)(3) ~~of this Section~~:
 - 1) Quarterly reporting to the Agency on required monitoring; and
 - 2) Results of mechanical integrity and any other periodic test required by the Agency reported with the first regular quarterly report after the completion of the test.
 - 3) Monitoring may be reported on a project or field basis rather than individual well basis where manifold monitoring is used.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 730.134 Information to be Considered by the Agency

This Section sets forth information that must be considered by the Agency in authorizing a Class III injection well. Certain maps, cross-sections, tabulations of wells within the area of review, and other data may be included in the application by reference provided they are current, readily available to the Agency (for example, in the Agency's files) and sufficiently identified to be retrieved.

- a) Prior to the issuance of a permit to operate an existing Class III injection well or area or for the construction of a new Class III injection well, the Agency must consider the following:
 - 1) The information required in 35 Ill. Adm. Code 702.120 through 702.124 and 704.161(c);
 - 2) A map showing the injection well or project area for which the permit is sought and the applicable area of review. Within the area of review, the

- 1015 map must show the number or name and location of all existing producing
1016 wells, injection wells, abandoned wells, dry holes, public water systems,
1017 and water wells. The map may also show surface bodies of waters, mines
1018 (surface and subsurface), quarries and other pertinent surface features
1019 including residences and roads, and faults if known or suspected. Only
1020 information of public record and pertinent information known to the
1021 applicant is required to be included on this map;
1022
- 1023 3) A tabulation of data reasonably available from public records or otherwise
1024 known to the applicant on wells within the area of review included on the
1025 map required pursuant to subsection (a)(2) ~~of this Section~~ that penetrate
1026 the proposed injection zone. Such data must include a description of each
1027 well's type, construction, date drilled, location, depth, record of plugging
1028 and completion, and any additional information the Agency may require.
1029 In cases where the information would be repetitive and the wells are of
1030 similar age, type, and construction the Agency may elect to only require
1031 data on a representative number of wells;
1032
- 1033 4) Maps and cross-sections indicating the vertical limits of all underground
1034 sources of drinking water within the area of review, their position relative
1035 to the injection formation and the direction of water movements, where
1036 known, in every underground source of drinking water that may be
1037 affected by the proposed injection;
1038
- 1039 5) Maps and cross-sections detailing the geologic structure of the local area;
1040
- 1041 6) Generalized map and cross-sections illustrating the regional geologic
1042 setting;
1043
- 1044 7) Proposed operating data, as follows:
1045
- 1046 A) The average and maximum daily rate and volume of fluid to be
1047 injected;
1048
- 1049 B) The average and maximum injection pressure; and
1050
- 1051 C) Qualitative analysis and ranges in concentrations of all constituents
1052 of injected fluids. The applicant may request confidentiality as
1053 specified in 35 Ill. Adm. Code 101.107. If the information is
1054 proprietary an applicant may, in lieu of the ranges in
1055 concentrations, choose to submit maximum concentrations that
1056 must not be exceeded. In such a case the applicant must retain
1057 records of the undisclosed concentrations and provide them upon

- 1058 request to the Agency as part of any enforcement investigation;
1059
1060 8) A proposed formation testing program to obtain the information required
1061 by Section 730.132(c);
1062
1063 9) A proposed stimulation program;
1064
1065 10) The proposed injection procedure;
1066
1067 11) Schematic or other appropriate drawings of the surface and subsurface
1068 construction details of the system;
1069
1070 12) Plans (including maps) for meeting the monitoring requirements of
1071 Section 730.133(b);
1072
1073 13) Expected changes in pressure, native fluid displacement, direction of
1074 movement of injection fluid;
1075
1076 14) Contingency plans to cope with all shut-ins or well failures so as to
1077 prevent the migration of contaminating fluids into underground sources of
1078 drinking water;
1079
1080 15) A certificate that the applicant has assured, through a performance bond or
1081 other appropriate means, the resources necessary to close, plug, or
1082 abandon the well as required by 35 Ill. Adm. Code 704.189; and
1083
1084 16) The corrective action proposed to be taken pursuant to 35 Ill. Adm. Code
1085 704.193.
1086
1087 b) Prior to granting approval for the operation of a Class III injection well, the
1088 Agency must consider the following information:
1089
1090 1) All available logging and testing data on the well;
1091
1092 2) A satisfactory demonstration of mechanical integrity for all new wells and
1093 for all existing salt solution pursuant to Section 730.108;
1094
1095 3) The anticipated maximum pressure and flow rate at which the permittee
1096 will operate;
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1098 4) The results of the formation testing program;
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1100 5) The actual injection procedures; and

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- 6) The status of corrective action on defective wells in the area of review.
- c) Prior to granting approval for the plugging and abandonment of a Class III injection well, the Agency must consider the following information:
 - 1) The type and number of plugs to be used;
 - 2) The placement of each plug including the elevation of the top and bottom;
 - 3) The type, grade, and quantity of cement to be used;
 - 4) The method of placement of the plugs; and
 - 5) The procedure to be used to meet the requirements of Section 730.110(c).

(Source: Amended at 42 Ill. Reg. _____, effective _____)

SUBPART F: CRITERIA AND STANDARDS APPLICABLE
TO CLASS V INJECTION WELLS

Section 730.151 Applicability

This Subpart F sets forth criteria and standards for underground injection control programs to regulate all injection not regulated in Subparts B, D, and E ~~of this Part~~. A Class II injection well, however, is not regulated by this Subpart F.

- a) Generally, a well covered by this Subpart F injects non-hazardous fluids into or above formations that contain underground sources of drinking water. It includes all wells listed in Section 730.105(e) but is not limited to those types of injection wells.
- b) It also includes a well not covered in Class IV that injects radioactive materials listed in table II, column 2 in appendix B to 10 CFR 20 (Water Effluent Concentrations), incorporated by reference in 35 Ill. Adm. Code 720.111(b).

(Source: Amended at 42 Ill. Reg. _____, effective _____)

SUBPART G: CRITERIA AND STANDARDS APPLICABLE TO
CLASS I HAZARDOUS WASTE INJECTION WELLS

Section 730.161 Applicability and Definitions

1144 a) This Subpart G establishes criteria and standards for underground injection
1145 control programs to regulate Class I hazardous waste injection wells. Unless
1146 otherwise noted, this Subpart G supplements the requirements of Subpart A of
1147 ~~this Part~~ and applies instead of Subpart B of ~~this Part~~ to a Class I hazardous waste
1148 injection well.

1149
1150 b) Definitions. The following definitions apply for the purposes of this Subpart G:

1151
1152 "Cone of influence" means that area around the well within which
1153 increased injection zone pressures caused by injection into the hazardous
1154 waste injection well would be sufficient to drive fluids into a USDW.

1155
1156 "Existing well" means a Class I hazardous waste injection well that had a
1157 UIC permit or UIC permit by rule prior to August 25, 1988, or a well that
1158 has become a Class I hazardous waste injection well as a result of a
1159 change in the definition of the injected waste which would render the
1160 waste hazardous pursuant to 35 Ill. Adm. Code 721.103.

1161
1162 "Injection interval" means that part of the injection zone in which the well
1163 is screened, or in which the waste is otherwise directly emplaced.

1164
1165 "New well" means any Class I hazardous waste injection well that is not
1166 an existing well.

1167
1168 "Transmissive fault or fracture" is a fault or fracture that has sufficient
1169 permeability and vertical extent to allow fluids to move between
1170 formations.

1171
1172 BOARD NOTE: Derived from 40 CFR 146.61 (2017)(2005).

1173
1174 (Source: Amended at 42 Ill. Reg. _____, effective _____)

1175
1176 **Section 730.162 Minimum Criteria for Siting**

1177
1178 a) All Class I hazardous waste injection wells must be sited such that they inject into
1179 a formation that is beneath the lowermost formation containing, within 402 meters
1180 (one-quarter mile) of the well bore, a USDW.

1181
1182 b) The siting of a Class I hazardous waste injection well must be limited to an area
1183 that is geologically suitable. The Agency must determine geologic suitability
1184 based upon its consideration of the following:

1185
1186 1) An analysis of the structural and stratigraphic geology, the hydrogeology,

- 1187 and the seismicity of the region;
1188
1189 2) An analysis of the local geology and hydrogeology of the well site,
1190 including, at a minimum, detailed information regarding stratigraphy,
1191 structure, and rock properties; aquifer hydrodynamics; and mineral
1192 resources; and
1193
1194 3) A determination that the geology of the area can be described confidently
1195 and that limits of waste fate and transport can be accurately predicted
1196 through the use of models.
1197
1198 c) Class I hazardous waste injection wells must be sited such that the following is
1199 true:
1200
1201 1) The injection zone has sufficient permeability, porosity, thickness, and
1202 area extent to prevent migration of fluids into USDWs; and
1203
1204 2) The confining zone is as follows:
1205
1206 A) It is laterally continuous and free of transecting, transmissive
1207 faults, or fractures over an area sufficient to prevent the movement
1208 of fluids into a USDW; and
1209
1210 B) It contains at least one formation of sufficient thickness and with
1211 lithologic and stress characteristics capable of preventing vertical
1212 propagation of fractures.
1213
1214 d) The owner or operator must demonstrate one of the alternatives in subsections
1215 (d)(1) through (d)(3) ~~of this Section~~ to the Agency, subject to subsection (d)(4) ~~of~~
1216 ~~this Section~~:
1217
1218 1) That the confining zone is separated from the base of the lowermost
1219 USDW by at least one sequence of permeable and less permeable strata
1220 that will provide an added layer of protection for the USDW in the event
1221 of fluid movement in an unlocated borehole or transmissive fault;
1222
1223 2) That, within the area of review, the piezometric surface of the fluid in the
1224 injection zone is less than the piezometric surface of the lowermost
1225 USDW, considering density effects, injection pressures, and any
1226 significant pumping in the overlying USDW; or
1227
1228 3) There is no USDW present.
1229

- 1230 4) The owner or operator of a site that does not meet the requirements in
- 1231 subsection (d)(1), (d)(2), or (d)(3) ~~of this Section~~ may petition the Board
- 1232 for an adjusted standard pursuant to Subpart D of 35 Ill. Adm. Code 104.
- 1233 The Board may grant an adjusted standard approving such a site if it
- 1234 determines that because of site geology, nature of the wastes involved, or
- 1235 other considerations; abandoned boreholes; or other conduits would not
- 1236 cause an endangerment of USDWs. A petition for an adjusted standard
- 1237 pursuant to this subsection (d)(4) must include the following components:
- 1238
- 1239 A) Those portions of a permit application for the particular injection
- 1240 activities and site that are relevant to the Board's determination;
- 1241 and
- 1242
- 1243 B) Such other relevant information that the Board may by order
- 1244 require pursuant to 35 Ill. Adm. Code 104.228.
- 1245

1246 BOARD NOTE: Derived from 40 CFR 146.62 (2017)(2005).

1247 (Source: Amended at 42 Ill. Reg. _____, effective _____)

1248 **Section 730.164 Corrective Action for Wells in the Area of Review**

1249 For the purposes of a Class I hazardous waste injection well, this Section applies instead of 35
1250 Ill. Adm. Code 704.193 and Section 730.107.

- 1251
- 1252 a) The owner or operator of a Class I hazardous waste injection well must, as part of
- 1253 the permit application, submit a plan to the Agency outlining the protocol used to
- 1254 accomplish both of the following:
- 1255
- 1256 1) Identify all wells penetrating the confining zone or injection zone within
- 1257 the area of review; and
- 1258
- 1259 2) Determine whether wells are adequately completed or plugged.
- 1260
- 1261
- 1262 b) The owner or operator of a Class I hazardous waste injection well must identify
- 1263 the location of all wells within the area of review that penetrate the injection zone
- 1264 or the confining zone and must submit both of the following, as required in
- 1265 Section 730.170(a):
- 1266
- 1267 1) A tabulation of all wells within the area of review that penetrate the
- 1268 injection zone or the confining zone; and
- 1269
- 1270 2) A description of each well or type of well and any records of its plugging
- 1271
- 1272

1273 or completion.

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- c) For wells that the Agency determines are improperly plugged, completed, or abandoned, or for which plugging or completion information is unavailable, the applicant must also submit a plan consisting of such steps or modification as are necessary to prevent movement of fluids into or between USDWs. Where the plan is adequate, the Agency must incorporate it into the permit as a condition. Where the Agency's review of an application indicates the permittee's plan is inadequate (based at a minimum on the factors in subsection (e) ~~of this Section~~), the Agency must do the appropriate of the following:
 - 1) It must require the applicant to revise the plan;
 - 2) It must prescribe a plan for corrective action as a condition of the permit; or
 - 3) It must deny the application.

- d) Requirements.
 - 1) Existing injection wells. Any permit issued for an existing Class I hazardous waste injection well requiring corrective action other than pressure limitations must include a compliance schedule pursuant to 35 Ill. Adm. Code 702.162 requiring any corrective action accepted or prescribed pursuant to subsection (c) ~~of this Section~~. Any such compliance schedule must provide for compliance no later than two years following issuance of the permit and must require observance of appropriate pressure limitations pursuant to subsection (d)(3) ~~of this Section~~ until all other corrective action measures have been implemented.
 - 2) New injection wells. No owner or operator of a new Class I hazardous waste injection well may begin injection until all corrective actions required pursuant to this Section have been taken.
 - 3) The Agency may require pressure limitations instead of plugging. If pressure limitations are used instead of plugging, the Agency must require as a permit condition that injection pressure be limited so that pressure in the injection zone at the site of any improperly completed or abandoned well within the area of review would not be sufficient to drive fluids into or between USDWs. This pressure limitation must satisfy the corrective action requirements. Alternatively, such injection pressure limitation may be made part of a compliance schedule pursuant to 35 Ill. Adm. Code 702.162 and may be required to be maintained until all other required

1316 corrective actions have been implemented.

1317

1318 e) The Agency must consider the following criteria and factors in determining the
1319 adequacy of corrective action proposed by the applicant pursuant to subsection (c)
1320 of this Section and in determining the additional steps needed to prevent fluid
1321 movement into and between USDWs:

1322

1323

1) The nature and volume of injected fluid;

1324

2) The nature of native fluids or byproducts of injection;

1325

1326

3) Geology;

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4) Hydrology;

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5) The history of the injection operation;

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1332

6) Any completion and plugging records;

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1334

7) The closure procedures in effect at the time the well was closed;

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1336

8) Any hydraulic connections with USDWs;

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1338

9) The reliability of the procedures used to identify abandoned wells; and

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1340

10) Any other factors that might affect the movement of fluids into or between
USDWs.

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1344 BOARD NOTE: Derived from 40 CFR 146.64 (2017)(2005).

1345

(Source: Amended at 42 Ill. Reg. _____, effective _____)

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1348 **Section 730.165 Construction Requirements**

1349

1350 a) General. All existing and new Class I hazardous waste injection wells must be
1351 constructed and completed to accomplish each of the following:

1352

1) Prevent the movement of fluids into or between USDWs or into any
unauthorized zones;

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2) Permit the use of appropriate testing devices and workover tools; and

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3) Permit continuous monitoring of injection tubing and long string casing as

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required pursuant to Section 730.167(f);

- b) Compatibility. All well materials must be compatible with fluids with which the materials may be expected to come into contact. The owner or operator must employ any compatibility testing method specified by permit condition. The owner or operator may otherwise refer to "Technical Assistance Document: Corrosion, Its Detection and Control in Injection Wells," USEPA publication number EPA-570/9-87-002, incorporated by reference at 35 Ill. Adm. Code 720.111.
- c) Casing and cementing new wells.
 - 1) Casing and cement used in the construction of each newly drilled well must be designed for the life expectancy of the well, including the post-closure care period. The casing and cementing program must be designed to prevent the movement of fluids into or between USDWs, and to prevent potential leaks of fluids from the well. The Agency must consider the following information as required by Section 730.170 in determining and specifying casing and cementing requirements:
 - A) The depth to the injection zone;
 - B) The injection pressure, external pressure, internal pressure, and axial loading;
 - C) The hole size;
 - D) The size and grade of all casing strings (well thickness, diameter, nominal weight, length, joint specification, and construction material);
 - E) The corrosiveness of injected fluid, formation fluids, and temperature;
 - F) The lithology of the injection and confining zones;
 - G) The type or grade of cement; and
 - H) The quantity and chemical composition of the injected fluid.
 - 2) One surface casing string must, at a minimum, extend into the confining bed below the lowest formation that contains a USDW and be cemented by circulating cement from the base of the casing to the surface, using a

- 1402 minimum of 120 percent of the calculated annular volume. The Agency
1403 may require more than 120 percent when the geology or other
1404 circumstances warrant it.
1405
- 1406 3) At least one long string casing, using a sufficient number of centralizers,
1407 must extend to the injection zone and must be cemented by circulating
1408 cement to the surface in one or more stages:
1409
- 1410 A) Of sufficient quantity and quality to withstand the maximum
1411 operating pressure; and
1412
- 1413 B) In a quantity no less than 120 percent of the calculated volume
1414 necessary to fill the annular space. The Agency must require more
1415 than 120 percent when the geology or other circumstances warrant
1416 it.
1417
- 1418 4) Circulation of cement may be accomplished by staging. The Agency may
1419 approve an alternative method of cementing in cases where the cement
1420 cannot be recirculated to the surface, provided the owner or operator can
1421 demonstrate by using logs that the cement is continuous and does not
1422 allow fluid movement behind the well bore.
1423
- 1424 5) Casings, including any casing connections, must be rated to have
1425 sufficient structural strength to withstand both of the following conditions
1426 for the design life of the well:
1427
- 1428 A) The maximum burst and collapse pressures that may be
1429 experienced during the construction, operation, and closure of the
1430 well; and
1431
- 1432 B) The maximum tensile stress that may be experienced at any point
1433 along the length of the casing during the construction, operating,
1434 and closure of the well.
1435
- 1436 6) At a minimum, cement and cement additives must be of sufficient quality
1437 and quantity to maintain integrity over the design life of the well.
1438
- 1439 d) Tubing and packer.
1440
- 1441 1) All Class I hazardous waste injection wells must inject fluids through
1442 tubing with a packer set at a point specified by permit condition.
1443
- 1444 2) In determining and specifying requirements for tubing and packer, the

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following factors must be considered:

- A) The depth of setting;
 - B) The characteristics of injection fluid (chemical content, corrosiveness, temperature, and density);
 - C) The injection pressure;
 - D) The annular pressure;
 - E) The rate (intermittent or continuous), temperature, and volume of injected fluid;
 - F) The size of casing; and
 - G) The tubing tensile, burst, and collapse strengths.
- 3) The Agency may approve the use of a fluid seal if it determines in writing that the following conditions are met:
- A) The operator demonstrates that the seal will provide a level of protection comparable to a packer;
 - B) The operator demonstrates that the staff is, and will remain, adequately trained to operate and maintain the well and to identify and interpret variations in parameters of concern;
 - C) The permit contains specific limitations on variations in annular pressure and loss of annular fluid;
 - D) The design and construction of the well allows continuous monitoring of the annular pressure and mass balance of annular fluid; and
 - E) A secondary system is used to monitor the interface between the annulus fluid and the injection fluid and the permit contains requirements for testing the system every three months and recording the results.

BOARD NOTE: Derived from 40 CFR 146.65 (2017)~~(2005)~~.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

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Section 730.167 Operating Requirements

- a) Except during stimulation, the owner or operator must assure that injection pressure at the wellhead does not exceed a maximum that must be calculated so as to assure that the pressure in the injection zone during injection does not initiate new fractures or propagate existing fractures in the injection zone. The owner or operator must assure that the injection pressure does not initiate fractures or propagate existing fractures in the confining zone, nor cause the movement of injection or formation fluids into a USDW.
- b) Injection between the outermost casing protecting USDWs and the well bore is prohibited.
- c) The owner or operator must maintain an annulus pressure that exceeds the operating injection pressure, unless the Agency determines in writing that such a requirement might harm the integrity of the well. The fluid in the annulus must be noncorrosive, or must contain a corrosion inhibitor.
- d) The owner or operator must maintain mechanical integrity of the injection well at all times.
- e) Permit requirements for owners or operators of hazardous waste injection wells that inject wastes that have the potential to react with the injection formation to generate gases must include the following:
 - 1) Conditions limiting the temperature, pH, or acidity of the injected waste; and
 - 2) Procedures necessary to assure that pressure imbalances that might cause a backflow or blowout do not occur.
- f) The owner or operator must install and use continuous recording devices to monitor each of the following: the injection pressure; the flow rate, volume, and temperature of injected fluids; and the pressure on the annulus between the tubing and the long string casing, and must install and use either of the following:
 - 1) Automatic alarm and automatic shut-off systems, designed to sound and shut-in the well when pressures and flow rates or other parameters specified by permit condition exceed a range or gradient specified in the permit; or
 - 2) Automatic alarms, designed to sound when the pressures and flow rates or

1531 other parameters exceed a rate or gradient specified in the permit, in cases
 1532 where the owner or operator certifies that a trained operator will be on-site
 1533 at all times when the well is operating.
 1534

1535 g) If an automatic alarm or shutdown is triggered, the owner or operator must
 1536 immediately investigate and identify the cause of the alarm or shutoff without
 1537 undue delay. If, upon such investigation, the well appears to be lacking
 1538 mechanical integrity, or if monitoring required pursuant to subsection (f) of this
 1539 ~~Section~~ otherwise indicates that the well may be lacking mechanical integrity, the
 1540 owner or operator must undertake all of the following actions:
 1541

- 1542 1) It must stop injecting waste fluids unless authorized by permit condition to
 1543 continue or resume injection;
 1544
- 1545 2) It must take all necessary steps to determine the presence or absence of a
 1546 leak; and
 1547
- 1548 3) It must notify the Agency within 24 hours after the alarm or shutdown.
 1549

1550 h) If a loss of mechanical integrity is discovered pursuant to subsection (g) of this
 1551 ~~Section~~ or during periodic mechanical integrity testing, the owner or operator
 1552 must undertake all of the following actions:
 1553

- 1554 1) It must immediately cease injection of waste fluids;
 1555
- 1556 2) It must take all steps reasonably necessary to determine whether there may
 1557 have been a release of hazardous wastes or hazardous waste constituents
 1558 into any unauthorized zone;
 1559
- 1560 3) It must notify the Agency within 24 hours after loss of mechanical
 1561 integrity is discovered;
 1562
- 1563 4) It must notify the Agency when injection can be expected to resume; and
 1564
- 1565 5) It must restore and demonstrate mechanical integrity pursuant to Section
 1566 730.108 prior to resuming injection of waste fluids.
 1567

1568 i) Whenever the owner or operator obtains evidence that there may have been a
 1569 release of injected wastes into an unauthorized zone, the following must occur:
 1570

- 1571 1) The owner or operator must immediately cease injection of waste fluids,
 1572 and undertake all of the following actions:
 1573

- 1574 A) It must notify the Agency within 24 hours of obtaining such
1575 evidence;
1576
1577 B) It must take all necessary steps to identify and characterize the
1578 extent of any release;
1579
1580 C) It must comply with any remediation plan specified by permit
1581 condition;
1582
1583 D) It must implement any remediation plan specified by permit
1584 condition; and
1585
1586 E) Where such release is into a USDW currently serving as a water
1587 supply, it must place a notice in a newspaper of general circulation.
1588
1589 2) The Agency must permit the operator to resume injection prior to
1590 completing cleanup action if the owner or operator demonstrates that the
1591 injection operation will not endanger USDWs.
1592
1593 j) The owner or operator must notify the Agency and obtain a permit modification
1594 prior to conducting any well workover.
1595

1596 BOARD NOTE: Derived from 40 CFR 146.67 (2017)(2005).

1597 (Source: Amended at 42 Ill. Reg. _____, effective _____)
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1600 **Section 730.171 Closure**
1601

- 1602 a) Closure plan. The owner or operator of a Class I hazardous waste injection well
1603 must prepare, maintain, and comply with a plan for closure of the well that meets
1604 the requirements of subsection (d) of this Section and is specified by permit
1605 condition. The obligation to implement the closure plan survives the termination
1606 of a permit or the cessation of injection activities. The requirement to maintain
1607 and implement an approved plan is directly enforceable regardless of whether the
1608 requirement is a condition of the permit.
1609
1610 1) The owner or operator must submit the plan as a part of the permit
1611 application and, upon approval by the Agency, such plan must be a
1612 condition of any permit issued.
1613
1614 2) The owner or operator must submit any proposed significant revision to
1615 the method of closure reflected in the plan for approval by the Agency no
1616 later than the date on which notice of closure is required to be submitted to

- 1617 the Agency pursuant to subsection (b) ~~of this Section~~.
- 1618
- 1619 3) The plan must assure financial responsibility, as required in 35 Ill. Adm.
- 1620 Code 704.189.
- 1621
- 1622 4) The plan must include the following information:
- 1623
- 1624 A) The type and number of plugs to be used;
- 1625
- 1626 B) The placement of each plug including the evaluation of the top and
- 1627 bottom of each plug;
- 1628
- 1629 C) The type and grade and quantity of material to be used in plugging;
- 1630
- 1631 D) The method of placement of the plugs;
- 1632
- 1633 E) Any proposed test or measure to be made;
- 1634
- 1635 F) The amount, size, and location (by depth) of casing and any other
- 1636 materials to be left in the well;
- 1637
- 1638 G) The method and location where casing is to be parted, if
- 1639 applicable;
- 1640
- 1641 H) The procedure to be used to meet the requirements of subsection
- 1642 (d)(5) ~~of this Section~~; and
- 1643
- 1644 I) The estimated cost of closure.
- 1645
- 1646 5) The Agency must modify a closure plan following the procedures of
- 1647 Subpart C of 35 Ill. Adm. Code 702.
- 1648
- 1649 6) An owner or operator of a Class I hazardous waste injection well who
- 1650 stops injection temporarily, may keep the well open if the conditions of
- 1651 subsections ~~subsection~~ (a)(6)(A) and (a)(6)(B) ~~of this Section~~ are true of
- 1652 the owner or operator, subject to subsection (a)(6)(C) ~~of this Section~~:
- 1653
- 1654 A) Has received authorization from the Agency; and
- 1655
- 1656 B) Has described actions or procedures, satisfactory to the Agency,
- 1657 that the owner or operator will take actions to ensure that the well
- 1658 will not endanger USDWs during the period of temporary disuse.
- 1659 These actions and procedures must include compliance with the

