

ORIGINAL

BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

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CLERK'S OFFICE

JUL 17 2001

STATE OF ILLINOIS
Pollution Control Board

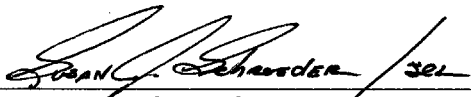
IN THE MATTER OF:)	
)	R01-30
UIC CORRECTIONS, USEPA AMENDMENTS)	(Identical-in-Substance
(July 1, 1999 through June 30, 2000))	Rulemaking - Land)

NOTICE

TO: Dorothy Gunn, Clerk
 Illinois Pollution Control Board
 100 West Randolph Street
 Suite 11-500
 Chicago, Illinois 60601

PLEASE TAKE NOTICE that I have filed with the Office of the Clerk of the Illinois Pollution Control Board, the INSTANTER RESPONSE OF THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY PURSUANT TO PUBLIC COMMENT PERIOD FOR PROPOSED IDENTICAL-IN-SUBSTANCE RULES, a copy of which is herewith served upon you.

ILLINOIS ENVIRONMENTAL
 PROTECTION AGENCY,



 Susan J. Schroeder
 Associate Counsel
 Division of Legal Counsel

Dated: July 16, 2001
 Agency File Number: 157-01

1021 North Grand Avenue East
 Post Office Box 19276
 Springfield, Illinois 62794-9276

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IN THE MATTER OF:)	
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**INSTANTER RESPONSE OF THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
PURSUANT TO PUBLIC COMMENT PERIOD FOR PROPOSED
IDENTICAL-IN-SUBSTANCE RULES.**

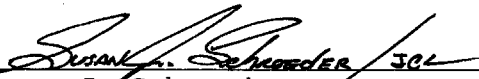
NOW COMES THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, (hereinafter "Agency"), by and through one of its attorneys, Susan J. Schroeder, pursuant to Section 7.2 and 13(c) of the Environmental Protection Act ("Act"), respectfully moves the Board to allow the filing of the Agency responses to proposed amendments to the underground injection control ("UIC") regulations that the United States Environmental Protection Agency ("USEPA") adopted to implement Section 1421 of the federal Safe Drinking Water Act at 42 U.S.C. §300h instanter.

The proposed regulations were published through an order of the Board dated May 3, 2001. Due to the nature of USEPA's comments and the status of the UIC Program in Illinois, the Agency wishes to provide these comments. The Agency believes that no prejudice will result in filing the Agency Response at this time.

The Agency's comments pursuant to the public comment period for the proposed identical-in-substance rules are included with this filing as Attachment A.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,



Susan J. Schroeder
Associate Counsel
Division of Legal Counsel

ATTACHMENT A

704.146 Inventory Requirements

The rule states that injection into a Class V well is authorized by rule. USEPA feels this wording would be confusing in that the injection is authorized, not the well. Further USEPA states that whether injection is present or not, the well by its existence is still covered by the UIC program and as such must be properly addressed.

The authorization relates to the injection into a well, not so much the well. The USEPA comments imply that any well, monitoring wells for example, would be covered by the UIC program. The injection is the portion of the equation that requires "authorization," not as such the well. Requiring any and all "wells" that could be used for injection to comply with the UIC program is not intent of the UIC requirements. It appears that the Board wording is sufficient without additions or corrections.

704.283(a) and 704.288 Board Notes.

This relates to the ability for the State to develop and use its own forms. The wording should allow for State developed forms, and not mandate the use of the Federal forms. However the Board notes may only refer to the OMB/Federal forms and/or regulation listing the required information, and not require the use of these forms. If so, then the State can develop and use State forms should the State desire to do so.

704.102

The USEPA comments relate to the possibility that a Class IV well may have six months to close. Any possible reference to the ability to operate Class IV wells, even if only for six months prior to being closed should be corrected. Existing regulations already ban Class IV wells. It would be best if all portions of the regulations clearly state that Class IV wells are banned.

STATE OF ILLINOIS
COUNTY OF SANGAMON

PROOF OF SERVICE

I, the undersigned, on oath state that I have served the attached NOTICE and INSTANTER RESPONSE OF THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY PURSUANT TO PUBLIC COMMENT PERIOD FOR PROPOSED IDENTICAL-IN-SUBSTANCE RULES upon the person to whom it is directed, by placing a copy in an envelope addressed to:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601

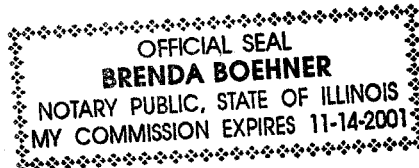
(FEDERAL EXPRESS)

and mailing it from Springfield, Illinois on Monday, July 16, 2001, with sufficient postage affixed.



SUBSCRIBED AND SWORN TO BEFORE ME
this 16th day of July, 2001.

Brenda Boehner
Notary Public



THIS FILING IS SUBMITTED ON RECYCLED PAPER