- 1660 technical requirements applicable to active injection wells unless
1661 otherwise waived by permit condition.
1662
- 1663 C) For the purposes of this subsection (a), submitting a description of
1664 actions or procedures for Agency authorization is in the nature of a
1665 permit application, and the owner or operator may appeal the
1666 Agency's decision to the Board.
1667
- 1668 7) The owner or operator of a well that has ceased operations for more than
1669 two years must notify the Agency at least 30 days prior to resuming
1670 operation of the well.
1671
- 1672 b) Notice of intent to close. The owner or operator must notify the Agency at least
1673 60 days before closure of a well.
1674
- 1675 c) Closure report. Within 60 days after closure, or at the time of the next quarterly
1676 report (whichever is less), the owner or operator must submit a closure report to
1677 the Agency. If the quarterly report is due less than 15 days after completion of
1678 closure, then the report must be submitted within 60 days after closure. The
1679 report must be certified as accurate by the owner or operator and by the person
1680 who performed the closure operation (if other than the owner or operator). Such
1681 report must consist of either of the following documents:
1682
- 1683 1) A statement that the well was closed in accordance with the closure plan
1684 previously submitted and approved by the Agency; or
1685
- 1686 2) Where actual closure differed from the plan previously submitted, a
1687 written statement specifying the differences between the previous plan and
1688 the actual closure.
1689
- 1690 d) Standards for well closure.
1691
- 1692 1) Prior to closing the well, the owner or operator must observe and record
1693 the pressure decay for a time specified by permit condition. The Agency
1694 must analyze the pressure decay and the transient pressure observations
1695 conducted pursuant to Section 730.168(e)(1)(A) and determine whether
1696 the injection activity has conformed to predicted values.
1697
- 1698 2) Prior to well closure, appropriate mechanical integrity testing must be
1699 conducted to ensure the integrity of that portion of the long string casing
1700 and cement that will be left in the ground after closure. Testing methods
1701 may include the following:
1702

- 1703 A) Pressure tests with liquid or gas;
- 1704
- 1705 B) Radioactive tracer surveys;
- 1706
- 1707 C) Noise, temperature, pipe evaluation, or cement bond logs; and
- 1708
- 1709 D) Any other test required by permit condition.
- 1710
- 1711 3) Prior to well closure, the well must be flushed with a buffer fluid.
- 1712
- 1713 4) Upon closure, a Class I hazardous waste injection well must be plugged
- 1714 with cement in a manner that will not allow the movement of fluids into or
- 1715 between USDWs.
- 1716
- 1717 5) Placement of the cement plugs must be accomplished by one of the
- 1718 following means:
- 1719
- 1720 A) The Balance Method;
- 1721
- 1722 B) The Dump Bailer Method;
- 1723
- 1724 C) The Two-Plug Method; or
- 1725
- 1726 D) An alternative method, specified by permit condition, that will
- 1727 reliably provide a comparable level of protection.
- 1728
- 1729 6) Each plug used must be appropriately tagged and tested for seal and
- 1730 stability before closure is completed.
- 1731
- 1732 7) The well to be closed must be in a state of static equilibrium with the mud
- 1733 weight equalized top to bottom, either by circulating the mud in the well at
- 1734 least once or by a comparable method prescribed by permit condition,
- 1735 prior to the placement of the cement plugs.
- 1736

1737 BOARD NOTE: Derived from 40 CFR 146.71 (2017)~~(2005)~~.

1738 (Source: Amended at 42 Ill. Reg. _____, effective _____)

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1741 **Section 730.172 Post-Closure Care**

- 1742
- 1743 a) The owner or operator of a Class I hazardous waste injection well must prepare,
 - 1744 maintain, and comply with a plan for post-closure care that meets the
 - 1745 requirements of subsection (b) ~~of this Section~~ and is specified by permit

1746 condition. The obligation to implement the post-closure plan survives the
 1747 termination of a permit or the cessation of injection activities. The requirement to
 1748 maintain an approved plan is directly enforceable regardless of whether the
 1749 requirement is a condition of the permit.

- 1750
- 1751 1) The owner or operator must submit the plan as a part of the permit
- 1752 application and, upon approval by the Agency, such plan must be a
- 1753 condition of any permit issued.
- 1754
- 1755 2) The owner or operator must submit any proposed significant revision to
- 1756 the plan as appropriate over the life of the well, but no later than the date
- 1757 of the closure report required pursuant to Section 730.171(c).
- 1758
- 1759 3) The plan must assure financial responsibility, as required in Section
- 1760 730.173.
- 1761
- 1762 4) The plan must include the following information:
- 1763
- 1764 A) The pressure in the injection zone before injection began;
- 1765
- 1766 B) The anticipated pressure in the injection zone at the time of
- 1767 closure;
- 1768
- 1769 C) The predicted time until pressure in the injection zone decays to
- 1770 the point that the well's cone of influence no longer intersects the
- 1771 base of the lowermost USDW;
- 1772
- 1773 D) The predicted position of the waste front at closure;
- 1774
- 1775 E) The status of any cleanups required pursuant to Section 730.164;
- 1776 and
- 1777
- 1778 F) The estimated cost of proposed post-closure care.
- 1779
- 1780 5) At the request of the owner or operator, or on its own initiative, the
- 1781 Agency may modify the post-closure plan after submission of the closure
- 1782 report following the procedures in 35 Ill. Adm. Code 705.128.
- 1783

1784 b) The owner or operator must undertake each of the following activities:

- 1785
- 1786 1) It must continue and complete any cleanup action required pursuant to
- 1787 Section 730.164, if applicable;
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- 2) It must continue to conduct any groundwater monitoring required under the permit until pressure in the injection zone decays to the point that the well's cone of influence no longer intersects the base of the lowermost USDW. The Agency must extend the period of post-closure monitoring if it determines in writing that the well may endanger a USDW;
 - 3) It must submit a survey plat to the local zoning authority designated by permit condition. The plat must indicate the location of the well relative to permanently surveyed benchmarks. A copy of the plat must be submitted to USEPA, Region 5;
 - 4) It must notify the Illinois Department of Natural Resources, Office of Mines and Minerals, the State Department of Public Health, and any unit of local government authorized to grant permits under the Water Well Construction Code [415 ILCS 30] in the area where the well is located as to the depth and location of the well and the confining zone; and
 - 5) It must retain, for a period of three years following well closure, records reflecting the nature, composition, and volume of all injected fluids. Owners or operators must deliver the records to the Agency at the conclusion of the retention period.
- c) Each owner of a Class I hazardous waste injection well, and the owner of the surface or subsurface property on or in which a Class I hazardous waste injection well is located, must record a notation on the deed to the facility property or on some other instrument that is normally examined during title search that will in perpetuity provide any potential purchaser of the property the following information:
- 1) The fact that land has been used to manage hazardous waste;
 - 2) The names of the Illinois Department of Natural Resources, Office of Mines and Minerals and the local zoning authority with which the plat was filed, as well as the address of USEPA Region 5; and
 - 3) The type and volume of waste injected, the injection interval or intervals into which it was injected, and the period over which injection occurred.
- d) In addition to the requirements stated in this Section, each owner of a Class I hazardous waste injection well must comply with any other State or federal law or local ordinance that requires the reporting of any potential environmental or physical impairment of real property to subsequent or prospective owners.

1832 BOARD NOTE: The Responsible Property Transfer Act of 1988 [765 ILCS 90]
1833 (RPTA) formerly required the disclosure and recordation of any environmental
1834 impairment of real property in Illinois. The General Assembly repealed that
1835 statute in P.A. 92-299, Section 5, effective August 9, 2001. Section 10 of that
1836 repeal provided for continued maintenance of documents prepared and recorded
1837 under RPTA prior to its repeal.
1838

1839 BOARD NOTE: Derived from 40 CFR 146.72 (2017)(2011).

1840 (Source: Amended at 42 Ill. Reg. _____, effective _____)
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1843 SUBPART H: CRITERIA AND STANDARDS APPLICABLE TO CLASS VI WELLS
1844

1845 **Section 730.181 Applicability**
1846

- 1847 a) This Subpart H establishes criteria and standards for Class VI carbon dioxide
1848 geologic sequestration injection wells.
1849
- 1850 b) This Subpart H applies to any injection well that is used to inject carbon dioxide
1851 specifically for the purpose of geologic sequestration.
1852
- 1853 c) This Subpart H also applies to the owner or operator of a permit- or rule-
1854 authorized Class I, Class II, or Class V experimental carbon dioxide injection well
1855 that seeks to apply for a Class VI geologic sequestration permit for its well. An
1856 owner or operator that seeks to convert an existing Class I, Class II, or Class V
1857 experimental injection well to a Class VI geologic sequestration well must
1858 demonstrate to the Agency that the well was engineered and constructed to meet
1859 the requirements of Section 146.86(a) and to ensure protection of USDWs, in lieu
1860 of requirements at Sections 146.86(b) and 146.87(a). ~~The By December 10, 2011,~~
1861 ~~the~~ owner or operator of either a Class I injection well that was previously
1862 permitted for the purpose of geologic sequestration or a Class V experimental
1863 technology injection well that is no longer being used for experimental purposes
1864 and which will continue injection of carbon dioxide for the purpose of geologic
1865 sequestration must apply for a Class VI permit. A converted well must still meet
1866 all other requirements of this Part.
1867
- 1868 d) Definitions. The following definitions apply to this Subpart H. To the extent that
1869 these definitions conflict with those that appear in 35 Ill. Adm. Code 702.110 or
1870 Section 730.103, the definitions of this Section govern for Class VI wells:

1871
1872 "Area of review" means the region surrounding the geologic sequestration project
1873 where a USDW may be endangered by the injection activity. The area of review
1874 is delineated using computational modeling that accounts for the physical and

1875 chemical properties of all phases of the injected carbon dioxide stream and
1876 displaced fluids, and is based on available site characterization, monitoring, and
1877 operational data, as set forth in Section 730.184.
1878

1879 "Carbon dioxide plume" means the sub-surface three-dimensional extent
1880 underground of an injected carbon dioxide stream.
1881

1882 "Carbon dioxide stream" means carbon dioxide that has been captured from an
1883 emission source (e.g., a power plant), plus incidental associated substances
1884 derived from the source materials and the capture process, and any substances
1885 added to the stream to enable or improve the injection process. This Subpart H
1886 does not apply to any carbon dioxide stream that meets the definition of a
1887 hazardous waste in 35 Ill. Adm. Code 721.103.
1888

1889 "Confining zone" means a geologic formation, a group of formations, or a part of
1890 a formation that stratigraphically overlies an injection zone and which acts as
1891 barrier to fluid movement. For a Class VI injection well that is operating under a
1892 permit that includes alternative injection well depth requirements, "confining
1893 zone" means a geologic formation, a group of formations, or a part of a formation
1894 that stratigraphically overlies and underlies the injection zone.
1895

1896 "Corrective action" means the use of Agency-approved methods to ensure that
1897 wells within an area of review do not serve as conduits for the movement of fluids
1898 into a USDW.
1899

1900 "Geologic sequestration" means the long-term containment of a gaseous, liquid,
1901 or supercritical carbon dioxide stream in subsurface geologic formations. This
1902 term does not apply to carbon dioxide capture or transport.
1903

1904 "Geologic sequestration project" means any of the following three types of
1905 injection wells:
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1907 An injection well or wells that are used to emplace a carbon dioxide
1908 stream beneath the lowermost formation containing a USDW;
1909

1910 An injection well or wells that are used for geologic sequestration of
1911 carbon dioxide and which have been granted a permit that includes
1912 alternative injection well depth requirements pursuant to requirements at
1913 Section 730.195; or
1914

1915 An injection well or wells that are used for geologic sequestration of
1916 carbon dioxide and which have received an expansion to the areal extent
1917 of an existing Class II enhanced oil recovery or enhanced gas recovery

1918 aquifer exemption pursuant to Section 730.104 and 35 Ill. Adm. Code
1919 704.123(d).

1920
1921 A geologic sequestration project includes the subsurface three-dimensional
1922 extent of the carbon dioxide plume, the associated area of elevated pressure,
1923 and displaced fluids, as well as the surface area above that delineated region.

1924
1925 "Injection zone" means a geologic formation, a group of formations, or a part of a
1926 formation that is of sufficient areal extent, thickness, porosity, and permeability to
1927 receive carbon dioxide through a well or wells associated with a geologic
1928 sequestration project.

1929
1930 "Post-injection site care" means appropriate monitoring and other actions
1931 (including corrective action) needed following cessation of injection to ensure that
1932 no USDW is endangered, as required under Section 730.193.

1933
1934 "Pressure front" means the zone of elevated pressure that is created by the
1935 injection of carbon dioxide into the subsurface. For the purposes of this Subpart
1936 H, the pressure front of a carbon dioxide plume refers to a zone where there is a
1937 pressure differential sufficient to cause the movement of injected fluids or
1938 formation fluids into a USDW.

1939
1940 "Site closure" means the point or time, as determined by the Agency pursuant to
1941 Section 730.193, at which the owner or operator of a geologic sequestration site is
1942 released from post-injection site care responsibilities.

1943
1944 "Transmissive fault or fracture" means a fault or fracture that has sufficient
1945 permeability and vertical extent to allow fluids to move between formations.

1946 BOARD NOTE: This Section corresponds with 40 CFR 146.81 ~~(2017)~~(2014).

1948
1949 (Source: Amended at 42 Ill. Reg. _____, effective _____)

1950
1951 **Section 730.182 Required Class VI Injection Well Permit Information**

1952
1953 This Section sets forth the information that the Agency must consider when authorizing a Class
1954 VI injection well. For a converted Class I, Class II, or Class V experimental injection well,
1955 certain maps, cross-sections, tabulations of wells within the area of review, and other data may
1956 be included in the application by reference, provided they are current, readily available to the
1957 Agency, and sufficiently identified as to be retrieved. In cases where USEPA issues the permit,
1958 all the information in this Section must be submitted to the USEPA, Region 5.

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- a) Prior to the issuance of a permit for the construction of a new Class VI injection well or the conversion of an existing Class I, Class II, or Class V injection well to a Class VI injection well, the owner or operator must submit, pursuant to Section 730.191(e), and the Agency must consider, the following:
- 1) The information required by 35 Ill. Adm. Code 702.123(a) through (f);
 - 2) A map showing the injection well for which a permit is sought and the applicable area of review consistent with Section 730.184. Within the area of review, the map must show the number or name and location of all injection wells, producing wells, abandoned wells, plugged wells, or dry holes; deep stratigraphic boreholes; Agency- or USEPA-approved subsurface cleanup sites; surface bodies of water, springs, mines (surface and subsurface), quarries, water wells; and other pertinent surface features, including structures intended for human occupancy, state boundaries, and roads. The map should also show faults, if known or suspected. Only information of public record is required to be included on this map;
 - 3) Information on the geologic structure and hydrogeologic properties of the proposed storage site and overlying formations, including the following documents and information:
 - A) Maps and cross sections of the area of review;
 - B) The location, orientation, and properties of known or suspected faults and fractures that may transect the confining zones in the area of review and a determination that the faults and fractures would not interfere with containment;
 - C) Data on the depth, areal extent, thickness, mineralogy, porosity, permeability, and capillary pressure of the injection and confining zones; including geology and facies changes based on field data, which may include geologic cores, outcrop data, seismic surveys, well logs, and names and lithologic descriptions;
 - D) Geomechanical information on fractures, stress, ductility, rock strength, and in-situ fluid pressures within the confining zones;
 - E) Information on the seismic history that includes the presence and depth of seismic sources and a determination that the seismicity would not interfere with containment; and

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- F) Geologic and topographic maps and cross sections that illustrate regional geology, hydrogeology, and the geologic structure of the local area;
 - 4) A tabulation of all wells within the area of review that penetrate the injection or confining zones. The tabulated data must include a description of each well's type, construction, date drilled, location, depth, applicable records of plugging and completion, and any additional information that the Agency may require to evaluate the request for a permit;
 - 5) Maps and stratigraphic cross sections indicating the general vertical and lateral limits of all USDWs, water wells, and springs within the area of review, their positions relative to the injection zones, and the direction of water movement, where known;
 - 6) Baseline geochemical data on subsurface formations that includes all USDWs in the area of review;
 - 7) Proposed operating data for the proposed geologic sequestration site that includes that following items of information:
 - A) The average and maximum daily rate and volume or mass, and the total anticipated volume or mass, of the carbon dioxide stream;
 - B) The average and maximum injection pressures;
 - C) The sources of the carbon dioxide stream; and
 - D) An analysis of the chemical and physical characteristics of the carbon dioxide stream;
 - 8) A proposed program for pre-operational formation testing that fulfills the requirements of Section 730.187 to obtain an analysis of the chemical and physical characteristics of the injection zones and confining zones;
 - 9) A proposed stimulation program, a description of stimulation fluids to be used, and a determination that stimulation will not interfere with containment;
 - 10) A proposed procedure to outline steps necessary to conduct injection operation;

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- 11) Schematics or other appropriate drawings of the surface and subsurface construction details of the well;
 - 12) Injection well construction procedures that fulfill the requirements of Section 730.186;
 - 13) A proposed area of review and corrective action plan that fulfills the requirements of Section 730.184;
 - 14) A demonstration which is sufficient to support an Agency determination that the applicant has met the financial responsibility requirements under Section 730.185;
 - 15) A proposed testing and monitoring plan, as required by Section 730.190;
 - 16) A proposed injection well plugging plan, as required by Section 730.192(b);
 - 17) A proposed post-injection site care and site closure plan, as required by Section 730.193(a);
 - 18) At the Agency's discretion, a demonstration of an alternative post-injection site care timeframe required, as required by Section 730.193(c);
 - 19) A proposed emergency and remedial response plan, as required by Section 730.194(a);
 - 20) A list of contacts, submitted to the Agency, for those states identified to be within the area of review of the Class VI project based on information provided pursuant to subsection (a)(2) ~~of this Section~~; and
 - 21) Any other information requested by the Agency that would support an Agency determination whether to issue the requested permit.
- b) Pursuant to this Section, and as required by 40 CFR 145.23(f)(13), the Agency must notify any states that the Agency determines are within the area of review of the Class VI project based on information submitted pursuant to subsections (a)(2) and (a)(20) ~~of this Section~~ of the permit application in writing.
- c) Prior to granting a permit for the operation of a Class VI injection well, the Agency must consider the following information:

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- 1) The final area of review based on modeling, using data obtained during the logging and testing of the well and the formation required by subsections (c)(2), (c)(3), (c)(4), (c)(6), (c)(7), and (c)(10) ~~of this Section~~;
 - 2) Any relevant updates to the information on the geologic structure and hydrogeologic properties of the proposed storage site and overlying formations, submitted pursuant to subsection (a)(3) ~~of this Section~~, based on data obtained during the logging and testing of the well and the formation required by subsections (c)(3), (c)(4), (c)(6), (c)(7), and (c)(10) ~~of this Section~~;
 - 3) Information on the compatibility of the carbon dioxide stream with fluids in the injection zones and minerals in both the injection and the confining zones, based on the results of the formation testing program, and with the materials used to construct the well;
 - 4) The results of the formation testing program required by subsection (a)(8) ~~of this Section~~;
 - 5) Final injection well construction procedures that fulfill the requirements of Section 730.186;
 - 6) The status of any corrective action on wells in the area of review;
 - 7) All available logging and testing program data on the well required by Section 730.187;
 - 8) A demonstration of mechanical integrity pursuant to Section 730.189;
 - 9) Any updates to the proposed area of review and corrective action plan, the testing and monitoring plan, the injection well plugging plan, the post-injection site care and site closure plan, or the emergency and remedial response plan, and any updates to the alternative post-injection site care timeframe demonstration, which the applicant has submitted pursuant to subsection (a) ~~of this Section~~, that are necessary to address new information collected during logging and testing of the well and the formation, as required by this Section; and
 - 10) Any other information requested by the Agency.
- d) An owner or operator which seeks a permit that includes alternative injection well depth requirements to the generally applicable requirement to inject below the lowermost USDW must also refer to Section 730.195 and submit a supplemental

2130 report, as required at Section 730.195(a). The supplemental report is not part of
2131 the permit application.
2132

2133 BOARD NOTE: This Section corresponds with 40 CFR 146.82 (2017)(2011).
2134

2135 (Source: Amended at 42 Ill. Reg. _____, effective _____)
2136

2137 **Section 730.184 Area of Review and Corrective Action**
2138

2139 a) The area of review is the region surrounding the geologic sequestration project
2140 where the injection activity may endanger a USDW. The area of review is
2141 delineated using computational modeling that accounts for the physical and
2142 chemical properties of all phases of the injected carbon dioxide stream and which
2143 is based on available site characterization, monitoring, and operational data.
2144

2145 b) The owner or operator of a Class VI injection well must prepare, maintain, and
2146 comply with a plan to delineate the area of review for a proposed geologic
2147 sequestration project; must periodically reevaluate the delineation; and must
2148 perform corrective action that meets the requirements of this Section and which is
2149 sufficient to support an Agency determination that the corrective action is
2150 acceptable. The requirement to maintain and implement an approved plan is
2151 directly enforceable regardless of whether the requirement is a condition of the
2152 permit. As a part of the permit application to the Agency, the owner or operator
2153 must submit an area of review and corrective action plan that includes the
2154 following information:
2155

2156 1) The method that the owner or operator will use for delineating the area of
2157 review which meets the requirements of subsection (c) ~~of this Section~~,
2158 including the model that the owner or operator will use, assumptions that
2159 the owner or operator will make, and the site characterization data on
2160 which the owner or operator will base the model;
2161

2162 2) A description of each of the following:
2163

2164 A) The minimum fixed frequency, not to exceed five years, at which
2165 the owner or operator proposes to reevaluate the area of review;
2166

2167 B) The monitoring and operational conditions that would warrant a
2168 reevaluation of the area of review prior to the next scheduled
2169 reevaluation as determined by the minimum fixed frequency
2170 established pursuant to subsection (b)(2)(A) ~~of this Section~~;
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- C) How monitoring and operational data (e.g., injection rate, pressure, etc.) will be used to inform an area of review reevaluation; and
 - D) How the owner or operator will conduct corrective action to meet the requirements of subsection (d) ~~of this Section~~, including the following information:
 - i) What corrective action the owner or operator will perform prior to injection;
 - ii) What, if any, portions of the area of review the owner or operator will address with corrective action on a phased basis and how that phasing will be determined;
 - iii) How the owner or operator will adjust corrective action if there are changes in the area of review; and
 - iv) How the owner or operator will guarantee site access for future corrective action.
- c) The owner or operator of a Class VI injection well must perform the following actions to delineate the area of review and identify all wells that require corrective action:
- 1) The owner or operator must predict, using existing site characterization, monitoring and operational data, and computational modeling, the projected lateral and vertical migration of the carbon dioxide plume and formation fluids in the subsurface from the commencement of injection activities until the plume movement ceases, until pressure differentials sufficient to cause the movement of injected fluids or formation fluids into a USDW are no longer present, or until the end of a fixed time period determined by the Agency. The model must fulfill the following requirements:
 - A) The model must be based on detailed geologic data collected to characterize the injection zones, confining zones and any additional zones; and anticipated operating data, including injection pressures, rates, and total volumes over the proposed life of the geologic sequestration project;
 - B) The model must take into account any geologic heterogeneities, other discontinuities, data quality, and their possible impact on model predictions; and

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- C) The model must consider potential migration through faults, fractures, and artificial penetrations.
- 2) Using methods approved by the Agency, the owner or operator must identify all penetrations, including active and abandoned wells and underground mines, in the area of review that may penetrate the confining zones and must provide a description of each well's type, construction, date drilled, location, depth, record of plugging and/or completion, and any additional information the Agency may require; and
- 3) The owner or operator must determine which abandoned wells in the area of review have been plugged in a manner that prevents the movement of carbon dioxide or other fluids that may endanger USDWs, including use of materials compatible with the carbon dioxide stream.
- d) The owner or operator of a Class VI injection well must perform corrective action on all wells in the area of review that are determined to need corrective action, using methods designed to prevent the movement of fluid into or between USDWs, including use of materials compatible with the carbon dioxide stream, where appropriate.
- e) At the minimum fixed frequency, not to exceed five years, as specified in the area of review and corrective action plan, or when monitoring and operational conditions warrant, the owner or operator of a Class VI injection well must fulfill each of the following requirements:
 - 1) The owner or operator must reevaluate the area of review in the same manner specified in subsection (c)(1) ~~of this Section~~;
 - 2) The owner or operator must identify all wells in the reevaluated area of review that require corrective action in the same manner specified in subsection (c) ~~of this Section~~;
 - 3) The owner or operator must perform corrective action on wells requiring corrective action in the reevaluated area of review in the same manner specified in subsection (d) ~~of this Section~~; and
 - 4) The owner or operator must submit an amended area of review and corrective action plan or demonstrate through monitoring data and modeling results sufficiently to support an Agency finding that no amendment to the area of review and corrective action plan is needed. Any amendments to the area of review and corrective action plan must be

approved by the Agency, must be incorporated into the permit, and are subject to the permit modification requirements set forth in 35 Ill. Adm. Code 704.262 or 704.264, as appropriate.

- f) The emergency and remedial response plan (as required by Section 730.194) and the demonstration of financial responsibility (as described by Section 730.185) must account for the area of review delineated as specified in subsection (c)(1) of ~~this Section~~ or the most recently evaluated area of review delineated pursuant to subsection (e) of ~~this Section~~, regardless of whether corrective action in the area of review is phased.
- g) The owner or operator must retain all modeling inputs and data used to support area of review reevaluations under subsection (e) of ~~this Section~~ for 10 years.

BOARD NOTE: This Section corresponds with 40 CFR 146.84 (2017)~~(2011)~~.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 730.185 Financial Responsibility

- a) The owner or operator of an injection well to which this Subpart H applies must demonstrate and maintain financial responsibility that the Agency has determined fulfills the following conditions:
 - 1) The financial responsibility instruments used must be from the following list of qualifying instruments:
 - A) A trust fund;
 - B) A surety bond;
 - C) A letter of credit;
 - D) Insurance;
 - E) Self insurance (i.e., the financial test and corporate guarantee);
 - F) An escrow account; or
 - G) Any other instruments that the Agency determines are satisfactory.
 - 2) The qualifying instruments must be sufficient to cover the following costs:

- 2301 A) The costs of corrective action (that meets the requirements of
2302 Section 730.184);
2303
- 2304 B) The costs of injection well plugging (that meets the requirements
2305 of Section 730.192);
2306
- 2307 C) The costs of post-injection site care and site closure (that meets the
2308 requirements of Section 730.193); and
2309
- 2310 D) The costs of emergency and remedial response (that meets the
2311 requirements of Section 730.194).
2312
- 2313 3) The financial responsibility instruments must be sufficient to address
2314 endangerment of underground sources of drinking water.
2315
- 2316 4) The qualifying financial responsibility instruments must comprise
2317 protective conditions of coverage.
2318
- 2319 A) Protective conditions of coverage must include, at a minimum,
2320 cancellation, renewal, and continuation provisions; specifications
2321 on when the provider becomes liable following a notice of
2322 cancellation if there is a failure to renew with a new qualifying
2323 financial instrument, and requirements for the provider to meet a
2324 minimum rating, minimum capitalization, and have the ability to
2325 pass the bond rating when applicable.
2326
- 2327 i) Cancellation. For purposes of this Subpart H, the owner or
2328 operator must provide that its financial mechanism may not
2329 cancel, terminate, or fail to renew, except for failure to pay
2330 that financial instrument. If there is a failure to pay the
2331 financial instrument, the financial institution may elect to
2332 cancel, terminate, or fail to renew the instrument by
2333 sending notice by certified mail to the owner or operator
2334 and the Agency. The cancellation must not be final for 120
2335 days after receipt of cancellation notice by the owner or
2336 operator and the Agency. The owner or operator must
2337 provide an alternative financial responsibility
2338 demonstration within 60 days after notice of cancellation,
2339 and if an alternate financial responsibility demonstration is
2340 not acceptable (or possible), any funds from the instrument
2341 being cancelled must be released within 60 days of
2342 notification by the Agency.
2343

- 2344 ii) Renewal. For purposes of this Subpart H, an owner or
 2345 operator must renew all financial instruments, if an
 2346 instrument expires, for the entire term of the geologic
 2347 sequestration project. The instrument may be automatically
 2348 renewed, as long as the owner or operator has the option of
 2349 renewal at the face amount of the expiring instrument. The
 2350 automatic renewal of an instrument must, at a minimum,
 2351 provide the holder with the option of renewal at the face
 2352 amount of the expiring financial instrument.
 2353
- 2354 iii) Cancellation, termination, or failure to renew may not
 2355 occur and the financial instrument will remain in full force
 2356 and effect in the event that any of the following occurs on
 2357 or before the date of expiration: the Agency deems the
 2358 facility abandoned; or the permit is revoked or a new
 2359 permit is denied; closure is ordered by the Agency or a
 2360 court of competent jurisdiction; the owner or operator is
 2361 named as debtor in a voluntary or involuntary bankruptcy
 2362 proceeding under Title 11 of the United States Code; or the
 2363 amount due on the instrument is fully paid.
 2364
- 2365 B) This subsection (a)(4)(B) would correspond with 40 CFR
 2366 706.85(a)(4)(ii) if such existed. USEPA codified a paragraph
 2367 (a)(4)(i) without a paragraph (a)(4)(ii). Illinois codification
 2368 requirements do not allow codification of a subsection level unless
 2369 multiple subsections exist at that level. This statement maintains
 2370 structural consistency with the corresponding federal rules.
 2371
- 2372 5) The qualifying financial responsibility instruments must be approved by
 2373 the Agency.
 2374
- 2375 A) The Agency must consider and approve the financial responsibility
 2376 demonstration for all the phases of the geologic sequestration
 2377 project prior to issuing a Class VI injection well permit (Section
 2378 730.182).
 2379
- 2380 B) The owner or operator must provide any updated information
 2381 related to their financial responsibility instruments on an annual
 2382 basis and if there are any changes, the Agency must evaluate,
 2383 within a reasonable time, the financial responsibility demonstration
 2384 to confirm that the instruments used remain adequate for use. The
 2385 owner or operator must maintain financial responsibility

- 2386 requirements regardless of the status of the Agency's review of the
2387 financial responsibility demonstration.
2388
- 2389 C) The Agency must disapprove the use of a financial instrument if
2390 the Agency determines that it is not sufficient to meet the
2391 requirements of this Section.
2392
- 2393 6) The owner or operator may demonstrate financial responsibility by using
2394 one or multiple qualifying financial instruments for specific phases of the
2395 geologic sequestration project.
2396
- 2397 A) In the event that the owner or operator combines more than one
2398 instrument for a specific geologic sequestration phase (e.g., well
2399 plugging), such combination must be limited to instruments that
2400 are not based on financial strength or performance (i.e., self
2401 insurance or performance bond), for example trust funds, surety
2402 bonds guaranteeing payment into a trust fund, letters of credit,
2403 escrow account, and insurance. In this case, it is the combination
2404 of mechanisms, rather than the single mechanism, that must
2405 provide financial responsibility for an amount at least equal to the
2406 current cost estimate.
2407
- 2408 B) When using a third-party instrument to demonstrate financial
2409 responsibility, the owner or operator must provide a proof that the
2410 third-party provider fulfills either of the following:
2411
- 2412 i) The provider must have passed financial strength
2413 requirements of subsection (b)(6)(E) ~~of this Section~~ based
2414 on credit ratings; or
2415
- 2416 ii) The provider must have met a minimum rating, minimum
2417 capitalization, and have the ability to pass the bond rating
2418 set forth in subsection (b)(6)(E) ~~of this Section~~, when
2419 applicable.
2420
- 2421 C) An owner or operator using certain types of third-party instruments
2422 must establish a standby trust fund to enable the Agency to be
2423 party to the financial responsibility agreement without the Agency
2424 being the beneficiary of any funds. The standby trust fund must be
2425 used along with other financial responsibility instruments (e.g.,
2426 surety bonds, letters of credit, or escrow accounts) to provide a
2427 location to place funds if needed.
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- D) An owner or operator may deposit money to an escrow account to cover financial responsibility requirements. This account must segregate funds sufficient to cover estimated costs for Class VI (geologic sequestration) financial responsibility from other accounts and uses.

 - E) An owner or operator or its guarantor may use self insurance to demonstrate financial responsibility for geologic sequestration projects if the owner or operator or its guarantor fulfill the following requirements:
 - i) The owner or operator or its guarantor must meet a tangible net worth of an amount approved by the Agency;

 - ii) The owner or operator or its guarantor must have a net working capital and tangible net worth each at least six times the sum of the current well plugging, post-injection site care, and site closure cost;

 - iii) The owner or operator or its guarantor must have assets located in the United States amounting to at least 90 percent of total assets or at least six times the sum of the current well plugging, post injection site care, and site closure cost;

 - iv) The owner or operator or its guarantor must submit a report of its bond rating and financial information annually; and

 - v) The owner or operator or its guarantor must either have a bond rating test of AAA, AA, A, or BBB, as issued by Standard & Poor's, or Aaa, Aa, A, or Baa, as issued by Moody's, or meet all of the following five financial ratio thresholds: a ratio of total liabilities to net worth less than 2.0; a ratio of current assets to current liabilities greater than 1.5; a ratio of the sum of net income plus depreciation, depletion, and amortization to total liabilities greater than 0.1; a ratio of current assets minus current liabilities to total assets greater than -0.1; and a net profit (revenues minus expenses) greater than 0.

 - F) An owner or operator that is not able to meet the corporate financial test criteria of subsection (a)(6)(E) ~~of this Section~~ may arrange a corporate guarantee by demonstrating that its corporate

- 2472 parent meets the financial test requirements on its behalf. The
 2473 corporate parent's demonstration that it meets the financial test
 2474 requirement is insufficient if it has not also guaranteed to fulfill the
 2475 obligations for the owner or operator.
 2476
 2477 G) An owner or operator may obtain an insurance policy to cover the
 2478 estimated costs of geologic sequestration activities that require
 2479 financial responsibility. This insurance policy must be obtained
 2480 from a third-party provider.
 2481
 2482 b) The requirement to maintain adequate financial responsibility and resources is
 2483 directly enforceable regardless of whether the requirement is a condition of the
 2484 permit.
 2485
 2486 1) The owner or operator must maintain financial responsibility and
 2487 resources until both of the following events have occurred:
 2488
 2489 A) The Agency has received and approved the completed post-
 2490 injection site care and site closure plan; and
 2491
 2492 B) The Agency has approved site closure.
 2493
 2494 2) The owner or operator may be released from a financial instrument in the
 2495 following circumstances:
 2496
 2497 A) The owner or operator has completed the phase of the geologic
 2498 sequestration project for which the financial instrument was
 2499 required, and the owner or operator has fulfilled all of its financial
 2500 obligations, as determined by the Agency, including obtaining
 2501 financial responsibility for the next phase of the geologic
 2502 sequestration project, if required; or
 2503
 2504 B) The owner or operator has submitted a replacement financial
 2505 instrument, and the owner or operator has received written
 2506 approval from the Agency that accepts the new financial
 2507 instrument and which releases the owner or operator from the
 2508 previous financial assurance instrument.
 2509
 2510 c) The owner or operator must have a detailed written estimate, in current dollars, of
 2511 the cost of performing corrective action on wells in the area of review, plugging
 2512 the injection wells, post-injection site care, site closure, and emergency and
 2513 remedial response.
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- 1) The cost estimate must be performed for each phase separately, and the cost estimate must be based on the costs to the Agency of hiring a third party to perform the required activities. A third party is a party who is not within the corporate structure of the owner or operator.
 - 2) During the active life of the geologic sequestration project, the owner or operator must adjust the cost estimate for inflation within 60 days prior to the anniversary date of the establishment of the financial instruments used to comply with subsection (a) ~~of this Section~~, and the owner or operator must provide this adjustment to the Agency. The owner or operator must also provide to the Agency written updates of adjustments to the cost estimate within 60 days after any amendments to the area of review and corrective action plan (Section 730.184), the injection well plugging plan (Section 730.192), the post-injection site care and site closure plan (Section 730.193), and the emergency and remedial response plan (Section 730.194).
 - 3) The Agency must approve any decrease or increase to the initial cost estimate. During the active life of the geologic sequestration project, the owner or operator must revise the cost estimate no later than 60 days after any of the following events has occurred: the Agency has approved the request to modify the area of review and corrective action plan (Section 730.184), the Agency has approved the injection well plugging plan (Section 730.192), the Agency has approved the post-injection site care and site closure plan (Section 730.193), or the Agency has approved the emergency and response plan (Section 730.194), if the change in the plan increases the cost. If the change to the plan decreases the cost, any withdrawal of funds must be approved by the Agency. Any decrease to the value of the financial assurance instrument must first be approved by the Agency. The revised cost estimate must be adjusted for inflation as specified at subsection (c)(2) ~~of this Section~~.
 - 4) Within 60 days after an increase in the current cost estimate to an amount greater than the face amount of a financial instrument currently in use, the owner or operator must either cause the face amount to be increased to an amount at least equal to the current cost estimate and submit evidence of that increase to the Agency, or obtain other financial responsibility instruments to cover the increase. Whenever the current cost estimate decreases, the owner or operator may reduce the face amount of the financial assurance instrument to the amount of the current cost estimate only in accordance with a written approval from the Agency.

- 2557 d) The owner or operator must notify the Agency by certified mail of adverse
2558 financial conditions, such as bankruptcy, that may affect the ability to carry out
2559 injection well plugging and post-injection site care and site closure.
2560
- 2561 1) In the event that the owner or operator or the third-party provider of a
2562 financial responsibility instrument is going through a bankruptcy, the
2563 owner or operator must notify the Agency of the proceeding by certified
2564 mail within 10 days after commencement of a voluntary or involuntary
2565 proceeding under Title 11 of the United States Code that names the owner
2566 or operator as debtor.
2567
- 2568 2) The guarantor of a corporate guarantee must make the notification to the
2569 Agency required by this subsection (d)(2) if the guarantor is named as
2570 debtor, as required under the terms of the corporate guarantee.
2571
- 2572 3) An owner or operator who fulfills the requirements of subsection (a) of
2573 ~~this Section~~ by obtaining a trust fund, surety bond, letter of credit, escrow
2574 account, or insurance policy will be deemed to be without the required
2575 financial assurance in the event of bankruptcy of the trustee or issuing
2576 institution or a suspension or revocation of the authority of the trustee
2577 institution to act as trustee of the institution issuing the pertinent financial
2578 assurance instrument. The owner or operator must establish other
2579 financial assurance within 60 days after such an event.
2580
- 2581 e) The owner or operator must provide an adjustment of the cost estimate to the
2582 Agency within 60 days after notification of an Agency determination during the
2583 annual evaluation of the qualifying financial responsibility instruments that the
2584 most recent demonstration is no longer adequate to cover the cost of corrective
2585 action (as required by Section 730.184), injection well plugging (as required by
2586 Section 730.192), post-injection site care and site closure (as required by Section
2587 730.193), and emergency and remedial response (as required by Section 730.194).
2588
- 2589 f) The Agency must approve the use and length of pay-in-periods for trust funds or
2590 escrow accounts.
2591

2592 BOARD NOTE: This Section corresponds with 40 CFR 146.85 (2017)~~(2011)~~.

2593 (Source: Amended at 42 Ill. Reg. _____, effective _____)

2594
2595 **Section 730.188 Injection Well Operating Requirements**
2596

- 2597 a) Except during injection well stimulation, the owner or operator must ensure that
2598 injection pressure does not exceed 90 percent of the fracture pressure of the
2599

- 2600 injection zones, so as to ensure that the injection does not initiate new fractures or
 2601 propagate existing fractures in the injection zones. In no case may injection
 2602 pressure initiate fractures in the confining zones or cause the movement of
 2603 injection or formation fluids that endangers a USDW. Pursuant to the
 2604 requirements of Section 730.182(a)(9), all stimulation programs must be approved
 2605 by the Agency as part of the permit application and incorporated into the permit.
 2606
- 2607 b) Injection between the outermost casing that protects any USDW and the well bore
 2608 is prohibited.
 - 2609
 - 2610 c) The owner or operator must fill the annulus between the tubing and the long-
 2611 string casing with a non-corrosive fluid approved by the Agency. The owner or
 2612 operator must maintain on the annulus a pressure that exceeds the operating
 2613 injection pressure, unless the Agency determines that such a requirement might
 2614 harm the integrity of the well or endanger any USDW.
 2615
 - 2616 d) Other than during periods of well workover (maintenance) approved by the
 2617 Agency in which the sealed tubing-casing annulus is disassembled for
 2618 maintenance or corrective procedures, the owner or operator must maintain
 2619 mechanical integrity of the injection well at all times.
 2620
 - 2621 e) The owner or operator must install and use the equipment indicated in subsection
 2622 (e)(1) ~~of this Section~~ and the appropriate of subsection (e)(2) or (e)(3) ~~of this~~
 2623 ~~Section~~:
 2624
 - 2625 1) Continuous recording devices that monitor each of the following
 2626 parameters:
 2627
 - 2628 A) The carbon dioxide injection pressure;
 - 2629
 - 2630 B) The rate, volume or mass, and temperature of the carbon dioxide
 2631 stream;
 - 2632
 - 2633 C) The pressure on the annulus between the tubing and the long-string
 2634 casing; and
 - 2635
 - 2636 D) The annulus fluid volume.
 - 2637
 - 2638 2) For onshore wells, alarms and automatic surface shut-off systems or, at the
 2639 discretion of the Agency, down-hole shut-off systems (e.g., automatic
 2640 shut-off valves, check valves, etc.) or other mechanical devices that
 2641 provide equivalent protection.
 2642

- 2643 3) For wells located offshore but within State territorial waters, alarms and
2644 automatic down-hole shut-off systems designed to alert the operator and
2645 shut-in the well when operating parameters, such as annulus pressure,
2646 injection rate, or other parameters, diverge beyond permitted ranges or
2647 gradients specified in the permit.
2648
- 2649 f) If a shutdown is triggered (down-hole or at the surface), or if a loss of mechanical
2650 integrity is discovered, the owner or operator must immediately investigate and
2651 identify the cause of the shutoff as expeditiously as possible. If, upon
2652 investigation, or if monitoring required under subsection (e) of this Section
2653 otherwise indicates that the well may be lacking mechanical integrity, the well
2654 appears to be lacking mechanical integrity, the owner or operator must undertake
2655 each of the following actions:
2656
 - 2657 1) The owner or operator must immediately cease injection;
 - 2658
 - 2659 2) The owner or operator must take all steps reasonably necessary to
2660 determine whether there may have been a release of the injected carbon
2661 dioxide stream or formation fluids into any unauthorized zone;
 - 2662
 - 2663 3) The owner or operator must notify the Agency of the event within 24
2664 hours;
 - 2665
 - 2666 4) The owner or operator must restore and demonstrate the mechanical
2667 integrity of the well to the satisfaction of the Agency prior to resuming
2668 injection; and
 - 2669
 - 2670 5) The owner or operator must notify the Agency when injection can be
2671 expected to resume.
2672

2673 BOARD NOTE: This Section corresponds with 40 CFR 146.88 (2017)~~(2011)~~.

2674 (Source: Amended at 42 Ill. Reg. _____, effective _____)
2675
2676

2677 **Section 730.189 Mechanical Integrity**
2678

- 2679 a) A Class VI injection well has mechanical integrity if both of the following
2680 conditions exist:
2681
 - 2682 1) There is no significant leak in the casing, tubing, or packer; and
 - 2683
 - 2684 2) There is no significant fluid movement into a USDW through channels
2685 adjacent to the injection well bore.

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- b) To evaluate the absence of significant leaks under subsection (a)(1) ~~of this Section~~, the owner or operator must, following an initial annulus pressure test, continuously monitor each of the following parameters:
 - 1) The injection pressure, rate, and injected volumes;
 - 2) The pressure on the annulus between the tubing and the long-string casing; and
 - 3) The annulus fluid volume, as specified in Section 730.188(e);
- c) At least once per year, the owner or operator must use one of the following methods to determine the absence of significant fluid movement under subsection (a)(2) ~~of this Section~~:
 - 1) An approved tracer survey, such as an oxygen-activation log; or
 - 2) A temperature or noise log.
- d) If required by the Agency, at a frequency specified in the testing and monitoring plan required by Section 730.190, the owner or operator must run a casing inspection log to determine the presence or absence of corrosion in the long-string casing.
- e) The Agency must require any requested alternative test that the Agency has determined is necessary to evaluate mechanical integrity under subsections (a)(1) or (a)(2) ~~of this Section~~ after obtaining the written approval of USEPA.

BOARD NOTE: Corresponding 40 CFR 146.89(e) provides that the Agency must submit a written request to USEPA setting forth the proposed test and all technical data supporting its use to obtain approval for a new mechanical integrity test. USEPA stated that it will approve the request if USEPA determines that the proposed test will reliably demonstrate the mechanical integrity of wells for which its use was proposed. USEPA stated that it will publish any alternative method that USEPA has approved in the Federal Register, and the Agency must approve use of the published method if the Agency has determined that the method is appropriate to evaluate mechanical integrity, unless USEPA restricts its use at the time of approval by USEPA.
- f) In conducting and evaluating the tests enumerated in this Section or others that the Agency has required by permit, the owner or operator and the Agency must apply methods and standards generally accepted in the industry. When the owner

2729 or operator reports the results of mechanical integrity tests to the Agency, the
2730 owner or operator must include a description of the tests and the methods used. In
2731 making its evaluation, the Agency must review monitoring and other test data
2732 submitted since the previous evaluation.
2733

2734 g) The Agency must require additional or alternative tests if the Agency determines
2735 that the results presented by the owner or operator pursuant to subsections (a)
2736 through (d) ~~of this Section~~ are not satisfactory to demonstrate that there is no
2737 significant leak in the casing, tubing, or packer or that there is no significant
2738 movement of fluid into a USDW resulting from the injection activity, as required
2739 by subsections (a)(1) and (a)(2) ~~of this Section~~.
2740

2741 BOARD NOTE: This Section corresponds with 40 CFR 146.89 (2017)~~(2014)~~.

2742 (Source: Amended at 42 Ill. Reg. _____, effective _____)
2743
2744

2745 **Section 730.190 Testing and Monitoring Requirements**
2746

2747 The owner or operator of a Class VI injection well must prepare, maintain, and comply with a
2748 testing and monitoring plan which will verify that the geologic sequestration project is operating
2749 as permitted, and that the project is not endangering USDWs. The requirement to maintain and
2750 implement an approved testing and monitoring plan is directly enforceable, regardless of whether
2751 the requirement is a condition of the permit. The owner or operator must submit the testing and
2752 monitoring plan to the Agency with the permit application, and the owner or operator must
2753 include a description of how it will meet the requirements of this Section, including accessing
2754 sites for all necessary monitoring and testing during the life of the project. Testing and
2755 monitoring associated with geologic sequestration projects must, at a minimum, include the
2756 following parameters and devices:
2757

- 2758 a) Analyses of the carbon dioxide stream with sufficient frequency to yield data
2759 representative of the chemical and physical characteristics of the stream;
2760
- 2761 b) Installation and use of continuous recording devices to monitor injection pressure,
2762 rate, and volume, except during well workovers, as such are defined in Section
2763 730.188(d); the pressure on the annulus between the tubing and the long-string
2764 casing; and the annulus fluid volume added;
2765
- 2766 c) Corrosion monitoring of the well materials for loss of mass, thickness, cracking,
2767 pitting, and other signs of corrosion, which must be performed on a quarterly
2768 basis to ensure that the well components fulfill the Agency-approved minimum
2769 standards for material strength and performance, as provided in Section
2770 730.186(b), by performing one of the following tests:
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- 1) Analyzing coupons of the well construction materials placed in contact with the carbon dioxide stream;
 - 2) Routing the carbon dioxide stream through a loop constructed with the material used in the well and inspecting the materials in the loop; or
 - 3) Using an alternative method approved by the Agency;
- d) Periodic monitoring of the groundwater quality and geochemical changes above the confining zones that may be a result of carbon dioxide movement through the confining zones or additional identified zones, including the following information:
- 1) The location and number of monitoring wells based on specific information about the geologic sequestration project, including injection rate and volume, geology, the presence of artificial penetrations, and other factors; and
 - 2) The monitoring frequency and spatial distribution of monitoring wells based on baseline geochemical data that has been collected pursuant to Section 730.182(a)(6) and on any modeling results in the area of review evaluation required by Section 730.184(c).
- e) The annual demonstration of external mechanical integrity required by Section 730.189(c) at least once per year until the injection well is plugged; and, if required by the Agency, a casing inspection log undertaken pursuant to Section 730.189(d), at a frequency established in the testing and monitoring plan;
- f) A pressure fall-off test at least once every five years, unless the Agency has required more frequent testing based on site-specific information;
- g) Testing and monitoring to track the extent of the carbon dioxide plume and the presence or absence of elevated pressure (i.e., the pressure front) by using the following types of methods:
- 1) Direct methods in the injection zones; and
 - 2) Indirect methods (e.g., seismic, electrical, gravity, or electromagnetic surveys or down-hole carbon dioxide detection tools), unless the Agency has determined, based on site-specific geology, that these methods are not appropriate;

- 2814 h) The Agency must require surface air monitoring or soil gas monitoring if the
 2815 Agency determines that this monitoring is needed to detect movement of carbon
 2816 dioxide that could endanger a USDW.
 2817
- 2818 1) The design of Class VI injection well surface air or soil gas monitoring
 2819 must be based on potential risks to USDWs within the area of review;
 2820
- 2821 2) The monitoring frequency and spatial distribution of surface air
 2822 monitoring or soil gas monitoring must be decided using baseline data,
 2823 and the monitoring plan must describe how the proposed monitoring will
 2824 yield useful information on the area of review delineation or compliance
 2825 with the prohibition against movement of fluid into a USDW set forth in
 2826 35 Ill. Adm. Code 704.122;
 2827
- 2828 3) If the Agency requires surface air or soil gas monitoring, the Agency has
 2829 determined that monitoring undertaken to comply with subpart RR of 40
 2830 CFR 98 accomplishes the goals of subsections (h)(1) and (h)(2) ~~of this~~
 2831 ~~Section~~, and the owner or operator fulfills the carbon dioxide release
 2832 reporting requirements set forth in Section 730.191(c)(5), the Agency
 2833 must approve the use of monitoring undertaken to comply with subpart
 2834 RR of 40 CFR 98. After approval by the Agency, compliance with
 2835 subpart RR of 40 CFR 98 pursuant to this subsection (h)(3) is deemed a
 2836 condition of the Class VI injection well permit;
 2837
- 2838 i) Any additional monitoring that the Agency has determined is necessary to
 2839 support, upgrade, and improve the computational modeling of the area of review
 2840 evaluation that is required by Section 730.184(c) and to determine compliance
 2841 with the prohibition against movement of fluid into a USDW set forth in 35 Ill.
 2842 Adm. Code 704.122;
 2843
- 2844 j) The owner or operator must periodically review the testing and monitoring plan to
 2845 incorporate monitoring data collected under this Subpart H, operational data
 2846 collected pursuant to Section 730.188, and the most recent area of review
 2847 reevaluation performed pursuant to Section 730.184(e). The owner or operator
 2848 must review the testing and monitoring plan at least once in every five-year
 2849 period. Based on this review, the owner or operator must submit an amended
 2850 testing and monitoring plan or demonstrate to the Agency that no amendment to
 2851 the testing and monitoring plan is needed. Any amendments to the testing and
 2852 monitoring plan must be approved by the Agency, must be incorporated into the
 2853 permit, and are subject to the permit modification requirements set forth in 35 Ill.
 2854 Adm. Code 704.261 or 704.264, as appropriate. The owner or operator must
 2855 submit amended plans or demonstrations to the Agency as follows:
 2856

- 2857 1) Within one year after an area of review reevaluation;
- 2858
- 2859 2) Following any significant changes to the facility, such as addition of
- 2860 monitoring wells or newly permitted injection wells within the area of
- 2861 review, on a schedule determined by the Agency; or
- 2862
- 2863 3) When required by the Agency.
- 2864
- 2865 k) A quality assurance and surveillance plan for all testing and monitoring
- 2866 requirements.
- 2867

2868 BOARD NOTE: This Section corresponds with 40 CFR 146.90 (2017)(2011).

2869 (Source: Amended at 42 Ill. Reg. _____, effective _____)

2870 **Section 730.191 Reporting Requirements**

2871
2872 The owner or operator of a Class VI injection well must, at a minimum, provide the following
2873 reports to the Agency for each permitted Class VI injection well, as specified in subsection (e) of
2874 ~~this Section~~:
2875

- 2876 a) Semi-annual reports containing the following information:
- 2877
- 2878 1) A description of any deviations in the physical, chemical, and other
- 2879 relevant characteristics of the carbon dioxide stream from the proposed
- 2880 operating data submitted to the Agency pursuant to Sections 730.182(a)(7)
- 2881 and (c)(3) and 730.186(b)(1) and (c)(3);
- 2882
- 2883 2) The monthly average, maximum, and minimum values for injection
- 2884 pressure, flow rate and volume, and annular pressure;
- 2885
- 2886 3) A description of any event that exceeds operating parameters for the
- 2887 annulus pressure or injection pressure specified in the permit;
- 2888
- 2889 4) A description of any event that triggers a shut-off device required pursuant
- 2890 to Section 730.188(e) and the response undertaken by the owner or
- 2891 operator;
- 2892
- 2893 5) The monthly volume or mass of the carbon dioxide stream injected over
- 2894 the reporting period and the volume injected cumulatively over the life of
- 2895 the project;
- 2896
- 2897 6) The monthly annulus fluid volume added; and
- 2898
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- 7) The results of the monitoring required by Section 730.190.
- b) Report the results within 30 days after completion of any of the following:
 - 1) Any results of periodic tests of mechanical integrity;
 - 2) Any well workover; and
 - 3) Results of any other test of the injection well that the owner or operator has conducted as required by the Agency.
- c) Report any of the following events within 24 hours after the event:
 - 1) The owner or operator has discovered any evidence that the injected carbon dioxide stream or associated pressure front may cause an endangerment to a USDW;
 - 2) The owner or operator has discovered any noncompliance with a permit condition, or malfunction of the injection system, which may cause fluid migration into or between USDWs;
 - 3) The owner or operator has discovered any triggering of a shut-off system (i.e., down-hole or at the surface);
 - 4) The owner or operator has discovered any failure to maintain mechanical integrity; or
 - 5) The owner or operator has discovered any release of carbon dioxide to the atmosphere or biosphere through surface air or soil gas monitoring or other monitoring technologies that the Agency has required pursuant to Section 730.190(h).
- d) An owner or operator must notify the Agency in writing 30 days in advance of any of the following:
 - 1) Any planned well workover;
 - 2) Any planned stimulation activities, other than stimulation for formation testing conducted pursuant to Section 730.182; and
 - 3) Any other planned test of the injection well conducted by the owner or operator.

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- e) In corresponding 40 CFR 146.91(e), USEPA has stated that owners or operators must submit all required reports, submittals, and notifications under this Subpart H to USEPA in an electronic format approved by USEPA.
- f) The owner or operator must retain records as follows:
 - 1) The owner or operator must retain all data collected pursuant to Section 730.182 for Class VI permit applications throughout the life of the geologic sequestration project and for 10 years following site closure.
 - 2) The owner or operator must retain data on the nature and composition of all injected fluids collected pursuant to Section 730.190(a) until 10 years after site closure. The Agency may require the owner or operator to deliver the records to the Agency at the conclusion of the retention period.
 - 3) The owner or operator must retain monitoring data collected pursuant to Section 730.190(b) through (i) for 10 years after it is collected.
 - 4) The owner or operator must retain well plugging reports, post-injection site care data, including, if appropriate, data and information used to develop the demonstration of the alternative post-injection site care timeframe, and the site closure report collected pursuant to requirements at Section 730.193(f) and (h) for 10 years following site closure.
 - 5) The Agency may require the owner or operator to retain any records required by this Subpart H for a period that is longer than 10 years after site closure. Any Agency requirement that the owner or operator retain records for a longer period must be made in writing, the writing must recite a definite longer period, and the Agency must state the reasons for the determination to require the longer period. An owner or operator may appeal any Agency determination made pursuant to this subsection (f)(5) to the Board pursuant to Section 40 of the Act [415 ILCS 5/40].

BOARD NOTE: This Section corresponds with 40 CFR 146.91 (2017)(2011).

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 730.193 Post-Injection Site Care and Site Closure

- a) The owner or operator of a Class VI injection well must prepare, maintain, and comply with a plan for post-injection site care and site closure that the Agency has determined meets the requirements of subsection (a)(2) of this Section. The

- 3029 b) The owner or operator must monitor the site following the cessation of injection
3030 to show the position of the carbon dioxide plume and pressure front and
3031 demonstrate that no USDW is being endangered.
3032
- 3033 1) Following the cessation of injection, the owner or operator must continue
3034 to conduct monitoring as specified in the Agency-approved post-injection
3035 site care and site closure plan for at least 50 years or for the duration of the
3036 alternative timeframe approved by the Agency pursuant to requirements in
3037 subsection (c) ~~of this Section~~, unless the owner or operator makes a
3038 demonstration under subsection (b)(2) ~~of this Section~~. The monitoring
3039 must continue until the geologic sequestration project no longer poses an
3040 endangerment to USDWs and the demonstration under subsection (b)(2)
3041 ~~of this Section~~ is submitted and approved by the Agency.
3042
- 3043 2) If the Agency determines, based on monitoring and other site-specific
3044 data, that the geologic sequestration project no longer poses an
3045 endangerment to any USDW before 50 years or prior to the end of the
3046 approved alternative timeframe, the Agency must either approve an
3047 amendment to the post-injection site care and site closure plan to reduce
3048 the frequency of monitoring or authorize site closure before the end of the
3049 50-year period or prior to the end of the approved alternative timeframe.
3050
- 3051 3) Prior to authorization for site closure, the owner or operator must submit
3052 to the Agency for review and approval a demonstration, based on
3053 monitoring and other site-specific data, that no additional monitoring is
3054 needed to ensure that the geologic sequestration project does not pose an
3055 endangerment to any USDW.
3056
- 3057 4) If the owner or operator cannot make the demonstration required by
3058 subsection (b)(3) ~~of this Section~~ (i.e., the Agency has determined that
3059 additional monitoring is needed to ensure that the geologic sequestration
3060 project does not pose an endangerment to any USDW or the Agency has
3061 not approved the demonstration) at the end of the 50-year period or at the
3062 end of the approved alternative timeframe, the owner or operator must
3063 submit to the Agency a plan to continue post-injection site care until the
3064 owner or operator has made a demonstration that the Agency can approve.
3065
- 3066 c) Demonstration of alternative post-injection site care timeframe. If the Agency
3067 determines in consultation with USEPA during the permitting process that an
3068 alternative post-injection site care timeframe other than the 50-year default is
3069 appropriate and ensures non-endangerment of any USDW, the Agency must
3070 approve the alternative post-injection site care timeframe. The Agency must base
3071 its determination on significant, site-specific data and information, including all

3072 data and information collected pursuant to Sections 730.182 and 730.183, and the
3073 Agency must determine based on substantial evidence that the geologic
3074 sequestration project will no longer pose a risk of endangerment to any USDW at
3075 the end of the alternative post-injection site care timeframe.
3076

- 3077 1) A demonstration of an alternative post-injection site care timeframe must
3078 include consideration and documentation of the following:
3079
- 3080 A) The results of computational modeling performed pursuant to
3081 delineation of the area of review, as required by Section 730.184;
3082
 - 3083 B) The predicted timeframe for pressure decline within the injection
3084 zone and any other zones, such that formation fluids may not be
3085 forced into any USDW, or the timeframe for pressure decline to
3086 pre-injection pressures;
3087
 - 3088 C) The predicted rate of carbon dioxide plume migration within the
3089 injection zone and the predicted timeframe for the cessation of
3090 migration;
3091
 - 3092 D) A description of the site-specific processes that will result in
3093 carbon dioxide trapping, including immobilization by capillary
3094 trapping, dissolution, and mineralization at the site;
3095
 - 3096 E) The predicted rate of carbon dioxide trapping in the immobile
3097 capillary phase, dissolved phase, and mineral phase;
3098
 - 3099 F) The results of laboratory analyses, research studies, or field or site-
3100 specific studies to verify the information required in subsections
3101 (c)(1)(D) and (c)(1)(E) of this Section;
3102
 - 3103 G) A characterization of the confining zones, including a
3104 demonstration that each confining zone is free of transmissive
3105 faults, fractures, and micro-fractures and is of appropriate
3106 thickness, permeability, and integrity to impede fluid movement
3107 (e.g., carbon dioxide, formation fluids, etc.);
3108
 - 3109 H) The presence of potential conduits for fluid movement, including
3110 planned injection wells and project monitoring wells associated
3111 with the proposed geologic sequestration project or any other
3112 projects in proximity to the predicted or modeled final extent of the
3113 carbon dioxide plume and area of elevated pressure;
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- I) A description of the well construction and an assessment of the quality of plugs of all abandoned wells within the area of review;
 - J) The distance between the injection zone and the nearest USDWs above and below the injection zone; and
 - K) Any additional site-specific factors required by the Agency.
- 2) Information submitted to support the demonstration required by subsection (c)(1) ~~of this Section~~ must meet the following criteria:
- A) All analyses and tests performed to support the demonstration must be accurate and reproducible, and they must have been performed in accordance with the established quality assurance standards;
 - B) Estimation techniques must be appropriate, and USEPA-certified test protocols must have been used where available;
 - C) Predictive models must be appropriate and tailored to the site conditions, composition of the carbon dioxide stream, and injection and site conditions over the life of the geologic sequestration project;
 - D) Predictive models must be calibrated using existing information (e.g., at Class I, Class II, or Class V experimental technology injection well sites) where sufficient data are available;
 - E) Reasonably conservative values and modeling assumptions must be used and disclosed to the Agency whenever values are estimated on the basis of known historical information instead of site-specific measurements;
 - F) The owner or operator must perform an analysis to identify and assess aspects of the alternative post-injection site care timeframe demonstration that contribute significantly to uncertainty. The owner or operator must conduct sensitivity analyses to determine the effect that significant uncertainty may contribute to the modeling demonstration.
 - G) An approved quality assurance and quality control plan must address all aspects of the demonstration; and
 - H) Any additional criteria required by the Agency.

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- d) Notice of intent for site closure. The owner or operator must notify the Agency in writing at least 120 days before site closure. At the time of this notice, if any changes have been made to the original post-injection site care and site closure plan, the owner or operator must also provide the revised plan. The Agency may allow for a shorter notice period. The Agency must allow for a shorter notice period if the Agency determines that the shorter notice period is adequate to complete Agency review of the post-injection site care and site closure plan or that well closure must occur more promptly.
- e) After the Agency has authorized site closure, the owner or operator must plug all monitoring wells in a manner that will not allow movement of injection or formation fluids which endangers a USDW.
- f) The owner or operator must submit a site closure report to the Agency within 90 days after site closure, which must thereafter be retained at a location designated by the Agency for at least 10 years. The report must include the following records and documentation:
 - 1) Documentation of the injection and monitoring well plugging as required by Section 730.192 and subsection (e) ~~of this Section~~. The owner or operator must provide a copy of a survey plat that the owner or operator has submitted to the local zoning authority designated by the Agency. The plat must indicate the location of the injection well relative to permanently surveyed benchmarks. The owner or operator must also submit a copy of the plat to USEPA Region 5;
 - 2) Documentation of appropriate notification and information to all State and local authorities that have authority over drilling activities within the area of review, to enable those State and local authorities to impose appropriate conditions on subsequent drilling activities that may penetrate the injection and confining zones; and

BOARD NOTE: The Illinois Department of Natural Resources, Office of Mines and Minerals, Oil and Gas Division and the Illinois Department of Public Health each have some role in regulating well drilling, depending on the type of well. Other State agencies may also have a role. Further, units of local government and agencies of a sister state may regulate well drilling if a portion of the area of review lies within their jurisdiction. The owner or operator must assure that all applicable regulatory entities receive the required notification and information.

- 3200 3) Records reflecting the nature, composition, and volume of the carbon
3201 dioxide stream.
- 3202
- 3203 g) Each owner or operator of a Class VI injection well must record a notation on the
3204 deed to the facility property or any other document that is normally examined
3205 during title search that will in perpetuity provide the following information to any
3206 potential purchaser of the property:
 - 3207
 - 3208 1) The fact that land has been used to sequester carbon dioxide;
 - 3209
 - 3210 2) The name of the county with which the survey plat was filed, as well as
3211 the addresses of the Agency and USEPA Region 5; and
 - 3212
 - 3213 3) The volume of fluid injected, the injection zone or zones into which the
3214 fluid was injected, and the period over which injection occurred.
 - 3215
- 3216 h) The owner or operator must retain records collected during the post-injection site
3217 care period for at least 10 years following site closure. The owner or operator
3218 must deliver the records to the Agency at the conclusion of the retention period,
3219 and the records must thereafter be retained at a location designated by the Agency
3220 for that purpose.
- 3221

3222 BOARD NOTE: This Section corresponds with 40 CFR 146.93 (2017)~~(2011)~~.

3223 (Source: Amended at 42 Ill. Reg. _____, effective _____)

3224

3225 **Section 730.194 Emergency and Remedial Response**

3226

- 3227
- 3228 a) As part of the permit application, the owner or operator must provide the Agency
3229 with an emergency and remedial response plan that describes actions the owner or
3230 operator must take to address movement of the injection or formation fluids which
3231 may cause an endangerment to a USDW during the construction, operation, and
3232 post-injection site care periods of the injection well. The requirement to maintain
3233 and implement an approved emergency and remedial response plan is directly
3234 enforceable regardless of whether the requirement is a condition of the permit.
- 3235
- 3236 b) If the owner or operator obtains evidence that the injected carbon dioxide stream
3237 and associated pressure front may cause an endangerment to a USDW, the owner
3238 or operator must undertake the following actions:
 - 3239
 - 3240 1) The owner or operator must immediately cease injection;
 - 3241

- 3242 2) The owner or operator must take all steps reasonably necessary to identify
3243 and characterize any release;
- 3244
- 3245 3) The owner or operator must notify the Agency within 24 hours after
3246 obtaining the evidence; and
- 3247
- 3248 4) The owner or operator must implement the emergency and remedial
3249 response plan approved by the Agency.
- 3250
- 3251 c) The Agency must allow the operator to resume injection prior to remediation if
3252 the Agency has determined that the injection operation will not endanger any
3253 USDW.
- 3254
- 3255 d) The owner or operator must periodically review the emergency and remedial
3256 response plan developed pursuant to subsection (a) ~~of this Section~~. The owner or
3257 operator must review the emergency and remedial response plan at least once in
3258 every five year period. Based on this review, the owner or operator must submit
3259 an amended emergency and remedial response plan or demonstrate to the Agency
3260 that no amendment to the emergency and remedial response plan is needed. The
3261 Agency must approve any amendments to the emergency and remedial response
3262 plan and incorporate the amendments into the permit, and the incorporation of the
3263 amendments into the permit is subject to the permit modification requirements set
3264 forth in 35 Ill. Adm. Code 704.262 or 704.264, as appropriate. The owner or
3265 operator must submit any amended plans or demonstrations to the Agency as
3266 follows:
- 3267
- 3268 1) Within one year of an area of review reevaluation;
- 3269
- 3270 2) Following any significant changes to the facility, such as addition of
3271 injection or monitoring wells, on a schedule determined by the Agency; or
- 3272
- 3273 3) When required by the Agency.
- 3274

3275 BOARD NOTE: This Section corresponds with 40 CFR 146.94 ~~(2017)~~(2011).

3276 (Source: Amended at 42 Ill. Reg. _____, effective _____)

3277

3278

3279 **Section 730.195 Alternative Class VI Injection Well Depth Requirements**

3280

3281 This Section specifies the requirements for application of alternative injection well depth
3282 requirements for Class VI injection wells that meet certain criteria. This Section sets forth
3283 information that an owner or operator seeking application of alternative Class VI injection well
3284 depth requirements must submit to the Agency; the information that the Agency must consider

3285 when determining whether any well is suitable for application of alternative injection well depth
3286 requirements; the procedure for Agency-USEPA Region 5 communication and Agency
3287 determination whether a well is suitable for application of alternative injection well depth
3288 requirements; and the additional requirements that apply to an owner or operator of a Class VI
3289 injection well that has been granted a permit that includes alternative injection well depth
3290 requirements.

3291
3292 a) When seeking a permit that includes alternative injection well depth requirements
3293 to the requirement to inject below the lowermost USDW, the owner or operator
3294 must submit a supplemental report concurrent with the permit application. The
3295 supplemental report must include the following information:
3296

3297 1) The following demonstrations with regard to the injection zones:
3298

3299 A) Each is laterally continuous;
3300

3301 B) None is a USDW;
3302

3303 C) None is hydraulically connected to a USDW;
3304

3305 D) None outcrops;
3306

3307 E) Each has adequate injectivity, volume, and sufficient porosity to
3308 safely contain the injected carbon dioxide and formation fluids;
3309 and
3310

3311 F) Each has appropriate geochemistry.
3312

3313 2) A demonstration that each injection zone is bounded by laterally
3314 continuous impermeable confining units above and below the injection
3315 zone that are adequate to prevent fluid movement and pressure buildup
3316 outside of the injection zone and that the confining units are free of
3317 transmissive faults and fractures. The report must further characterize the
3318 regional fracture properties and contain a demonstration that these
3319 fractures will not interfere with injection, serve as conduits, or endanger
3320 USDWs.
3321

3322 3) A demonstration, using computational modeling, that no fluid movement
3323 will endanger any USDW above or below the injection zone. This
3324 modeling should be conducted in conjunction with the area of review
3325 determination required by Section 730.184, and the modeling is subject to
3326 the area of review delineation and well identification requirements set

- 3327 forth in Section 730.184(c) and the periodic reevaluation requirements set
3328 forth in Section 730.184(e).
- 3329
- 3330 4) The following demonstrations with regard to well design and construction,
3331 in conjunction with the alternative injection well depth requirements:
3332
- 3333 A) Well design and construction will ensure isolation of the injectate
3334 in lieu of the prohibition against movement of fluids set forth in
3335 730.186(a)(1); and
3336
- 3337 B) Well design and construction will meet the well construction
3338 requirements set forth in subsection (f) ~~of this Section~~.
- 3339
- 3340 5) A description of how the owner or operator will tailor the monitoring and
3341 testing and any additional plans to the geologic sequestration project to
3342 ensure protection of USDWs above and below each injection zone if the
3343 Agency issues a permit that includes alternative injection well depth
3344 requirements.
3345
- 3346 6) Information on the location of all the public water supplies that will be
3347 affected, or which are reasonably likely to be affected, by the carbon
3348 sequestration project, and all public water supplies that distribute water
3349 drawn from any USDW in the area of review.
3350
- 3351 7) Any other information that the Agency determines is necessary to inform
3352 the USEPA Region 5's decision to issue a waiver, as required by
3353 subsection (b) ~~of this Section~~.
3354
- 3355 b) To inform the USEPA Region 5's decision on whether to grant a waiver of the
3356 injection depth requirements pursuant to 40 CFR 146.95, which would allow the
3357 Agency to issue a permit that includes alternative injection well depth
3358 requirements, the Agency must submit the following documentation to USEPA
3359 Region 5:
3360
- 3361 1) An evaluation of the following information as it relates to siting,
3362 construction, and operation of a geologic sequestration project under a
3363 permit that includes alternative injection well depth requirements:
3364
- 3365 A) The integrity of the upper and lower confining units;
3366
- 3367 B) The suitability of the injection zones (e.g., lateral continuity, lack
3368 of transmissive faults and fractures, known current or planned

- 3369 artificial penetrations into the injection zones or formations below
 3370 the injection zone, etc.);
- 3371
- 3372 C) The potential capacity of the geologic formations to sequester
 3373 carbon dioxide, accounting for the availability of alternative
 3374 injection sites;
- 3375
- 3376 D) All other site characterization data, the proposed emergency and
 3377 remedial response plan, and a demonstration of financial
 3378 responsibility;
- 3379
- 3380 E) An assessment of community needs, demands, and supply from
 3381 drinking water resources;
- 3382
- 3383 F) An assessment of planned needs and potential or future use of
 3384 USDWs and non-USDWs in the area of review;
- 3385
- 3386 G) An assessment of planned or permitted water, hydrocarbon, or
 3387 mineral resource exploitation potential of the proposed injection
 3388 formations and other formations both above and below the
 3389 injection zone to determine if there are any plans to drill through
 3390 the formation to access resources in or beneath the proposed
 3391 injection zones or formations;
- 3392
- 3393 H) The proposed plan for securing alternative water resources or
 3394 treating USDW formation waters in the event of contamination
 3395 related to the Class VI injection well activity; and,
- 3396
- 3397 I) Any other applicable considerations or information that the
 3398 Agency determines is necessary to aid a determination by USEPA
 3399 Region 5 to grant a waiver that would allow the Agency to issue a
 3400 permit that includes alternative injection well depth requirements.
- 3401
- 3402 2) Consultation with the Agency's Division of Public Water Supply and all
 3403 agencies of a sister state that have public water system supervision
 3404 authority over lands within the area of review of a well for which a waiver
 3405 that would allow the Agency to issue a permit that includes alternative
 3406 injection well depth requirements is sought.
- 3407
- 3408 3) Any written waiver-related information submitted by the Agency's
 3409 Division of Public Water Supply and all agencies of a sister state that have
 3410 public water system supervision authority to the Agency.
- 3411

- 3412 c) Pursuant to 35 Ill. Adm. Code 705.163 and concurrent with the Class VI injection
3413 well permit application notice process, the Agency must give public notice that
3414 the owner or operator has sought a permit that includes alternative injection well
3415 depth requirements. The notice must clearly state the following information:
3416
- 3417 1) The depth of the proposed injection zones;
 - 3418 2) The location of the injection wells;
 - 3419 3) The name and depth of each USDW within the area of review;
 - 3420 4) A map of the area of review;
 - 3421 5) The names of any public water supplies that will be affected, or which are
3422 reasonably likely to be affected, by the carbon sequestration project, and
3423 all public water supplies that distribute water drawn from any USDW in
3424 the area of review; and
 - 3425 6) The results of consultation with the Agency's Division of Public Water
3426 Supply and all agencies of a sister state that have public water system
3427 supervision authority, as required by subsection (b)(2) ~~of this Section~~.
3428
3429
- 3430 d) Following the public notice required by subsection (c) ~~of this Section~~, the Agency
3431 must provide all information received through the waiver application process to
3432 USEPA Region 5. USEPA has stated in corresponding 40 CFR 146.95(d) that,
3433 based on this information, the USEPA Region 5 must provide written concurrence
3434 or non-concurrence regarding the Agency issuing a permit that includes
3435 alternative injection well depth requirements.
3436
- 3437 1) If USEPA Region 5 determines that additional information is required to
3438 support a decision, the Agency must provide that information. At its
3439 discretion, USEPA Region 5 may require that public notice of the new
3440 information be initiated.
 - 3441 2) The Agency must not issue a permit that includes alternative injection well
3442 depth requirements without having first received the written concurrence
3443 of USEPA Region 5.
3444
3445
- 3446 e) USEPA has stated in corresponding 40 CFR 146.95(e) that if the Agency issues a
3447 permit that includes alternative injection well depth requirements, USEPA will
3448 post the following information on its Office of Water website within 30 days after
3449 permit issuance:
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- 3455 1) The depth of the proposed injection zones;
- 3456
- 3457 2) The location of the injection wells;
- 3458
- 3459 3) The name and depth of all USDWs within the area of review;
- 3460
- 3461 4) A map of the area of review;
- 3462
- 3463 5) The names of any public water supplies that will be affected, or which are
- 3464 reasonably likely to be affected, by the carbon sequestration project, and
- 3465 all public water supplies that distribute water drawn from any USDW in
- 3466 the area of review; and
- 3467
- 3468 6) The date of permit issuance.
- 3469
- 3470 f) Upon receipt of a permit that includes alternative injection well depth
- 3471 requirements for geologic sequestration, the owner or operator of the covered
- 3472 Class VI injection well must comply with the following requirements:
- 3473
- 3474 1) All requirements of Sections 730.184, 730.185, 730.187, 730.188,
- 3475 730.189, 730.191, 730.192, and 730.194;
- 3476
- 3477 2) All requirements of Section 730.186, with the following modified
- 3478 requirements:
- 3479
- 3480 A) The owner or operator must ensure that each Class VI injection
- 3481 well operating under the alternative injection well depth
- 3482 requirements is constructed and completed to prevent movement of
- 3483 fluids into any unauthorized zone that includes a USDW, in lieu of
- 3484 the requirements of Section 730.186(a)(1).
- 3485
- 3486 B) The casing and cementing program must be designed to prevent
- 3487 the movement of fluids into any unauthorized zone that includes a
- 3488 USDW in lieu of the requirements of Section 730.186(b)(1).
- 3489
- 3490 C) The surface casing must extend through the base of the nearest
- 3491 USDW directly above the injection zone. The surface casing must
- 3492 be cemented to the surface. Alternatively, the Agency must
- 3493 require that the casing extend through another formation above the
- 3494 injection zone and below the nearest USDW above the injection
- 3495 zone if the Agency determines that doing so is necessary to prevent
- 3496 movement of fluids into a USDW.
- 3497

- 3498 3) All requirements of Section 730.190, with the following modified
3499 requirements:
3500
 - 3501 A) The owner or operator must monitor the groundwater quality,
3502 geochemical changes, and pressure in the first USDWs
3503 immediately above and below each injection zone; and in any other
3504 formation that the Agency determines is necessary to detect
3505 potential movement of fluids into a USDW.
3506
 - 3507 B) The owner or operator must conduct testing and monitoring to
3508 track the extent of the carbon dioxide plume and the presence or
3509 absence of elevated pressure (i.e., the pressure front) by using
3510 direct methods to monitor for pressure changes in the injection
3511 zones. The owner or operator must use indirect methods (e.g.,
3512 seismic, electrical, gravity, or electromagnetic surveys or down-
3513 hole carbon dioxide detection tools) that the Agency determines
3514 are necessary based on site-specific geology.
3515
- 3516 4) All requirements of Section 730.193, with the following, modified post-
3517 injection site care monitoring requirements:
3518
 - 3519 A) The owner or operator must monitor the groundwater quality,
3520 geochemical changes, and pressure in the first USDWs
3521 immediately above and below each injection zone; and in any other
3522 formation that the Agency determines is necessary to detect
3523 potential movement of fluids into a USDW.
3524
 - 3525 B) The owner or operator must conduct testing and monitoring to
3526 track the extent of the carbon dioxide plume and the presence or
3527 absence of elevated pressure (i.e., the pressure front) by using
3528 direct methods in the injection zones. The owner or operator must
3529 use indirect methods (e.g., seismic, electrical, gravity, or
3530 electromagnetic surveys or down-hole carbon dioxide detection
3531 tools) that the Agency determines are necessary to detect potential
3532 movement of fluids into a USDW;
3533
- 3534 5) Any additional requirements that the Agency determines are necessary to
3535 ensure protection of USDWs above and below the injection zones.
3536

3537 BOARD NOTE: This Section corresponds with 40 CFR 146.95 (2017)(2014). The
3538 corresponding federal rule calls the administrative permission to allow a well to inject at an
3539 alternative depth (i.e., above the lowermost USDW) a "waiver-". While the Board has retained
3540 the use of "waiver" with regard to USEPA review of alternative depth requirements, the Board

3541 has changed this to some variant of "permit that includes alternative injection well depth
3542 requirements." While the Agency cannot "waive" standards embodied in Board regulations, the
3543 Agency can issue a permit that applies alternative standards that are contained in the regulations.
3544 The Board believes that this rule includes standards sufficient to guide an Agency permit
3545 determination.

3546

3547 (Source: Amended at 42 Ill. Reg. _____, effective _____)

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER d: UNDERGROUND INJECTION CONTROL AND
UNDERGROUND STORAGE TANK PROGRAMS

PART 730
UNDERGROUND INJECTION CONTROL OPERATING REQUIREMENTS

SUBPART A: GENERAL

Section

- 730.101 Applicability, Scope, and Effective Date
- 730.102 Laws Authorizing Regulations
- 730.103 Definitions
- 730.104 Criteria for Exempted Aquifers
- 730.105 Classification of Injection Wells
- 730.106 Area of Review
- 730.107 Corrective Action
- 730.108 Mechanical Integrity
- 730.109 Criteria for Establishing Permitting Priorities
- 730.110 Plugging and Abandoning Wells

SUBPART B: CRITERIA AND STANDARDS APPLICABLE
TO CLASS I NON-HAZARDOUS WASTE INJECTION WELLS

Section

- 730.111 Applicability
- 730.112 Construction Requirements
- 730.113 Operating, Monitoring, and Reporting Requirements
- 730.114 Information to be Considered by the Agency

SUBPART C: CRITERIA AND STANDARDS APPLICABLE
TO CLASS II INJECTION WELLS

Section

- 730.121 Adoption of Criteria and Standards Applicable to Class II Injection Wells by the Illinois Department of Natural Resources, Office of Mines and Minerals

SUBPART D: CRITERIA AND STANDARDS APPLICABLE
TO CLASS III INJECTION WELLS

Section

- 730.131 Applicability
- 730.132 Construction Requirements
- 730.133 Operating, Monitoring, and Reporting Requirements
- 730.134 Information to be Considered by the Agency

SUBPART F: CRITERIA AND STANDARDS APPLICABLE
TO CLASS V INJECTION WELLS

Section
730.151 Applicability
730.152 Inventory and Assessment (Repealed)

SUBPART G: CRITERIA AND STANDARDS APPLICABLE TO
CLASS I HAZARDOUS WASTE INJECTION WELLS

Section
730.161 Applicability and Definitions
730.162 Minimum Criteria for Siting
730.163 Area of Review
730.164 Corrective Action for Wells in the Area of Review
730.165 Construction Requirements
730.166 Logging, Sampling, and Testing Prior to New Well Operation
730.167 Operating Requirements
730.168 Testing and Monitoring Requirements
730.169 Reporting Requirements
730.170 Information to be Evaluated
730.171 Closure
730.172 Post-Closure Care
730.173 Financial Responsibility for Post-Closure Care

SUBPART H: CRITERIA AND STANDARDS APPLICABLE TO CLASS VI WELLS

Section
730.181 Applicability
730.182 Required Class VI Injection Well Permit Information
730.183 Minimum Criteria for Siting
730.184 Area of Review and Corrective Action
730.185 Financial Responsibility
730.186 Injection Well Construction Requirements
730.187 Logging, Sampling, and Testing Prior to Injection Well
Operation
730.188 Injection Well Operating Requirements
730.189 Mechanical Integrity
730.190 Testing and Monitoring Requirements
730.191 Reporting Requirements
730.192 Injection Well Plugging
730.193 Post-Injection Site Care and Site Closure
730.194 Emergency and Remedial Response
730.195 Alternative Class VI Injection Well Depth Requirements

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. 14426, effective March 3, 1984;
recodified at 10 Ill. Reg. 14174; amended in R89-2 at 14 Ill. Reg. 3130,
effective February 20, 1990; amended in R89-11 at 14 Ill. Reg. 11959,
effective July 9, 1990; amended in R93-6 at 17 Ill. Reg. 15646,
effective September 14, 1993; amended in R94-5 at 18 Ill. Reg. 18391,

"Act" 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.L. 95-609, 42 USC 6901).

"Administrator" means the Administrator of the U.S. Environmental Protection Agency or the Administrator's designee.

"Agency" means the Illinois Environmental Protection Agency.

"Application" means the Agency forms for applying for a permit, including any additions, revisions, or modifications to the forms. For RCRA, application also includes the information required by the Agency pursuant to 35 Ill. Adm. Code 703.182-703.188 and 703.200 (contents of Part B of the RCRA application).

"Aquifer" means a geologic 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" means the area surrounding an "injection well" described according to the criteria set forth in Section 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 (one-quarter mile) or a number calculated according to the criteria set forth in Section 730.106.

"Casing" means a pipe or tubing of appropriate material, of varying diameter and weight, lowered into a borehole during or after drilling in order to support the sides of the hole and thus prevent the walls from caving, to prevent loss of drilling mud into porous ground or to prevent water, gas, or other fluid from entering or leaving the hole.

"Catastrophic collapse" means the sudden and utter failure of overlying "strata" caused by removal of underlying materials.

"Cementing" means the operation whereby a cement slurry is pumped into a drilled hole or forced behind the casing.

"Cesspool" means a "drywell" that receives untreated sanitary waste containing human excreta and which sometimes has an open bottom or perforated sides.

"Confining bed" means a body of impermeable or distinctly less permeable material stratigraphically adjacent to one or more aquifers.

"Confining zone" means a geologic formation, group of formations, or part of a formation that is capable of limiting fluid movement above an injection zone.

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

"Conventional mine" means an open pit or underground excavation for the production of minerals.

~~"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 the Administrator's designee.

"Disposal well" means a well used for the disposal of waste into a subsurface stratum.

"Drywell" means a well, other than an improved sinkhole or subsurface fluid distribution system, that is completed above the water table so that its bottom and sides are typically dry except when receiving fluids.

~~"Effective date of the UIC program" means February 1, 1984.~~

"Environmental Protection Act" means the Environmental Protection Act [415 ILCS 5].

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

"Exempted aquifer" 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 of 35 Ill. Adm. Code 704.123, 704.104, and 702.105.

"Existing injection well" means an "injection well" other than a "new injection well-".

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

"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 regulation under the "State" RCRA or UIC program.

"Fault" means a surface or zone of rock fracture along which there has been displacement.

"Flow rate" means the volume per unit time of the flow of a gas or other fluid substance that emerges from an orifice, pump or turbine or which passes along a conduit or channel.

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

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

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

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

"Groundwater" means water below the land surface in a zone of saturation.

"Hazardous waste" means a hazardous waste as defined in 35 Ill. Adm. Code 721.103.

"Hazardous waste management facility" or "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 combination of them).

"HWM facility" means Hazardous waste management facility.

"Illinois" means the State of Illinois.

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

"Injection well" means a well into which fluids are being injected.

"Injection zone" means a geologic formation, group of formations, or part of a formation receiving fluids through a well.

"Lithology" means the description of rocks on the basis of their physical and chemical characteristics.

"Owner or operator" means the owner or operator of any facility or activity subject to regulation under RCRA, UIC, or the Environmental Protection Act.

"Packer" means a device lowered into a well that can be expanded to produce a fluid-tight seal.

"Permit" means an authorization, license, or equivalent control document issued by the Agency to implement the requirements of this Part

and 35 Ill. Adm. Code 702 through 705. Permit does not include RCRA interim status (Subpart C of 35 Ill. Adm. Code 703), UIC authorization by rule (Subpart C of 35 Ill. Adm. Code 704), or any permit that has not yet been the subject of final Agency action, such as a draft permit or a proposed permit.

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

"Plugging record" means a systematic listing of permanent or temporary abandonment of water, oil, gas, test, exploration, and waste injection wells, and may contain a well log, description of amounts and types of plugging material used, the method employed for plugging, a description of formations that are sealed and a graphic log of the well showing formation location, formation thickness, and location of plugging structures.

"Point of injection", for a Class V injection well, means the last accessible sampling point prior to waste fluids being released into the subsurface environment through the well. For example, the point of injection of a Class V septic system might be the distribution box - the last accessible sampling point before the waste fluids drain into the underlying soils. For a dry well, it is likely to be the well bore itself.

"Pressure" means the total load or force per unit area acting on a surface.

"Project" means a group of wells in a single operation.

"Radioactive Waste" means any waste that contains radioactive material in concentrations that exceed those listed in Table II, column 2 in appendix B to 10 CFR 20 (Water Effluent Concentrations), incorporated by reference in 35 Ill. Adm. Code 720.111.

"RCRA" means the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (42 USC 6901 et seq.).

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

"SDWA" means the Safe Drinking Water Act (42 USC 300(f) et seq.).

"Septic system" means a well that is used to emplace sanitary waste below the surface and which is typically comprised of a septic tank and subsurface fluid distribution system or disposal system.

"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.

"Sole or principal source aquifer" means an aquifer that has been designated by the Administrator pursuant to Section 1424(a) or (e) of SDWA (42 USC 300h-3(a) or (e)).

"State" means the State of Illinois.

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

"Subsidence" means the lowering of the natural land surface in response to: earth movements; lowering of fluid pressure, removal of underlying supporting material by mining or solution of solids, either artificially or from natural causes; compaction due to wetting (hydrocompaction); oxidation of organic matter in soils; or added load on the land surface.

"Subsurface fluid distribution system" means an assemblage of perforated pipes, drain tiles, or other similar mechanisms intended to distribute fluids below the surface of the ground.

"Surface casing" means the first string of well casing to be installed in the well.

"Total dissolved solids" or "TDS" means the total dissolved (filterable) solids, as determined by use of the method specified in 40 CFR 136.3 (Identification of Test Procedures; the method for filterable residue), incorporated by reference in 35 Ill. Adm. Code 720.111.

"UIC" means the Underground Injection Control program under Part C of the Safe Drinking Water Act (42 USC 300h through 300h-8), including the approved Illinois program.

"Underground injection" means a "well injection-".

"Underground source of drinking water" or "USDW" means an aquifer or its portion of which the following is true:

It supplies any public water system; or

It contains a sufficient quantity of groundwater to supply a public water system; and

It currently supplies drinking water for human consumption; or

application for a Class II or III injection well, that the aquifer contains minerals or hydrocarbons that are expected to be commercially producible considering their quantity and location;

2) The aquifer is situated at a depth or location that makes recovery of water for drinking water purposes economically or technologically impractical;

3) The aquifer is so contaminated that it would be economically or technologically impractical to render that water fit for human consumption; or

4) The aquifer is located over a Class III injection well mining area subject to subsidence or catastrophic collapse; or

c) The total dissolved solids content of the groundwater in the aquifer is more than 3,000 and less than 10,000 mg/l, and the aquifer is not reasonably expected to supply a public water system.

d) The areal extent of an aquifer exemption for a Class II enhanced oil recovery or enhanced gas recovery well is expanded for the exclusive purpose of Class VI injection for geologic sequestration pursuant to 35 Ill. Adm. Code 704.123(d) if the Agency determines that the aquifer meets the following criteria:

1) The aquifer does not currently serve as a source of drinking water;

2) The total dissolved solids content of the ground water in the aquifer is greater than 3,000 mg/l and less than 10,000 mg/l; and

3) The aquifer is not reasonably expected to supply a public water system.

BOARD NOTE: Derived from 40 CFR 146.4 (2017)–(2011).

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 730.105 Classification of Injection Wells

Injection wells are classified as follows:

a) Class I injection wells. A Class I injection well is any of the following:

1) A Class I hazardous waste injection well that is used by a generator of hazardous waste or an owner or operator of a hazardous waste management facility to inject hazardous waste beneath the lowermost formation containing an underground source of drinking water within 402 meters (one-quarter mile) of the well bore.

2) An industrial or municipal disposal well that injects fluids beneath the lowermost formation containing an underground source of drinking water within 402 meters (one-quarter mile) of the well bore.

3) A radioactive waste disposal well that injects fluids below the lowermost formation containing an underground source of drinking water within 402 meters (one-quarter mile) of the well bore.

b) Class II injection wells. A Class II injection well is one that injects any of the following types of fluids:

1) Fluids that are brought to the surface in connection with conventional oil or natural gas production and which may be commingled with wastewaters from gas plants that are an integral part of production operations, unless those waters are classified as a hazardous waste at the time of injection;

2) Fluids that are used for enhanced recovery of oil or natural gas; and

3) Fluids that are used for storage of hydrocarbons that are liquid at standard temperature and pressure.

c) Class III injection wells. A Class III injection well is one that injects fluid for extraction of minerals, including one used in any of the following activities:

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 that have not been conventionally mined. Solution mining of conventional mines, such as stopes leaching, is included in Class V; or

3) Solution mining of salts or potash.

BOARD NOTE: Class III injection well would include a well that is used for the recovery of geothermal energy to produce electric power, but would not include a well that is used in heating or aquaculture that falls under Class V.

d) Class IV injection wells. A Class IV injection well is any of the following:

1) A well used by a generator of hazardous waste or of radioactive waste, by an owner or operator of a hazardous waste management facility, or by an owner or operator of a radioactive waste disposal site to dispose of hazardous waste or radioactive waste into a formation that contains an underground source of drinking water within 402 meters (one-quarter mile) of the well.

2) A well used by a generator of hazardous waste or of radioactive waste, by an owner or operator of a hazardous waste management facility, or by an owner or operator of a radioactive waste disposal site to dispose of hazardous waste or radioactive waste above a formation that contains an underground source of drinking water within 402 meters (one-quarter mile) of the well.

3) A well used by a generator of hazardous waste or an owner or operator of a hazardous waste management facility to dispose of hazardous waste that cannot be classified pursuant to subsection (a)(1), (d)(1), or (d)(2) ~~of this Section~~ (e.g., wells used to dispose of hazardous wastes into or above a formation that contains an aquifer that has been exempted pursuant to Section 730.104).

e) Class V injection wells. A Class V injection well is any not included in Class I, Class II, Class III, Class IV, or Class VI. Specific types of Class V injection wells include the following:

1) Air conditioning return flow wells used to return the water used in a heat pump for heating or cooling to the supply aquifer;

2) Cesspools, including multiple dwelling, community, or regional cesspools, or other devices that receive wastes that have an open bottom and sometimes have perforated sides. The UIC requirements do not apply to single family residential cesspools or to non-residential cesspools that receive solely sanitary wastes and have the capacity to serve fewer than 20 persons a day;

3) Cooling water return flow wells used to inject water previously used for cooling;

4) Drainage wells used to drain surface fluid, primarily storm runoff, into a subsurface formation;

5) Dry wells used for the injection of wastes into a subsurface formation;

6) Recharge wells used to replenish the water in an aquifer;

7) Salt water intrusion barrier wells used to inject water into a fresh water aquifer to prevent the intrusion of salt water into the fresh water;

8) Sand backfill and other backfill wells used to inject a mixture of water and sand, mill tailings, or other solids into mined out portions of subsurface mines whether what is injected is a radioactive waste or not;

9) Septic system wells used to inject the waste or effluent from a multiple dwelling, business establishment, community, or regional business establishment septic tank. The UIC requirements do not apply to single family residential septic system wells, or to nonresidential

a) Zone of endangering influence.

1) The zone of endangering influence must be the applicable of the following:

A) In the case of an application for a well permit pursuant to 35 Ill. Adm. Code 704.161, that area the radius of which is the lateral distance in which the pressures in the injection zone may cause the migration of the injection or formation fluid into an underground source of drinking water; or

B) In the case of an application for an area permit pursuant to 35 Ill. Adm. Code 704.162, the project area plus a circumscribing area the width of which is the lateral distance from the perimeter of the project area, in which the pressures in the injection zone may cause the migration of the injection or formation fluid into an underground source of drinking water.

2) Computation of the zone of endangering influence may be based upon the parameters listed below and should be calculated for an injection time period equal to the expected life of the injection well or pattern. The following modified This equation illustrates one form that the mathematical model may take.

$$r = \sqrt{2.25 \frac{kHtS}{Q} \times 10^8}$$

where:

$$r = \sqrt{4 \frac{pKH}{Q} (h_w - h_{bo} \times \frac{S_b G_b)}{2.3 Q}}$$

r = Radius of endangering influence from injection well (length) k =

Hydraulic conductivity of the injection zone (length/time) H =

Thickness of the injection zone (length) t = Time of injection

(time) S = Storage coefficient (dimensionless) Q = Injection rate

(volume/time) h_{bo} = Observed original hydrostatic head of injection

zone (length) measured from the base of the lowermost underground source

of drinking ~~water~~ h_w = Hydrostatic head of underground source of

drinking water (length) measured from the base of the lowest underground

source of drinking ~~water~~ S_{pGb} = Specific gravity of fluid in the

injection zone (dimensionless) ~~γ_w~~ = 3.14159 (dimensionless) ~~γ_w~~

3) The above equation is based on the following assumptions:

A) The injection zone is homogenous and isotropic;

B) The injection zone has infinite area extent;

C) The injection well penetrates the entire thickness of the injection zone;

D) The well diameter is infinitesimal compared to "r" when injection time is longer than a few minutes; and

E) The emplacement of fluid into the injection zone creates instantaneous increase in pressure.

b) Fixed radius.

1) In the case of an application for a well permit pursuant to 35 Ill. Adm. Code 704.161, a fixed radius around the well of not less than 402 meters (one-quarter mile) may be used.

2) In the case of an application for an area permit pursuant to 35 Ill. Adm. Code 704.162, a fixed width of not less than 402 meters (one-quarter mile) for the circumscribing area may be used.

3) In determining the fixed radius, the following factors must be taken into consideration: the chemistry of injected and formation fluids; the hydrogeology; the population and groundwater use and dependence; and historical practices in the area.

c) If the area of review is determined by a mathematical model pursuant to subsection (a) ~~of this Section~~, the permissible radius is the result of such calculation even if it is less than 402 meters (one-quarter mile).

(Source: Amended at 42 Ill. Reg. ~~—~~, effective)

Section 730.108 Mechanical Integrity

a) The owner or operator must demonstrate mechanical integrity when required by other Sections. An injection well has mechanical integrity if both of the following conditions are fulfilled:

1) There is no significant leak in the casing, tubing, or packer; and

2) There is no significant fluid movement into an underground source of drinking water through vertical channels adjacent to the injection bore.

b) One of the following tests must be used to demonstrate the absence of significant leaks pursuant to subsection (a)(1) ~~of this Section~~:

1) Following an initial pressure test, monitoring of the tubing-casing annulus pressure with sufficient frequency to be representative, as determined by the Agency, while maintaining an annulus pressure different from atmospheric pressure measured at the surface; or

2) A pressure test with liquid or gas.

c) One of the following methods may be used to determine the absence of significant fluid movement pursuant to subsection (a)(2) ~~of this Section~~:

confining zone or cause the movement of injection or formation fluids into an underground source of drinking water;

2) That injection between the outermost casing protecting underground sources of drinking water and the well bore is prohibited; and

3) That, unless an alternative to a packer has been approved pursuant to Section 730.112(c), the annulus between the tubing and the long string of casings must be filled with a fluid approved by permit condition, and a pressure prescribed by permit condition must be maintained on the annulus.

b) Monitoring Requirements. Monitoring requirements must, at a minimum, include all of the following:

1) The analysis of the injected fluids with sufficient frequency to yield representative data of their characteristics;

2) Installation and use of 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;

3) A demonstration of mechanical integrity pursuant to Section 730.108 at least once every five years during the life of the well; and

4) The type, number, and location of wells within the area of review to be used to monitor any migration of fluids into and pressure in the underground sources of drinking water, the parameters to be measured, and the frequency of monitoring.

c) Reporting Requirements. Reporting requirements must, at a minimum, include:

1) Quarterly reports to the Agency on each of the following:

A) The physical, chemical, and other relevant characteristics of injection fluids;

B) The monthly average, maximum, and minimum values for injection pressure, flow rate and volume, and annular pressure; and

C) The results of monitoring prescribed pursuant to subsection (b)(4)–~~of this Section.~~

2) Reporting the results, with the first quarterly report after the completion of each of the following:

A) Periodic tests of mechanical integrity;

B) Any other test of the injection well conducted by the permittee if required by permit condition; and

- 1) The depth to the injection zone;
- 2) The injection pressure, external pressure, internal pressure, axial loading, etc.;
- 3) The hole size;
- 4) The size and grade of all casing strings (wall thickness, diameter, nominal weight, length, joint specification, and construction material);
- 5) The corrosiveness of injected fluids and formation fluids;
- 6) The lithology of injection and confining zones; and
- 7) The type and grade of cement.

b) Appropriate logs and other tests must be conducted during the drilling and construction of a new Class III injection well. A descriptive report interpreting the results of such logs and tests must be prepared by a knowledgeable log analyst and submitted to the Agency. The logs and tests appropriate to each type of Class III injection well must be determined based on the intended function, depth, construction, and other characteristics of the well; the availability of similar data in the area of the drilling site; and the need for additional information that may arise from time to time as the construction of the well progresses. Deviation checks must be conducted on all holes where pilot holes and reaming are used, unless the hole will be cased and cemented by circulating cement to the surface. Where deviation checks are necessary they must be conducted at sufficiently frequent intervals to assure that vertical avenues for fluid migration in the form of diverging holes are not created during drilling.

c) Where the injection zone is a formation that is naturally water-bearing, the following information concerning the injection zone must be determined or calculated for a new Class III injection well or project:

- 1) The fluid pressure;
- 2) The fracture pressure; and
- 3) The physical and chemical characteristics of the formation fluids.

d) Where the injection formation is not a water-bearing formation, the information in subsection (c) (2) ~~of this Section~~ must be submitted.

e) Where injection is into a formation that contains water with less than 10,000 mg/l TDS, monitoring wells must be completed into the injection zone and into any underground sources of drinking water above the injection zone that could be affected by the mining operation.

These wells must be located in such a fashion as to detect any excursion of injection fluids, process by-products, or formation fluids outside the mining area or zone. If the operation may be affected by subsidence or catastrophic collapse, the monitoring wells must be located so that they will not be physically affected.

f) Where injection is into a formation that does not contain water with less than 10,000 mg/l TDS, no monitoring wells are necessary in the injection stratum.

g) Where the injection wells penetrate an USDW in an area subject to subsidence or catastrophic collapse, an adequate number of monitoring wells must be completed into the USDW to detect any movement of injected fluids, process by-products, or formation fluids into the USDW. The monitoring wells must be located outside the physical influence of the subsidence or catastrophic collapse.

h) In determining the number, location, construction, and frequency of monitoring of the monitoring wells the following criteria must be considered:

- 1) The population relying on the USDW affected or potentially affected by the injection operation;
- 2) The proximity of the injection operation to points of withdrawal of drinking water;
- 3) The local geology and hydrology;
- 4) The operating pressures and whether a negative pressure gradient is being maintained;
- 5) The nature and volume of the injected fluid, the formation water, and the process by-products; and
- 6) The injection well density.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 730.133 Operating, Monitoring, and Reporting Requirements

a) Operating requirements. Operating requirements prescribed must, at a minimum, specify each of the following:

- 1) That, except during well stimulation, the injection pressure at the wellhead must be calculated so as to assure that the pressure in the injection zone during injection does not initiate new fractures or propagate existing fractures in the injection zone. In no case must injection pressure initiate fractures in the confining zone or cause the migration of injection or formation fluids into an underground source of drinking water; and

2) That injection between the outermost casing protecting underground sources of drinking water and the well bore is prohibited.

b) Monitoring requirements. Monitoring requirements must, at a minimum, specify the information set forth in subsections (b)(1) through (b)(5) ~~of this Section~~:

1) Monitoring of the nature of injected fluids with sufficient frequency to yield representative data on its characteristics. Whenever the injection fluid is modified to the extent that the analysis required by Section 730.134 (a)(7)(C) is incorrect or incomplete, the owner or operator must provide the Agency with a new analysis as required by Section 730.134 (a)(7)(C);

2) Monitoring of injection pressure and either flow rate or volume semimonthly, or metering and daily recording of injected and produced fluid volumes, as appropriate;

3) Demonstration of mechanical integrity pursuant to Section 730.108 at least once every five years during the life of the well for salt solution mining;

4) Monitoring of the fluid level in the injection zone semi-monthly, where appropriate, and monitoring of the parameters chosen to measure water quality in the monitoring wells required by Section 730.132(e) semi-monthly; and

5) Quarterly monitoring of wells required by Section 730.132(g).

6) A Class III injection well may be monitored on a field or project basis, rather than on 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 that manifold monitoring is comparable to individual well monitoring.

c) Reporting requirements. Reporting requirements must, at a minimum, include the information set forth in subsections (c)(1) and (c)(2) ~~of this Section~~, subject to subsection (c)(3) ~~of this Section~~:

1) Quarterly reporting to the Agency on required monitoring; and

2) Results of mechanical integrity and any other periodic test required by the Agency reported with the first regular quarterly report after the completion of the test.

3) Monitoring may be reported on a project or field basis rather than individual well basis where manifold monitoring is used.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 730.134 Information to be Considered by the Agency

This Section sets forth information that must be considered by the Agency in authorizing a Class III injection well. Certain maps, cross-sections, tabulations of wells within the area of review, and other data may be included in the application by reference provided they are current, readily available to the Agency (for example, in the Agency's files) and sufficiently identified to be retrieved.

a) Prior to the issuance of a permit to operate an existing Class III injection well or area or for the construction of a new Class III injection well, the Agency must consider the following:

1) The information required in 35 Ill. Adm. Code 702.120 through 702.124 and 704.161(c);

2) A map showing the injection well or project area for which the permit is sought and the applicable area of review. Within the area of review, the map must show the number or name and location of all existing producing wells, injection wells, abandoned wells, dry holes, public water systems, and water wells. The map may also show surface bodies of waters, mines (surface and subsurface), quarries and other pertinent surface features including residences and roads, and faults if known or suspected. Only information of public record and pertinent information known to the applicant is required to be included on this map;

3) A tabulation of data reasonably available from public records or otherwise known to the applicant on wells within the area of review included on the map required pursuant to subsection (a) (2) ~~of this Section~~ that penetrate the proposed injection zone. Such data must include a description of each well's type, construction, date drilled, location, depth, record of plugging and completion, and any additional information the Agency may require. In cases where the information would be repetitive and the wells are of similar age, type, and construction the Agency may elect to only require data on a representative number of wells;

4) Maps and cross-sections indicating the vertical limits of all underground sources of drinking water within the area of review, their position relative to the injection formation and the direction of water movements, where known, in every underground source of drinking water that may be affected by the proposed injection;

5) Maps and cross-sections detailing the geologic structure of the local area;

6) Generalized map and cross-sections illustrating the regional geologic setting;

- 7) Proposed operating data, as follows:
 - A) The average and maximum daily rate and volume of fluid to be injected;
 - B) The average and maximum injection pressure; and
 - C) Qualitative analysis and ranges in concentrations of all constituents of injected fluids. The applicant may request confidentiality as specified in 35 Ill. Adm. Code 101.107. If the information is proprietary an applicant may, in lieu of the ranges in concentrations, choose to submit maximum concentrations that must not be exceeded. In such a case the applicant must retain records of the undisclosed concentrations and provide them upon request to the Agency as part of any enforcement investigation;
 - 8) A proposed formation testing program to obtain the information required by Section 730.132(c);
 - 9) A proposed stimulation program;
 - 10) The proposed injection procedure;
 - 11) Schematic or other appropriate drawings of the surface and subsurface construction details of the system;
 - 12) Plans (including maps) for meeting the monitoring requirements of Section 730.133(b);
 - 13) Expected changes in pressure, native fluid displacement, direction of movement of injection fluid;
 - 14) Contingency plans to cope with all shut-ins or well failures so as to prevent the migration of contaminating fluids into underground sources of drinking water;
 - 15) A certificate that the applicant has assured, through a performance bond or other appropriate means, the resources necessary to close, plug, or abandon the well as required by 35 Ill. Adm. Code 704.189; and
 - 16) The corrective action proposed to be taken pursuant to 35 Ill. Adm. Code 704.193.
- b) Prior to granting approval for the operation of a Class III injection well, the Agency must consider the following information:
- 1) All available logging and testing data on the well;
 - 2) A satisfactory demonstration of mechanical integrity for all new wells and for all existing salt solution pursuant to Section 730.108;

- 3) The anticipated maximum pressure and flow rate at which the permittee will operate;
- 4) The results of the formation testing program;
- 5) The actual injection procedures; and
- 6) The status of corrective action on defective wells in the area of review.

c) Prior to granting approval for the plugging and abandonment of a Class III injection well, the Agency must consider the following information:

- 1) The type and number of plugs to be used;
- 2) The placement of each plug including the elevation of the top and bottom;
- 3) The type, grade, and quantity of cement to be used;
- 4) The method of placement of the plugs; and
- 5) The procedure to be used to meet the requirements of Section 730.110(c).

(Source: Amended at 42 Ill. Reg. _____, effective _____)

SUBPART F: CRITERIA AND STANDARDS APPLICABLE TO CLASS V INJECTION WELLS

Section 730.151 Applicability

This Subpart F sets forth criteria and standards for underground injection control programs to regulate all injection not regulated in Subparts B, D, and E ~~of this Part~~. A Class II injection well, however, is not regulated by this Subpart F.

- a) Generally, a well covered by this Subpart F injects non-hazardous fluids into or above formations that contain underground sources of drinking water. It includes all wells listed in Section 730.105(e) but is not limited to those types of injection wells.
- b) It also includes a well not covered in Class IV that injects radioactive materials listed in table II, column 2 in appendix B to 10 CFR 20 (Water Effluent Concentrations), incorporated by reference in 35 Ill. Adm. Code 720.111(b).

(Source: Amended at 42 Ill. Reg. _____, effective _____)

determine geologic suitability based upon its consideration of the following:

- 1) An analysis of the structural and stratigraphic geology, the hydrogeology, and the seismicity of the region;
- 2) An analysis of the local geology and hydrogeology of the well site, including, at a minimum, detailed information regarding stratigraphy, structure, and rock properties; aquifer hydrodynamics; and mineral resources; and
- 3) A determination that the geology of the area can be described confidently and that limits of waste fate and transport can be accurately predicted through the use of models.

c) Class I hazardous waste injection wells must be sited such that the following is true:

- 1) The injection zone has sufficient permeability, porosity, thickness, and area extent to prevent migration of fluids into USDWs; and

- 2) The confining zone is as follows:

- A) It is laterally continuous and free of transecting, transmissive faults, or fractures over an area sufficient to prevent the movement of fluids into a USDW; and

- B) It contains at least one formation of sufficient thickness and with lithologic and stress characteristics capable of preventing vertical propagation of fractures.

d) The owner or operator must demonstrate one of the alternatives in subsections (d)(1) through (d)(3) ~~of this Section~~ to the Agency, subject to subsection (d)(4) ~~of this Section~~:

- 1) That the confining zone is separated from the base of the lowermost USDW by at least one sequence of permeable and less permeable strata that will provide an added layer of protection for the USDW in the event of fluid movement in an unlocated borehole or transmissive fault;

- 2) That, within the area of review, the piezometric surface of the fluid in the injection zone is less than the piezometric surface of the lowermost USDW, considering density effects, injection pressures, and any significant pumping in the overlying USDW; or

- 3) There is no USDW present.

- 4) The owner or operator of a site that does not meet the requirements in subsection (d)(1), (d)(2), or (d)(3) ~~of this Section~~ may petition the Board for an adjusted standard pursuant to Subpart D of 35

Ill. Adm. Code 104. The Board may grant an adjusted standard approving such a site if it determines that because of site geology, nature of the wastes involved, or other considerations; abandoned boreholes; or other conduits would not cause an endangerment of USDWs. A petition for an adjusted standard pursuant to this subsection (d)(4) must include the following components:

A) Those portions of a permit application for the particular injection activities and site that are relevant to the Board's determination; and

B) Such other relevant information that the Board may by order require pursuant to 35 Ill. Adm. Code 104.228.

BOARD NOTE: Derived from 40 CFR 146.62 (2017) ~~(2005)~~.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 730.164 Corrective Action for Wells in the Area of Review

For the purposes of a Class I hazardous waste injection well, this Section applies instead of 35 Ill. Adm. Code 704.193 and Section 730.107.

a) The owner or operator of a Class I hazardous waste injection well must, as part of the permit application, submit a plan to the Agency outlining the protocol used to accomplish both of the following:

1) Identify all wells penetrating the confining zone or injection zone within the area of review; and

2) Determine whether wells are adequately completed or plugged.

b) The owner or operator of a Class I hazardous waste injection well must identify the location of all wells within the area of review that penetrate the injection zone or the confining zone and must submit both of the following, as required in Section 730.170(a):

1) A tabulation of all wells within the area of review that penetrate the injection zone or the confining zone; and

2) A description of each well or type of well and any records of its plugging or completion.

c) For wells that the Agency determines are improperly plugged, completed, or abandoned, or for which plugging or completion information is unavailable, the applicant must also submit a plan consisting of such steps or modification as are necessary to prevent movement of fluids into or between USDWs. Where the plan is adequate, the Agency must incorporate it into the permit as a condition. Where the Agency's review of an application indicates the permittee's plan is inadequate

(based at a minimum on the factors in subsection (e) ~~of this Section~~), the Agency must do the appropriate of the following:

- 1) It must require the applicant to revise the plan;
 - 2) It must prescribe a plan for corrective action as a condition of the permit; or
 - 3) It must deny the application.
- d) Requirements.

1) Existing injection wells. Any permit issued for an existing Class I hazardous waste injection well requiring corrective action other than pressure limitations must include a compliance schedule pursuant to 35 Ill. Adm. Code 702.162 requiring any corrective action accepted or prescribed pursuant to subsection (c) ~~of this Section~~. Any such compliance schedule must provide for compliance no later than two years following issuance of the permit and must require observance of appropriate pressure limitations pursuant to subsection (d) (3) ~~of this Section~~ until all other corrective action measures have been implemented.

2) New injection wells. No owner or operator of a new Class I hazardous waste injection well may begin injection until all corrective actions required pursuant to this Section have been taken.

3) The Agency may require pressure limitations instead of plugging. If pressure limitations are used instead of plugging, the Agency must require as a permit condition that injection pressure be limited so that pressure in the injection zone at the site of any improperly completed or abandoned well within the area of review would not be sufficient to drive fluids into or between USDWs. This pressure limitation must satisfy the corrective action requirements. Alternatively, such injection pressure limitation may be made part of a compliance schedule pursuant to 35 Ill. Adm. Code 702.162 and may be required to be maintained until all other required corrective actions have been implemented.

e) The Agency must consider the following criteria and factors in determining the adequacy of corrective action proposed by the applicant pursuant to subsection (c) ~~of this Section~~ and in determining the additional steps needed to prevent fluid movement into and between USDWs:

- 1) The nature and volume of injected fluid;
- 2) The nature of native fluids or byproducts of injection;
- 3) Geology;
- 4) Hydrology;

- 5) The history of the injection operation;
- 6) Any completion and plugging records;
- 7) The closure procedures in effect at the time the well was closed;
- 8) Any hydraulic connections with USDWs;
- 9) The reliability of the procedures used to identify abandoned wells; and
- 10) Any other factors that might affect the movement of fluids into or between USDWs.

BOARD NOTE: Derived from 40 CFR 146.64 (2017) ~~(2005)~~.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 730.165 Construction Requirements

a) General. All existing and new Class I hazardous waste injection wells must be constructed and completed to accomplish each of the following:

- 1) Prevent the movement of fluids into or between USDWs or into any unauthorized zones;
- 2) Permit the use of appropriate testing devices and workover tools; and
- 3) Permit continuous monitoring of injection tubing and long string casing as required pursuant to Section 730.167(f);

b) Compatibility. All well materials must be compatible with fluids with which the materials may be expected to come into contact. The owner or operator must employ any compatibility testing method specified by permit condition. The owner or operator may otherwise refer to "Technical Assistance Document: Corrosion, Its Detection and Control in Injection Wells₇", USEPA publication number EPA-570/9-87-002, incorporated by reference at 35 Ill. Adm. Code 720.111.

c) Casing and cementing new wells.

1) Casing and cement used in the construction of each newly drilled well must be designed for the life expectancy of the well, including the post-closure care period. The casing and cementing program must be designed to prevent the movement of fluids into or between USDWs, and to prevent potential leaks of fluids from the well. The Agency must consider the following information as required by Section 730.170 in determining and specifying casing and cementing requirements:

- A) The depth to the injection zone;
 - B) The injection pressure, external pressure, internal pressure, and axial loading;
 - C) The hole size;
 - D) The size and grade of all casing strings (well thickness, diameter, nominal weight, length, joint specification, and construction material);
 - E) The corrosiveness of injected fluid, formation fluids, and temperature;
 - F) The lithology of the injection and confining zones;
 - G) The type or grade of cement; and
 - H) The quantity and chemical composition of the injected fluid.
- 2) One surface casing string must, at a minimum, extend into the confining bed below the lowest formation that contains a USDW and be cemented by circulating cement from the base of the casing to the surface, using a minimum of 120 percent of the calculated annular volume. The Agency may require more than 120 percent when the geology or other circumstances warrant it.
- 3) At least one long string casing, using a sufficient number of centralizers, must extend to the injection zone and must be cemented by circulating cement to the surface in one or more stages:
- A) Of sufficient quantity and quality to withstand the maximum operating pressure; and
 - B) In a quantity no less than 120 percent of the calculated volume necessary to fill the annular space. The Agency must require more than 120 percent when the geology or other circumstances warrant it.
- 4) Circulation of cement may be accomplished by staging. The Agency may approve an alternative method of cementing in cases where the cement cannot be recirculated to the surface, provided the owner or operator can demonstrate by using logs that the cement is continuous and does not allow fluid movement behind the well bore.
- 5) Casings, including any casing connections, must be rated to have sufficient structural strength to withstand both of the following conditions for the design life of the well:
- A) The maximum burst and collapse pressures that may be experienced during the construction, operation, and closure of the well; and

B) The maximum tensile stress that may be experienced at any point along the length of the casing during the construction, operating, and closure of the well.

6) At a minimum, cement and cement additives must be of sufficient quality and quantity to maintain integrity over the design life of the well.

d) Tubing and packer.

1) All Class I hazardous waste injection wells must inject fluids through tubing with a packer set at a point specified by permit condition.

2) In determining and specifying requirements for tubing and packer, the following factors must be considered:

A) The depth of setting;

B) The characteristics of injection fluid (chemical content, corrosiveness, temperature, and density);

C) The injection pressure;

D) The annular pressure;

E) The rate (intermittent or continuous), temperature, and volume of injected fluid;

F) The size of casing; and

G) The tubing tensile, burst, and collapse strengths.

3) The Agency may approve the use of a fluid seal if it determines in writing that the following conditions are met:

A) The operator demonstrates that the seal will provide a level of protection comparable to a packer;

B) The operator demonstrates that the staff is, and will remain, adequately trained to operate and maintain the well and to identify and interpret variations in parameters of concern;

C) The permit contains specific limitations on variations in annular pressure and loss of annular fluid;

D) The design and construction of the well allows continuous monitoring of the annular pressure and mass balance of annular fluid; and

E) A secondary system is used to monitor the interface between the annulus fluid and the injection fluid and the permit contains

requirements for testing the system every three months and recording the results.

BOARD NOTE: Derived from 40 CFR 146.65 (2017) ~~(2005)~~.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 730.167 Operating Requirements

a) Except during stimulation, the owner or operator must assure that injection pressure at the wellhead does not exceed a maximum that must be calculated so as to assure that the pressure in the injection zone during injection does not initiate new fractures or propagate existing fractures in the injection zone. The owner or operator must assure that the injection pressure does not initiate fractures or propagate existing fractures in the confining zone, nor cause the movement of injection or formation fluids into a USDW.

b) Injection between the outermost casing protecting USDWs and the well bore is prohibited.

c) The owner or operator must maintain an annulus pressure that exceeds the operating injection pressure, unless the Agency determines in writing that such a requirement might harm the integrity of the well. The fluid in the annulus must be noncorrosive, or must contain a corrosion inhibitor.

d) The owner or operator must maintain mechanical integrity of the injection well at all times.

e) Permit requirements for owners or operators of hazardous waste injection wells that inject wastes that have the potential to react with the injection formation to generate gases must include the following:

1) Conditions limiting the temperature, pH, or acidity of the injected waste; and

2) Procedures necessary to assure that pressure imbalances that might cause a backflow or blowout do not occur.

f) The owner or operator must install and use continuous recording devices to monitor each of the following: the injection pressure; the flow rate, volume, and temperature of injected fluids; and the pressure on the annulus between the tubing and the long string casing, and must install and use either of the following:

1) Automatic alarm and automatic shut-off systems, designed to sound and shut-in the well when pressures and flow rates or other parameters specified by permit condition exceed a range or gradient specified in the permit; or

2) Automatic alarms, designed to sound when the pressures and flow rates or other parameters exceed a rate or gradient specified in the permit, in cases where the owner or operator certifies that a trained operator will be on-site at all times when the well is operating.

g) If an automatic alarm or shutdown is triggered, the owner or operator must immediately investigate and identify the cause of the alarm or shutoff without undue delay. If, upon such investigation, the well appears to be lacking mechanical integrity, or if monitoring required pursuant to subsection (f) ~~of this Section~~ otherwise indicates that the well may be lacking mechanical integrity, the owner or operator must undertake all of the following actions:

1) It must stop injecting waste fluids unless authorized by permit condition to continue or resume injection;

2) It must take all necessary steps to determine the presence or absence of a leak; and

3) It must notify the Agency within 24 hours after the alarm or shutdown.

h) If a loss of mechanical integrity is discovered pursuant to subsection (g) ~~of this Section~~ or during periodic mechanical integrity testing, the owner or operator must undertake all of the following actions:

1) It must immediately cease injection of waste fluids;

2) It must take all steps reasonably necessary to determine whether there may have been a release of hazardous wastes or hazardous waste constituents into any unauthorized zone;

3) It must notify the Agency within 24 hours after loss of mechanical integrity is discovered;

4) It must notify the Agency when injection can be expected to resume; and

5) It must restore and demonstrate mechanical integrity pursuant to Section 730.108 prior to resuming injection of waste fluids.

i) Whenever the owner or operator obtains evidence that there may have been a release of injected wastes into an unauthorized zone, the following must occur:

1) The owner or operator must immediately cease injection of waste fluids, and undertake all of the following actions:

A) It must notify the Agency within 24 hours of obtaining such evidence;

B) It must take all necessary steps to identify and characterize the extent of any release;

C) It must comply with any remediation plan specified by permit condition;

D) It must implement any remediation plan specified by permit condition; and

E) Where such release is into a USDW currently serving as a water supply, it must place a notice in a newspaper of general circulation.

2) The Agency must permit the operator to resume injection prior to completing cleanup action if the owner or operator demonstrates that the injection operation will not endanger USDWs.

j) The owner or operator must notify the Agency and obtain a permit modification prior to conducting any well workover.

BOARD NOTE: Derived from 40 CFR 146.67 (2017) ~~(2005)~~.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 730.171 Closure

a) Closure plan. The owner or operator of a Class I hazardous waste injection well must prepare, maintain, and comply with a plan for closure of the well that meets the requirements of subsection (d) ~~of this Section~~ and is specified by permit condition. The obligation to implement the closure plan survives the termination of a permit or the cessation of injection activities. The requirement to maintain and implement an approved plan is directly enforceable regardless of whether the requirement is a condition of the permit.

1) The owner or operator must submit the plan as a part of the permit application and, upon approval by the Agency, such plan must be a condition of any permit issued.

2) The owner or operator must submit any proposed significant revision to the method of closure reflected in the plan for approval by the Agency no later than the date on which notice of closure is required to be submitted to the Agency pursuant to subsection (b) ~~of this Section~~.

3) The plan must assure financial responsibility, as required in 35 Ill. Adm. Code 704.189.

4) The plan must include the following information:

A) The type and number of plugs to be used;

B) The placement of each plug including the evaluation of the top and bottom of each plug;

C) The type and grade and quantity of material to be used in plugging;

D) The method of placement of the plugs;

E) Any proposed test or measure to be made;

F) The amount, size, and location (by depth) of casing and any other materials to be left in the well;

G) The method and location where casing is to be parted, if applicable;

H) The procedure to be used to meet the requirements of subsection (d) (5) ~~of this Section~~; and

I) The estimated cost of closure.

5) The Agency must modify a closure plan following the procedures of Subpart C of 35 Ill. Adm. Code 702.

6) An owner or operator of a Class I hazardous waste injection well who stops injection temporarily, may keep the well open if the conditions of subsections ~~subsection~~ (a) (6) (A) and (a) (6) (B) ~~of this Section~~ are true of the owner or operator, subject to subsection (a) (6) (C) ~~of this Section~~:

A) Has received authorization from the Agency; and

B) Has described actions or procedures, satisfactory to the Agency, that the owner or operator will take actions to ensure that the well will not endanger USDWs during the period of temporary disuse. These actions and procedures must include compliance with the technical requirements applicable to active injection wells unless otherwise waived by permit condition.

C) For the purposes of this subsection (a), submitting a description of actions or procedures for Agency authorization is in the nature of a permit application, and the owner or operator may appeal the Agency's decision to the Board.

7) The owner or operator of a well that has ceased operations for more than two years must notify the Agency at least 30 days prior to resuming operation of the well.

b) Notice of intent to close. The owner or operator must notify the Agency at least 60 days before closure of a well.

c) Closure report. Within 60 days after closure, or at the time of the next quarterly report (whichever is less), the owner or operator must submit a closure report to the Agency. If the quarterly report is due less than 15 days after completion of closure, then the report must be submitted within 60 days after closure. The report must be certified as accurate by the owner or operator and by the person who performed the closure operation (if other than the owner or operator). Such report must consist of either of the following documents:

- 1) A statement that the well was closed in accordance with the closure plan previously submitted and approved by the Agency; or
- 2) Where actual closure differed from the plan previously submitted, a written statement specifying the differences between the previous plan and the actual closure.

d) Standards for well closure.

- 1) Prior to closing the well, the owner or operator must observe and record the pressure decay for a time specified by permit condition. The Agency must analyze the pressure decay and the transient pressure observations conducted pursuant to Section 730.168(e)(1)(A) and determine whether the injection activity has conformed to predicted values.

- 2) Prior to well closure, appropriate mechanical integrity testing must be conducted to ensure the integrity of that portion of the long string casing and cement that will be left in the ground after closure. Testing methods may include the following:

- A) Pressure tests with liquid or gas;
- B) Radioactive tracer surveys;
- C) Noise, temperature, pipe evaluation, or cement bond logs; and
- D) Any other test required by permit condition.

- 3) Prior to well closure, the well must be flushed with a buffer fluid.

- 4) Upon closure, a Class I hazardous waste injection well must be plugged with cement in a manner that will not allow the movement of fluids into or between USDWs.

- 5) Placement of the cement plugs must be accomplished by one of the following means:

- A) The Balance Method;
- B) The Dump Bailer Method;

- C) The Two-Plug Method; or
- D) An alternative method, specified by permit condition, that will reliably provide a comparable level of protection.
- 6) Each plug used must be appropriately tagged and tested for seal and stability before closure is completed.
- 7) The well to be closed must be in a state of static equilibrium with the mud weight equalized top to bottom, either by circulating the mud in the well at least once or by a comparable method prescribed by permit condition, prior to the placement of the cement plugs.

BOARD NOTE: Derived from 40 CFR 146.71 (2017) ~~(2005)~~.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 730.172 Post-Closure Care

- a) The owner or operator of a Class I hazardous waste injection well must prepare, maintain, and comply with a plan for post-closure care that meets the requirements of subsection (b) ~~of this Section~~ and is specified by permit condition. The obligation to implement the post-closure plan survives the termination of a permit or the cessation of injection activities. The requirement to maintain an approved plan is directly enforceable regardless of whether the requirement is a condition of the permit.
 - 1) The owner or operator must submit the plan as a part of the permit application and, upon approval by the Agency, such plan must be a condition of any permit issued.
 - 2) The owner or operator must submit any proposed significant revision to the plan as appropriate over the life of the well, but no later than the date of the closure report required pursuant to Section 730.171(c).
 - 3) The plan must assure financial responsibility, as required in Section 730.173.
 - 4) The plan must include the following information:
 - A) The pressure in the injection zone before injection began;
 - B) The anticipated pressure in the injection zone at the time of closure;
 - C) The predicted time until pressure in the injection zone decays to the point that the well's cone of influence no longer intersects the base of the lowermost USDW;

- D) The predicted position of the waste front at closure;
 - E) The status of any cleanups required pursuant to Section 730.164;
and
 - F) The estimated cost of proposed post-closure care.
- 5) At the request of the owner or operator, or on its own initiative, the Agency may modify the post-closure plan after submission of the closure report following the procedures in 35 Ill. Adm. Code 705.128.

b) The owner or operator must undertake each of the following activities:

- 1) It must continue and complete any cleanup action required pursuant to Section 730.164, if applicable;
 - 2) It must continue to conduct any groundwater monitoring required under the permit until pressure in the injection zone decays to the point that the well's cone of influence no longer intersects the base of the lowermost USDW. The Agency must extend the period of post-closure monitoring if it determines in writing that the well may endanger a USDW;
 - 3) It must submit a survey plat to the local zoning authority designated by permit condition. The plat must indicate the location of the well relative to permanently surveyed benchmarks. A copy of the plat must be submitted to USEPA, Region 5;
 - 4) It must notify the Illinois Department of Natural Resources, Office of Mines and Minerals, the State Department of Public Health, and any unit of local government authorized to grant permits under the Water Well Construction Code [415 ILCS 30] in the area where the well is located as to the depth and location of the well and the confining zone;
and
 - 5) It must retain, for a period of three years following well closure, records reflecting the nature, composition, and volume of all injected fluids. Owners or operators must deliver the records to the Agency at the conclusion of the retention period.
- c) Each owner of a Class I hazardous waste injection well, and the owner of the surface or subsurface property on or in which a Class I hazardous waste injection well is located, must record a notation on the deed to the facility property or on some other instrument that is normally examined during title search that will in perpetuity provide any potential purchaser of the property the following information:
- 1) The fact that land has been used to manage hazardous waste;

sequestration must apply for a Class VI permit. A converted well must still meet all other requirements of this Part.

d) Definitions. The following definitions apply to this Subpart H. To the extent that these definitions conflict with those that appear in 35 Ill. Adm. Code 702.110 or Section 730.103, the definitions of this Section govern for Class VI wells:

"Area of review" means the region surrounding the geologic sequestration project where a USDW may be endangered by the injection activity. The area of review is delineated using computational modeling that accounts for the physical and chemical properties of all phases of the injected carbon dioxide stream and displaced fluids, and is based on available site characterization, monitoring, and operational data, as set forth in Section 730.184.

"Carbon dioxide plume" means the sub-surface three-dimensional extent underground of an injected carbon dioxide stream.

"Carbon dioxide stream" means carbon dioxide that has been captured from an emission source (e.g., a power plant), plus incidental associated substances derived from the source materials and the capture process, and any substances added to the stream to enable or improve the injection process. This Subpart H does not apply to any carbon dioxide stream that meets the definition of a hazardous waste in 35 Ill. Adm. Code 721.103.

"Confining zone" means a geologic formation, a group of formations, or a part of a formation that stratigraphically overlies an injection zone and which acts as barrier to fluid movement. For a Class VI injection well that is operating under a permit that includes alternative injection well depth requirements, "confining zone" means a geologic formation, a group of formations, or a part of a formation that stratigraphically overlies and underlies the injection zone.

"Corrective action" means the use of Agency-approved methods to ensure that wells within an area of review do not serve as conduits for the movement of fluids into a USDW.

"Geologic sequestration" means the long-term containment of a gaseous, liquid, or supercritical carbon dioxide stream in subsurface geologic formations. This term does not apply to carbon dioxide capture or transport.

"Geologic sequestration project" means any of the following three types of injection wells:

An injection well or wells that are used to emplace a carbon dioxide stream beneath the lowermost formation containing a USDW;

An injection well or wells that are used for geologic sequestration of carbon dioxide and which have been granted a permit that includes

identified as to be retrieved. In cases where USEPA issues the permit, all the information in this Section must be submitted to the USEPA, Region 5.

a) Prior to the issuance of a permit for the construction of a new Class VI injection well or the conversion of an existing Class I, Class II, or Class V injection well to a Class VI injection well, the owner or operator must submit, pursuant to Section 730.191(e), and the Agency must consider, the following:

1) The information required by 35 Ill. Adm. Code 702.123(a) through (f);

2) A map showing the injection well for which a permit is sought and the applicable area of review consistent with Section 730.184. Within the area of review, the map must show the number or name and location of all injection wells, producing wells, abandoned wells, plugged wells, or dry holes; deep stratigraphic boreholes; Agency- or USEPA-approved subsurface cleanup sites; surface bodies of water, springs, mines (surface and subsurface), quarries, water wells; and other pertinent surface features, including structures intended for human occupancy, state boundaries, and roads. The map should also show faults, if known or suspected. Only information of public record is required to be included on this map;

3) Information on the geologic structure and hydrogeologic properties of the proposed storage site and overlying formations, including the following documents and information:

A) Maps and cross sections of the area of review;

B) The location, orientation, and properties of known or suspected faults and fractures that may transect the confining zones in the area of review and a determination that the faults and fractures would not interfere with containment;

C) Data on the depth, areal extent, thickness, mineralogy, porosity, permeability, and capillary pressure of the injection and confining zones; including geology and facies changes based on field data, which may include geologic cores, outcrop data, seismic surveys, well logs, and names and lithologic descriptions;

D) Geomechanical information on fractures, stress, ductility, rock strength, and in-situ fluid pressures within the confining zones;

E) Information on the seismic history that includes the presence and depth of seismic sources and a determination that the seismicity would not interfere with containment; and

F) Geologic and topographic maps and cross sections that illustrate regional geology, hydrogeology, and the geologic structure of the local area;

- 4) A tabulation of all wells within the area of review that penetrate the injection or confining zones. The tabulated data must include a description of each well's type, construction, date drilled, location, depth, applicable records of plugging and completion, and any additional information that the Agency may require to evaluate the request for a permit;
- 5) Maps and stratigraphic cross sections indicating the general vertical and lateral limits of all USDWs, water wells, and springs within the area of review, their positions relative to the injection zones, and the direction of water movement, where known;
- 6) Baseline geochemical data on subsurface formations that includes all USDWs in the area of review;
- 7) Proposed operating data for the proposed geologic sequestration site that includes that following items of information:
 - A) The average and maximum daily rate and volume or mass, and the total anticipated volume or mass, of the carbon dioxide stream;
 - B) The average and maximum injection pressures;
 - C) The sources of the carbon dioxide stream; and
 - D) An analysis of the chemical and physical characteristics of the carbon dioxide stream;
- 8) A proposed program for pre-operational formation testing that fulfills the requirements of Section 730.187 to obtain an analysis of the chemical and physical characteristics of the injection zones and confining zones;
- 9) A proposed stimulation program, a description of stimulation fluids to be used, and a determination that stimulation will not interfere with containment;
- 10) A proposed procedure to outline steps necessary to conduct injection operation;
- 11) Schematics or other appropriate drawings of the surface and subsurface construction details of the well;
- 12) Injection well construction procedures that fulfill the requirements of Section 730.186;
- 13) A proposed area of review and corrective action plan that fulfills the requirements of Section 730.184;

14) A demonstration which is sufficient to support an Agency determination that the applicant has met the financial responsibility requirements under Section 730.185;

15) A proposed testing and monitoring plan, as required by Section 730.190;

16) A proposed injection well plugging plan, as required by Section 730.192(b);

17) A proposed post-injection site care and site closure plan, as required by Section 730.193(a);

18) At the Agency's discretion, a demonstration of an alternative post-injection site care timeframe required, as required by Section 730.193(c);

19) A proposed emergency and remedial response plan, as required by Section 730.194(a);

20) A list of contacts, submitted to the Agency, for those states identified to be within the area of review of the Class VI project based on information provided pursuant to subsection (a)(2) ~~of this Section~~; and

21) Any other information requested by the Agency that would support an Agency determination whether to issue the requested permit.

b) Pursuant to this Section, and as required by 40 CFR 145.23(f)(13), the Agency must notify any states that the Agency determines are within the area of review of the Class VI project based on information submitted pursuant to subsections (a)(2) and (a)(20) of ~~this Section of~~ the permit application in writing.

c) Prior to granting a permit for the operation of a Class VI injection well, the Agency must consider the following information:

1) The final area of review based on modeling, using data obtained during the logging and testing of the well and the formation required by subsections (c)(2), (c)(3), (c)(4), (c)(6), (c)(7), and (c)(10) ~~of this Section~~;

2) Any relevant updates to the information on the geologic structure and hydrogeologic properties of the proposed storage site and overlying formations, submitted pursuant to subsection (a)(3) ~~of this Section~~, based on data obtained during the logging and testing of the well and the formation required by subsections (c)(3), (c)(4), (c)(6), (c)(7), and (c)(10) ~~of this Section~~;

3) Information on the compatibility of the carbon dioxide stream with fluids in the injection zones and minerals in both the injection and the

proposed geologic sequestration project; must periodically reevaluate the delineation; and must perform corrective action that meets the requirements of this Section and which is sufficient to support an Agency determination that the corrective action is acceptable. The requirement to maintain and implement an approved plan is directly enforceable regardless of whether the requirement is a condition of the permit. As a part of the permit application to the Agency, the owner or operator must submit an area of review and corrective action plan that includes the following information:

1) The method that the owner or operator will use for delineating the area of review which meets the requirements of subsection (c) ~~of this Section~~, including the model that the owner or operator will use, assumptions that the owner or operator will make, and the site characterization data on which the owner or operator will base the model;

2) A description of each of the following:

A) The minimum fixed frequency, not to exceed five years, at which the owner or operator proposes to reevaluate the area of review;

B) The monitoring and operational conditions that would warrant a reevaluation of the area of review prior to the next scheduled reevaluation as determined by the minimum fixed frequency established pursuant to subsection (b) (2) (A) ~~of this Section~~;

C) How monitoring and operational data (e.g., injection rate, pressure, etc.) will be used to inform an area of review reevaluation; and

D) How the owner or operator will conduct corrective action to meet the requirements of subsection (d) ~~of this Section~~, including the following information:

i) What corrective action the owner or operator will perform prior to injection;

ii) What, if any, portions of the area of review the owner or operator will address with corrective action on a phased basis and how that phasing will be determined;

iii) How the owner or operator will adjust corrective action if there are changes in the area of review; and

iv) How the owner or operator will guarantee site access for future corrective action.

c) The owner or operator of a Class VI injection well must perform the following actions to delineate the area of review and identify all wells that require corrective action:

1) The owner or operator must predict, using existing site characterization, monitoring and operational data, and computational modeling, the projected lateral and vertical migration of the carbon dioxide plume and formation fluids in the subsurface from the commencement of injection activities until the plume movement ceases, until pressure differentials sufficient to cause the movement of injected fluids or formation fluids into a USDW are no longer present, or until the end of a fixed time period determined by the Agency. The model must fulfill the following requirements:

A) The model must be based on detailed geologic data collected to characterize the injection zones, confining zones and any additional zones; and anticipated operating data, including injection pressures, rates, and total volumes over the proposed life of the geologic sequestration project;

B) The model must take into account any geologic heterogeneities, other discontinuities, data quality, and their possible impact on model predictions; and

C) The model must consider potential migration through faults, fractures, and artificial penetrations.

2) Using methods approved by the Agency, the owner or operator must identify all penetrations, including active and abandoned wells and underground mines, in the area of review that may penetrate the confining zones and must provide a description of each well's type, construction, date drilled, location, depth, record of plugging and/ or completion, and any additional information the Agency may require; and

3) The owner or operator must determine which abandoned wells in the area of review have been plugged in a manner that prevents the movement of carbon dioxide or other fluids that may endanger USDWs, including use of materials compatible with the carbon dioxide stream.

d) The owner or operator of a Class VI injection well must perform corrective action on all wells in the area of review that are determined to need corrective action, using methods designed to prevent the movement of fluid into or between USDWs, including use of materials compatible with the carbon dioxide stream, where appropriate.

e) At the minimum fixed frequency, not to exceed five years, as specified in the area of review and corrective action plan, or when monitoring and operational conditions warrant, the owner or operator of a Class VI injection well must fulfill each of the following requirements:

1) The owner or operator must reevaluate the area of review in the same manner specified in subsection (c) (1) ~~of this Section~~;

2) The owner or operator must identify all wells in the reevaluated area of review that require corrective action in the same manner specified in subsection (c) ~~of this Section~~;

3) The owner or operator must perform corrective action on wells requiring corrective action in the reevaluated area of review in the same manner specified in subsection (d) ~~of this Section~~; and

4) The owner or operator must submit an amended area of review and corrective action plan or demonstrate through monitoring data and modeling results sufficiently to support an Agency finding that no amendment to the area of review and corrective action plan is needed. Any amendments to the area of review and corrective action plan must be approved by the Agency, must be incorporated into the permit, and are subject to the permit modification requirements set forth in 35 Ill. Adm. Code 704.262 or 704.264, as appropriate.

f) The emergency and remedial response plan (as required by Section 730.194) and the demonstration of financial responsibility (as described by Section 730.185) must account for the area of review delineated as specified in subsection (c)(1) ~~of this Section~~ or the most recently evaluated area of review delineated pursuant to subsection (e) ~~of this Section~~, regardless of whether corrective action in the area of review is phased.

g) The owner or operator must retain all modeling inputs and data used to support area of review reevaluations under subsection (e) ~~of this Section~~ for 10 years.

BOARD NOTE: This Section corresponds with 40 CFR 146.84 (2017) ~~(2011)~~.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 730.185 Financial Responsibility

a) The owner or operator of an injection well to which this Subpart H applies must demonstrate and maintain financial responsibility that the Agency has determined fulfills the following conditions:

1) The financial responsibility instruments used must be from the following list of qualifying instruments:

A) A trust fund;

B) A surety bond;

C) A letter of credit;

D) Insurance;

E) Self insurance (i.e., the financial test and corporate guarantee);

- F) An escrow account; or
- G) Any other instruments that the Agency determines are satisfactory.

2) The qualifying instruments must be sufficient to cover the following costs:

- A) The costs of corrective action (that meets the requirements of Section 730.184);
 - B) The costs of injection well plugging (that meets the requirements of Section 730.192);
 - C) The costs of post-injection site care and site closure (that meets the requirements of Section 730.193); and
 - D) The costs of emergency and remedial response (that meets the requirements of Section 730.194).
- 3) The financial responsibility instruments must be sufficient to address endangerment of underground sources of drinking water.
- 4) The qualifying financial responsibility instruments must comprise protective conditions of coverage.

A) Protective conditions of coverage must include, at a minimum, cancellation, renewal, and continuation provisions; specifications on when the provider becomes liable following a notice of cancellation if there is a failure to renew with a new qualifying financial instrument, and requirements for the provider to meet a minimum rating, minimum capitalization, and have the ability to pass the bond rating when applicable.

i) Cancellation. For purposes of this Subpart H, the owner or operator must provide that its financial mechanism may not cancel, terminate, or fail to renew, except for failure to pay that financial instrument. If there is a failure to pay the financial instrument, the financial institution may elect to cancel, terminate, or fail to renew the instrument by sending notice by certified mail to the owner or operator and the Agency. The cancellation must not be final for 120 days after receipt of cancellation notice by the owner or operator and the Agency. The owner or operator must provide an alternative financial responsibility demonstration within 60 days after notice of cancellation, and if an alternate financial responsibility demonstration is not acceptable (or possible), any funds from the instrument being cancelled must be released within 60 days of notification by the Agency.

ii) Renewal. For purposes of this Subpart H, an owner or operator must renew all financial instruments, if an instrument expires, for the entire term of the geologic sequestration project. The instrument may be automatically renewed, as long as the owner or operator has the

option of renewal at the face amount of the expiring instrument. The automatic renewal of an instrument must, at a minimum, provide the holder with the option of renewal at the face amount of the expiring financial instrument.

iii) Cancellation, termination, or failure to renew may not occur and the financial instrument will remain in full force and effect in the event that any of the following occurs on or before the date of expiration: the Agency deems the facility abandoned; or the permit is revoked or a new permit is denied; closure is ordered by the Agency or a court of competent jurisdiction; the owner or operator is named as debtor in a voluntary or involuntary bankruptcy proceeding under Title 11 of the United States Code; or the amount due on the instrument is fully paid.

B) This subsection (a)(4)(B) would correspond with 40 CFR 706.85(a)(4)(ii) if such existed. USEPA codified a paragraph (a)(4)(i) without a paragraph (a)(4)(ii). Illinois codification requirements do not allow codification of a subsection level unless multiple subsections exist at that level. This statement maintains structural consistency with the corresponding federal rules.

5) The qualifying financial responsibility instruments must be approved by the Agency.

A) The Agency must consider and approve the financial responsibility demonstration for all the phases of the geologic sequestration project prior to issuing a Class VI injection well permit (Section 730.182).

B) The owner or operator must provide any updated information related to their financial responsibility instruments on an annual basis and if there are any changes, the Agency must evaluate, within a reasonable time, the financial responsibility demonstration to confirm that the instruments used remain adequate for use. The owner or operator must maintain financial responsibility requirements regardless of the status of the Agency's review of the financial responsibility demonstration.

C) The Agency must disapprove the use of a financial instrument if the Agency determines that it is not sufficient to meet the requirements of this Section.

6) The owner or operator may demonstrate financial responsibility by using one or multiple qualifying financial instruments for specific phases of the geologic sequestration project.

A) In the event that the owner or operator combines more than one instrument for a specific geologic sequestration phase (e.g., well plugging), such combination must be limited to instruments that are not based on financial strength or performance (i.e., self insurance or performance bond), for example trust funds, surety bonds guaranteeing payment into a trust fund, letters of credit, escrow account, and insurance. In this case, it is the combination of mechanisms, rather

than the single mechanism, that must provide financial responsibility for an amount at least equal to the current cost estimate.

B) When using a third-party instrument to demonstrate financial responsibility, the owner or operator must provide a proof that the third-party provider fulfills either of the following:

i) The provider must have passed financial strength requirements of subsection (b) (6) (E) ~~of this Section~~ based on credit ratings; or

ii) The provider must have met a minimum rating, minimum capitalization, and have the ability to pass the bond rating set forth in subsection (b) (6) (E) ~~of this Section~~, when applicable.

C) An owner or operator using certain types of third-party instruments must establish a standby trust fund to enable the Agency to be party to the financial responsibility agreement without the Agency being the beneficiary of any funds. The standby trust fund must be used along with other financial responsibility instruments (e.g., surety bonds, letters of credit, or escrow accounts) to provide a location to place funds if needed.

D) An owner or operator may deposit money to an escrow account to cover financial responsibility requirements. This account must segregate funds sufficient to cover estimated costs for Class VI (geologic sequestration) financial responsibility from other accounts and uses.

E) An owner or operator or its guarantor may use self insurance to demonstrate financial responsibility for geologic sequestration projects if the owner or operator or its guarantor fulfill the following requirements:

i) The owner or operator or its guarantor must meet a tangible net worth of an amount approved by the Agency;

ii) The owner or operator or its guarantor must have a net working capital and tangible net worth each at least six times the sum of the current well plugging, post-injection site care, and site closure cost;

iii) The owner or operator or its guarantor must have assets located in the United States amounting to at least 90 percent of total assets or at least six times the sum of the current well plugging, post injection site care, and site closure cost;

iv) The owner or operator or its guarantor must submit a report of its bond rating and financial information annually; and

v) The owner or operator or its guarantor must either have a bond rating test of AAA, AA, A, or BBB, as issued by Standard & Poor's, or Aaa, Aa, A, or Baa, as issued by Moody's, or meet all of the following five financial ratio thresholds: a ratio of total liabilities to net

worth less than 2.0; a ratio of current assets to current liabilities greater than 1.5; a ratio of the sum of net income plus depreciation, depletion, and amortization to total liabilities greater than 0.1; a ratio of current assets minus current liabilities to total assets greater than -0.1; and a net profit (revenues minus expenses) greater than 0.

F) An owner or operator that is not able to meet the corporate financial test criteria of subsection (a) (6) (E) ~~of this Section~~ may arrange a corporate guarantee by demonstrating that its corporate parent meets the financial test requirements on its behalf. The corporate parent's demonstration that it meets the financial test requirement is insufficient if it has not also guaranteed to fulfill the obligations for the owner or operator.

G) An owner or operator may obtain an insurance policy to cover the estimated costs of geologic sequestration activities that require financial responsibility. This insurance policy must be obtained from a third-party provider.

b) The requirement to maintain adequate financial responsibility and resources is directly enforceable regardless of whether the requirement is a condition of the permit.

1) The owner or operator must maintain financial responsibility and resources until both of the following events have occurred:

A) The Agency has received and approved the completed post-injection site care and site closure plan; and

B) The Agency has approved site closure.

2) The owner or operator may be released from a financial instrument in the following circumstances:

A) The owner or operator has completed the phase of the geologic sequestration project for which the financial instrument was required, and the owner or operator has fulfilled all of its financial obligations, as determined by the Agency, including obtaining financial responsibility for the next phase of the geologic sequestration project, if required; or

B) The owner or operator has submitted a replacement financial instrument, and the owner or operator has received written approval from the Agency that accepts the new financial instrument and which releases the owner or operator from the previous financial assurance instrument.

c) The owner or operator must have a detailed written estimate, in current dollars, of the cost of performing corrective action on wells in the area of review, plugging the injection wells, post-injection site care, site closure, and emergency and remedial response.

1) The cost estimate must be performed for each phase separately, and the cost estimate must be based on the costs to the Agency of hiring a third party to perform the required activities. A third party is a party who is not within the corporate structure of the owner or operator.

2) During the active life of the geologic sequestration project, the owner or operator must adjust the cost estimate for inflation within 60 days prior to the anniversary date of the establishment of the financial instruments used to comply with subsection (a) ~~of this Section~~, and the owner or operator must provide this adjustment to the Agency. The owner or operator must also provide to the Agency written updates of adjustments to the cost estimate within 60 days after any amendments to the area of review and corrective action plan (Section 730.184), the injection well plugging plan (Section 730.192), the post-injection site care and site closure plan (Section 730.193), and the emergency and remedial response plan (Section 730.194).

3) The Agency must approve any decrease or increase to the initial cost estimate. During the active life of the geologic sequestration project, the owner or operator must revise the cost estimate no later than 60 days after any of the following events has occurred: the Agency has approved the request to modify the area of review and corrective action plan (Section 730.184), the Agency has approved the injection well plugging plan (Section 730.192), the Agency has approved the post-injection site care and site closure plan (Section 730.193), or the Agency has approved the emergency and response plan (Section 730.194), if the change in the plan increases the cost. If the change to the plan decreases the cost, any withdrawal of funds must be approved by the Agency. Any decrease to the value of the financial assurance instrument must first be approved by the Agency. The revised cost estimate must be adjusted for inflation as specified at subsection (c) (2) ~~of this Section~~.

4) Within 60 days after an increase in the current cost estimate to an amount greater than the face amount of a financial instrument currently in use, the owner or operator must either cause the face amount to be increased to an amount at least equal to the current cost estimate and submit evidence of that increase to the Agency, or obtain other financial responsibility instruments to cover the increase. Whenever the current cost estimate decreases, the owner or operator may reduce the face amount of the financial assurance instrument to the amount of the current cost estimate only in accordance with a written approval from the Agency.

d) The owner or operator must notify the Agency by certified mail of adverse financial conditions, such as bankruptcy, that may affect the ability to carry out injection well plugging and post-injection site care and site closure.

1) In the event that the owner or operator or the third-party provider of a financial responsibility instrument is going through a

bankruptcy, the owner or operator must notify the Agency of the proceeding by certified mail within 10 days after commencement of a voluntary or involuntary proceeding under Title 11 of the United States Code that names the owner or operator as debtor.

2) The guarantor of a corporate guarantee must make the notification to the Agency required by this subsection (d)(2) if the guarantor is named as debtor, as required under the terms of the corporate guarantee.

3) An owner or operator who fulfills the requirements of subsection (a) ~~of this Section~~ by obtaining a trust fund, surety bond, letter of credit, escrow account, or insurance policy will be deemed to be without the required financial assurance in the event of bankruptcy of the trustee or issuing institution or a suspension or revocation of the authority of the trustee institution to act as trustee of the institution issuing the pertinent financial assurance instrument. The owner or operator must establish other financial assurance within 60 days after such an event.

e) The owner or operator must provide an adjustment of the cost estimate to the Agency within 60 days after notification of an Agency determination during the annual evaluation of the qualifying financial responsibility instruments that the most recent demonstration is no longer adequate to cover the cost of corrective action (as required by Section 730.184), injection well plugging (as required by Section 730.192), post-injection site care and site closure (as required by Section 730.193), and emergency and remedial response (as required by Section 730.194).

f) The Agency must approve the use and length of pay-in-periods for trust funds or escrow accounts.

BOARD NOTE: This Section corresponds with 40 CFR 146.85 (2017) ~~(2011)~~.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 730.188 Injection Well Operating Requirements

a) Except during injection well stimulation, the owner or operator must ensure that injection pressure does not exceed 90 percent of the fracture pressure of the injection zones, so as to ensure that the injection does not initiate new fractures or propagate existing fractures in the injection zones. In no case may injection pressure initiate fractures in the confining zones or cause the movement of injection or formation fluids that endangers a USDW. Pursuant to the requirements of Section 730.182(a)(9), all stimulation programs must be approved by the Agency as part of the permit application and incorporated into the permit.

b) Injection between the outermost casing that protects any USDW and the well bore is prohibited.

c) The owner or operator must fill the annulus between the tubing and the long-string casing with a non-corrosive fluid approved by the Agency. The owner or operator must maintain on the annulus a pressure that exceeds the operating injection pressure, unless the Agency determines that such a requirement might harm the integrity of the well or endanger any USDW.

d) Other than during periods of well workover (maintenance) approved by the Agency in which the sealed tubing-casing annulus is disassembled for maintenance or corrective procedures, the owner or operator must maintain mechanical integrity of the injection well at all times.

e) The owner or operator must install and use the equipment indicated in subsection (e) (1) ~~of this Section~~ and the appropriate of subsection (e) (2) or (e) (3) ~~of this Section~~:

1) Continuous recording devices that monitor each of the following parameters:

A) The carbon dioxide injection pressure;

B) The rate, volume or mass, and temperature of the carbon dioxide stream;

C) The pressure on the annulus between the tubing and the long-string casing; and

D) The annulus fluid volume.

2) For onshore wells, alarms and automatic surface shut-off systems or, at the discretion of the Agency, down-hole shut-off systems (e.g., automatic shut-off valves, check valves, etc.) or other mechanical devices that provide equivalent protection.

3) For wells located offshore but within State territorial waters, alarms and automatic down-hole shut-off systems designed to alert the operator and shut-in the well when operating parameters, such as annulus pressure, injection rate, or other parameters, diverge beyond permitted ranges or gradients specified in the permit.

f) If a shutdown is triggered (down-hole or at the surface), or if a loss of mechanical integrity is discovered, the owner or operator must immediately investigate and identify the cause of the shutoff as expeditiously as possible. If, upon investigation, or if monitoring required under subsection (e) ~~of this Section~~ otherwise indicates that the well may be lacking mechanical integrity, the well appears to be lacking mechanical integrity, the owner or operator must undertake each of the following actions:

1) The owner or operator must immediately cease injection;

must run a casing inspection log to determine the presence or absence of corrosion in the long-string casing.

e) The Agency must require any requested alternative test that the Agency has determined is necessary to evaluate mechanical integrity under subsections (a)(1) or (a)(2) ~~of this Section~~ after obtaining the written approval of USEPA.

BOARD NOTE: Corresponding 40 CFR 146.89(e) provides that the Agency must submit a written request to USEPA setting forth the proposed test and all technical data supporting its use to obtain approval for a new mechanical integrity test. USEPA stated that it will approve the request if USEPA determines that the proposed test will reliably demonstrate the mechanical integrity of wells for which its use was proposed. USEPA stated that it will publish any alternative method that USEPA has approved in the Federal Register, and the Agency must approve use of the published method if the Agency has determined that the method is appropriate to evaluate mechanical integrity, unless USEPA restricts its use at the time of approval by USEPA.

f) In conducting and evaluating the tests enumerated in this Section or others that the Agency has required by permit, the owner or operator and the Agency must apply methods and standards generally accepted in the industry. When the owner or operator reports the results of mechanical integrity tests to the Agency, the owner or operator must include a description of the tests and the methods used. In making its evaluation, the Agency must review monitoring and other test data submitted since the previous evaluation.

g) The Agency must require additional or alternative tests if the Agency determines that the results presented by the owner or operator pursuant to subsections (a) through (d) ~~of this Section~~ are not satisfactory to demonstrate that there is no significant leak in the casing, tubing, or packer or that there is no significant movement of fluid into a USDW resulting from the injection activity, as required by subsections (a)(1) and (a)(2) ~~of this Section~~.

BOARD NOTE: This Section corresponds with 40 CFR 146.89 (2017) ~~(2011)~~.

(Source: Amended at 42 Ill. Reg. ~~—~~, effective)

Section 730.190 Testing and Monitoring Requirements

The owner or operator of a Class VI injection well must prepare, maintain, and comply with a testing and monitoring plan which will verify that the geologic sequestration project is operating as permitted, and that the project is not endangering USDWs. The requirement to maintain and implement an approved testing and monitoring plan is directly enforceable, regardless of whether the requirement is a condition of the permit. The owner or operator must submit the testing and monitoring plan to the Agency with the permit application, and the

owner or operator must include a description of how it will meet the requirements of this Section, including accessing sites for all necessary monitoring and testing during the life of the project. Testing and monitoring associated with geologic sequestration projects must, at a minimum, include the following parameters and devices:

a) Analyses of the carbon dioxide stream with sufficient frequency to yield data representative of the chemical and physical characteristics of the stream;

b) Installation and use of continuous recording devices to monitor injection pressure, rate, and volume, except during well workovers, as such are defined in Section 730.188(d); the pressure on the annulus between the tubing and the long-string casing; and the annulus fluid volume added;

c) Corrosion monitoring of the well materials for loss of mass, thickness, cracking, pitting, and other signs of corrosion, which must be performed on a quarterly basis to ensure that the well components fulfill the Agency-approved minimum standards for material strength and performance, as provided in Section 730.186(b), by performing one of the following tests:

1) Analyzing coupons of the well construction materials placed in contact with the carbon dioxide stream;

2) Routing the carbon dioxide stream through a loop constructed with the material used in the well and inspecting the materials in the loop; or

3) Using an alternative method approved by the Agency;

d) Periodic monitoring of the groundwater quality and geochemical changes above the confining zones that may be a result of carbon dioxide movement through the confining zones or additional identified zones, including the following information:

1) The location and number of monitoring wells based on specific information about the geologic sequestration project, including injection rate and volume, geology, the presence of artificial penetrations, and other factors; and

2) The monitoring frequency and spatial distribution of monitoring wells based on baseline geochemical data that has been collected pursuant to Section 730.182(a)(6) and on any modeling results in the area of review evaluation required by Section 730.184(c).

e) The annual demonstration of external mechanical integrity required by Section 730.189(c) at least once per year until the injection well is plugged; and, if required by the Agency, a casing inspection log undertaken pursuant to Section 730.189(d), at a frequency established in the testing and monitoring plan;

f) A pressure fall-off test at least once every five years, unless the Agency has required more frequent testing based on site-specific information;

g) Testing and monitoring to track the extent of the carbon dioxide plume and the presence or absence of elevated pressure (i.e., the pressure front) by using the following types of methods:

1) Direct methods in the injection zones; and

2) Indirect methods (e.g., seismic, electrical, gravity, or electromagnetic surveys or down-hole carbon dioxide detection tools), unless the Agency has determined, based on site-specific geology, that these methods are not appropriate;

h) The Agency must require surface air monitoring or soil gas monitoring if the Agency determines that this monitoring is needed to detect movement of carbon dioxide that could endanger a USDW.

1) The design of Class VI injection well surface air or soil gas monitoring must be based on potential risks to USDWs within the area of review;

2) The monitoring frequency and spatial distribution of surface air monitoring or soil gas monitoring must be decided using baseline data, and the monitoring plan must describe how the proposed monitoring will yield useful information on the area of review delineation or compliance with the prohibition against movement of fluid into a USDW set forth in 35 Ill. Adm. Code 704.122;

3) If the Agency requires surface air or soil gas monitoring, the Agency has determined that monitoring undertaken to comply with subpart RR of 40 CFR 98 accomplishes the goals of subsections (h)(1) and (h)(2) ~~of this Section~~, and the owner or operator fulfills the carbon dioxide release reporting requirements set forth in Section 730.191(c)(5), the Agency must approve the use of monitoring undertaken to comply with subpart RR of 40 CFR 98. After approval by the Agency, compliance with subpart RR of 40 CFR 98 pursuant to this subsection (h)(3) is deemed a condition of the Class VI injection well permit;

i) Any additional monitoring that the Agency has determined is necessary to support, upgrade, and improve the computational modeling of the area of review evaluation that is required by Section 730.184(c) and to determine compliance with the prohibition against movement of fluid into a USDW set forth in 35 Ill. Adm. Code 704.122;

j) The owner or operator must periodically review the testing and monitoring plan to incorporate monitoring data collected under this Subpart H, operational data collected pursuant to Section 730.188, and the most recent area of review reevaluation performed pursuant to Section 730.184(e). The owner or operator must review the testing and

monitoring plan at least once in every five-year period. Based on this review, the owner or operator must submit an amended testing and monitoring plan or demonstrate to the Agency that no amendment to the testing and monitoring plan is needed. Any amendments to the testing and monitoring plan must be approved by the Agency, must be incorporated into the permit, and are subject to the permit modification requirements set forth in 35 Ill. Adm. Code 704.261 or 704.264, as appropriate. The owner or operator must submit amended plans or demonstrations to the Agency as follows:

- 1) Within one year after an area of review reevaluation;
- 2) Following any significant changes to the facility, such as addition of monitoring wells or newly permitted injection wells within the area of review, on a schedule determined by the Agency; or
- 3) When required by the Agency.
- k) A quality assurance and surveillance plan for all testing and monitoring requirements.

BOARD NOTE: This Section corresponds with 40 CFR 146.90 (2017) ~~(2011)~~.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 730.191 Reporting Requirements

The owner or operator of a Class VI injection well must, at a minimum, provide the following reports to the Agency for each permitted Class VI injection well, as specified in subsection (e) ~~of this Section~~:

- a) Semi-annual reports containing the following information:
 - 1) A description of any deviations in the physical, chemical, and other relevant characteristics of the carbon dioxide stream from the proposed operating data submitted to the Agency pursuant to Sections 730.182(a)(7) and (c)(3) and 730.186(b)(1) and (c)(3);
 - 2) The monthly average, maximum, and minimum values for injection pressure, flow rate and volume, and annular pressure;
 - 3) A description of any event that exceeds operating parameters for the annulus pressure or injection pressure specified in the permit;
 - 4) A description of any event that triggers a shut-off device required pursuant to Section 730.188(e) and the response undertaken by the owner or operator;
 - 5) The monthly volume or mass of the carbon dioxide stream injected over the reporting period and the volume injected cumulatively over the life of the project;

6) The monthly annulus fluid volume added; and

7) The results of the monitoring required by Section 730.190.

b) Report the results within 30 days after completion of any of the following:

1) Any results of periodic tests of mechanical integrity;

2) Any well workover; and

3) Results of any other test of the injection well that the owner or operator has conducted as required by the Agency.

c) Report any of the following events within 24 hours after the event:

1) The owner or operator has discovered any evidence that the injected carbon dioxide stream or associated pressure front may cause an endangerment to a USDW;

2) The owner or operator has discovered any noncompliance with a permit condition, or malfunction of the injection system, which may cause fluid migration into or between USDWs;

3) The owner or operator has discovered any triggering of a shut-off system (i.e., down-hole or at the surface);

4) The owner or operator has discovered any failure to maintain mechanical integrity; or

5) The owner or operator has discovered any release of carbon dioxide to the atmosphere or biosphere through surface air or soil gas monitoring or other monitoring technologies that the Agency has required pursuant to Section 730.190(h).

d) An owner or operator must notify the Agency in writing 30 days in advance of any of the following:

1) Any planned well workover;

2) Any planned stimulation activities, other than stimulation for formation testing conducted pursuant to Section 730.182; and

3) Any other planned test of the injection well conducted by the owner or operator.

e) In corresponding 40 CFR 146.91(e), USEPA has stated that owners or operators must submit all required reports, submittals, and notifications under this Subpart H to USEPA in an electronic format approved by USEPA.

2) The post-injection site care and site closure plan must include the following information:

A) The pressure differential between pre-injection and predicted post-injection pressures in the injection zones;

B) The predicted position of the carbon dioxide plume and associated pressure front at site closure, as demonstrated in the area of review evaluation required by Section 730.184(c) (1);

C) A description of the proposed post-injection monitoring location, methods, and frequency;

D) A proposed schedule for submitting post-injection site care monitoring results to the Agency pursuant to Section 730.191(e); and

E) The duration of the post-injection site care timeframe and, if approved by the Agency, the demonstration of the alternative post-injection site care timeframe that ensures non-endangerment of USDWs.

3) Upon cessation of injection, the owner or operator of a Class VI injection well must either submit an amended post-injection site care and site closure plan or demonstrate to the Agency through monitoring data and modeling results that no amendment to the plan is needed. The Agency must approve any amendments to the post-injection site care and site closure plan and incorporate the amendments into the permit, and the incorporation of the amendments into the permit is subject to the permit modification requirements set forth in 35 Ill. Adm. Code 704.262 or 704.264, as appropriate.

4) At any time during the life of the geologic sequestration project, the owner or operator may modify and resubmit the post-injection site care and site closure plan for Agency approval. The owner or operator must resubmit the plan to the Agency within 30 days after making any modification.

b) The owner or operator must monitor the site following the cessation of injection to show the position of the carbon dioxide plume and pressure front and demonstrate that no USDW is being endangered.

1) Following the cessation of injection, the owner or operator must continue to conduct monitoring as specified in the Agency-approved post-injection site care and site closure plan for at least 50 years or for the duration of the alternative timeframe approved by the Agency pursuant to requirements in subsection (c) ~~of this Section~~, unless the owner or operator makes a demonstration under subsection (b) (2) ~~of this Section~~. The monitoring must continue until the geologic sequestration project no longer poses an endangerment to USDWs and the demonstration under subsection (b) (2) ~~of this Section~~ is submitted and approved by the Agency.

2) If the Agency determines, based on monitoring and other site-specific data, that the geologic sequestration project no longer poses an endangerment to any USDW before 50 years or prior to the end of the approved alternative timeframe, the Agency must either approve an amendment to the post-injection site care and site closure plan to reduce the frequency of monitoring or authorize site closure before the end of the 50-year period or prior to the end of the approved alternative timeframe.

3) Prior to authorization for site closure, the owner or operator must submit to the Agency for review and approval a demonstration, based on monitoring and other site-specific data, that no additional monitoring is needed to ensure that the geologic sequestration project does not pose an endangerment to any USDW.

4) If the owner or operator cannot make the demonstration required by subsection (b) (3) ~~of this Section~~ (i.e., the Agency has determined that additional monitoring is needed to ensure that the geologic sequestration project does not pose an endangerment to any USDW or the Agency has not approved the demonstration) at the end of the 50-year period or at the end of the approved alternative timeframe, the owner or operator must submit to the Agency a plan to continue post-injection site care until the owner or operator has made a demonstration that the Agency can approve.

c) Demonstration of alternative post-injection site care timeframe. If the Agency determines in consultation with USEPA during the permitting process that an alternative post-injection site care timeframe other than the 50-year default is appropriate and ensures non-endangerment of any USDW, the Agency must approve the alternative post-injection site care timeframe. The Agency must base its determination on significant, site-specific data and information, including all data and information collected pursuant to Sections 730.182 and 730.183, and the Agency must determine based on substantial evidence that the geologic sequestration project will no longer pose a risk of endangerment to any USDW at the end of the alternative post-injection site care timeframe.

1) A demonstration of an alternative post-injection site care timeframe must include consideration and documentation of the following:

A) The results of computational modeling performed pursuant to delineation of the area of review, as required by Section 730.184;

B) The predicted timeframe for pressure decline within the injection zone and any other zones, such that formation fluids may not be forced into any USDW, or the timeframe for pressure decline to pre-injection pressures;

C) The predicted rate of carbon dioxide plume migration within the injection zone and the predicted timeframe for the cessation of migration;

D) A description of the site-specific processes that will result in carbon dioxide trapping, including immobilization by capillary trapping, dissolution, and mineralization at the site;

E) The predicted rate of carbon dioxide trapping in the immobile capillary phase, dissolved phase, and mineral phase;

F) The results of laboratory analyses, research studies, or field or site-specific studies to verify the information required in subsections (c) (1) (D) and (c) (1) (E) ~~of this Section~~;

G) A characterization of the confining zones, including a demonstration that each confining zone is free of transmissive faults, fractures, and micro-fractures and is of appropriate thickness, permeability, and integrity to impede fluid movement (e.g., carbon dioxide, formation fluids, etc.);

H) The presence of potential conduits for fluid movement, including planned injection wells and project monitoring wells associated with the proposed geologic sequestration project or any other projects in proximity to the predicted or modeled final extent of the carbon dioxide plume and area of elevated pressure;

I) A description of the well construction and an assessment of the quality of plugs of all abandoned wells within the area of review;

J) The distance between the injection zone and the nearest USDWs above and below the injection zone; and

K) Any additional site-specific factors required by the Agency.

2) Information submitted to support the demonstration required by subsection (c) (1) ~~of this Section~~ must meet the following criteria:

A) All analyses and tests performed to support the demonstration must be accurate and reproducible, and they must have been performed in accordance with the established quality assurance standards;

B) Estimation techniques must be appropriate, and USEPA-certified test protocols must have been used where available;

C) Predictive models must be appropriate and tailored to the site conditions, composition of the carbon dioxide stream, and injection and site conditions over the life of the geologic sequestration project;

D) Predictive models must be calibrated using existing information (e.g., at Class I, Class II, or Class V experimental technology injection well sites) where sufficient data are available;

E) Reasonably conservative values and modeling assumptions must be used and disclosed to the Agency whenever values are estimated on the

basis of known historical information instead of site-specific measurements;

F) The owner or operator must perform an analysis to identify and assess aspects of the alternative post-injection site care timeframe demonstration that contribute significantly to uncertainty. The owner or operator must conduct sensitivity analyses to determine the effect that significant uncertainty may contribute to the modeling demonstration.

G) An approved quality assurance and quality control plan must address all aspects of the demonstration; and

H) Any additional criteria required by the Agency.

d) Notice of intent for site closure. The owner or operator must notify the Agency in writing at least 120 days before site closure. At the time of this notice, if any changes have been made to the original post-injection site care and site closure plan, the owner or operator must also provide the revised plan. The Agency may allow for a shorter notice period. The Agency must allow for a shorter notice period if the Agency determines that the shorter notice period is adequate to complete Agency review of the post-injection site care and site closure plan or that well closure must occur more promptly.

e) After the Agency has authorized site closure, the owner or operator must plug all monitoring wells in a manner that will not allow movement of injection or formation fluids which endangers a USDW.

f) The owner or operator must submit a site closure report to the Agency within 90 days after site closure, which must thereafter be retained at a location designated by the Agency for at least 10 years. The report must include the following records and documentation:

1) Documentation of the injection and monitoring well plugging as required by Section 730.192 and subsection (e) ~~of this Section~~. The owner or operator must provide a copy of a survey plat that the owner or operator has submitted to the local zoning authority designated by the Agency. The plat must indicate the location of the injection well relative to permanently surveyed benchmarks. The owner or operator must also submit a copy of the plat to USEPA Region 5;

2) Documentation of appropriate notification and information to all State and local authorities that have authority over drilling activities within the area of review, to enable those State and local authorities to impose appropriate conditions on subsequent drilling activities that may penetrate the injection and confining zones; and

BOARD NOTE: The Illinois Department of Natural Resources, Office of Mines and Minerals, Oil and Gas Division and the Illinois Department of Public Health each have some role in regulating well drilling, depending on the type of well. Other State agencies may also have a role.

apply to an owner or operator of a Class VI injection well that has been granted a permit that includes alternative injection well depth requirements.

a) When seeking a permit that includes alternative injection well depth requirements to the requirement to inject below the lowermost USDW, the owner or operator must submit a supplemental report concurrent with the permit application. The supplemental report must include the following information:

1) The following demonstrations with regard to the injection zones:

A) Each is laterally continuous;

B) None is a USDW;

C) None is hydraulically connected to a USDW;

D) None outcrops;

E) Each has adequate injectivity, volume, and sufficient porosity to safely contain the injected carbon dioxide and formation fluids; and

F) Each has appropriate geochemistry.

2) A demonstration that each injection zone is bounded by laterally continuous impermeable confining units above and below the injection zone that are adequate to prevent fluid movement and pressure buildup outside of the injection zone and that the confining units are free of transmissive faults and fractures. The report must further characterize the regional fracture properties and contain a demonstration that these fractures will not interfere with injection, serve as conduits, or endanger USDWs.

3) A demonstration, using computational modeling, that no fluid movement will endanger any USDW above or below the injection zone. This modeling should be conducted in conjunction with the area of review determination required by Section 730.184, and the modeling is subject to the area of review delineation and well identification requirements set forth in Section 730.184(c) and the periodic reevaluation requirements set forth in Section 730.184(e).

4) The following demonstrations with regard to well design and construction, in conjunction with the alternative injection well depth requirements:

A) Well design and construction will ensure isolation of the injectate in lieu of the prohibition against movement of fluids set forth in 730.186(a)(1); and

B) Well design and construction will meet the well construction requirements set forth in subsection (f) ~~of this Section~~.

5) A description of how the owner or operator will tailor the monitoring and testing and any additional plans to the geologic sequestration project to ensure protection of USDWs above and below each injection zone if the Agency issues a permit that includes alternative injection well depth requirements.

6) Information on the location of all the public water supplies that will be affected, or which are reasonably likely to be affected, by the carbon sequestration project, and all public water supplies that distribute water drawn from any USDW in the area of review.

7) Any other information that the Agency determines is necessary to inform the USEPA Region 5's decision to issue a waiver, as required by subsection (b) ~~of this Section~~.

b) To inform the USEPA Region 5's decision on whether to grant a waiver of the injection depth requirements pursuant to 40 CFR 146.95, which would allow the Agency to issue a permit that includes alternative injection well depth requirements, the Agency must submit the following documentation to USEPA Region 5:

1) An evaluation of the following information as it relates to siting, construction, and operation of a geologic sequestration project under a permit that includes alternative injection well depth requirements:

A) The integrity of the upper and lower confining units;

B) The suitability of the injection zones (e.g., lateral continuity, lack of transmissive faults and fractures, known current or planned artificial penetrations into the injection zones or formations below the injection zone, etc.);

C) The potential capacity of the geologic formations to sequester carbon dioxide, accounting for the availability of alternative injection sites;

D) All other site characterization data, the proposed emergency and remedial response plan, and a demonstration of financial responsibility;

E) An assessment of community needs, demands, and supply from drinking water resources;

F) An assessment of planned needs and potential or future use of USDWs and non-USDWs in the area of review;

G) An assessment of planned or permitted water, hydrocarbon, or mineral resource exploitation potential of the proposed injection formations and other formations both above and below the injection zone

to determine if there are any plans to drill through the formation to access resources in or beneath the proposed injection zones or formations;

H) The proposed plan for securing alternative water resources or treating USDW formation waters in the event of contamination related to the Class VI injection well activity; and,

I) Any other applicable considerations or information that the Agency determines is necessary to aid a determination by USEPA Region 5 to grant a waiver that would allow the Agency to issue a permit that includes alternative injection well depth requirements.

2) Consultation with the Agency's Division of Public Water Supply and all agencies of a sister state that have public water system supervision authority over lands within the area of review of a well for which a waiver that would allow the Agency to issue a permit that includes alternative injection well depth requirements is sought.

3) Any written waiver-related information submitted by the Agency's Division of Public Water Supply and all agencies of a sister state that have public water system supervision authority to the Agency.

c) Pursuant to 35 Ill. Adm. Code 705.163 and concurrent with the Class VI injection well permit application notice process, the Agency must give public notice that the owner or operator has sought a permit that includes alternative injection well depth requirements. The notice must clearly state the following information:

1) The depth of the proposed injection zones;

2) The location of the injection wells;

3) The name and depth of each USDW within the area of review;

4) A map of the area of review;

5) The names of any public water supplies that will be affected, or which are reasonably likely to be affected, by the carbon sequestration project, and all public water supplies that distribute water drawn from any USDW in the area of review; and

6) The results of consultation with the Agency's Division of Public Water Supply and all agencies of a sister state that have public water system supervision authority, as required by subsection (b) (2) ~~of this Section~~.

d) Following the public notice required by subsection (c) ~~of this Section~~, the Agency must provide all information received through the waiver application process to USEPA Region 5. USEPA has stated in corresponding 40 CFR 146.95(d) that, based on this information, the USEPA Region 5 must provide written concurrence or non-concurrence

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