

ILLINOIS POLLUTION CONTROL BOARD
May 13, 1982

In the matter of:)
)
MODIFICATION OF NPDES RULES) R82-10
TO AGREE WITH UIC RULES)

PROPOSED RULE. FIRST NOTICE

OPINION AND ORDER OF THE BOARD (by D. Anderson):

The Board has pending before it a proposal to adopt an underground injection control (UIC) permit program under the Safe Drinking Water Act, P.L. 93-523 (SDWA). The Board's NPDES rules currently require NPDES permits for well injection (Subpart A, Part IX, Ch. 3, codified as Subpart A, Part 309). This proposal would delete from Part 309 all requirements applicable to wells.

Federal law does not require NPDES permits for underground injection; "waters of the United States" does not include groundwater (40 CFR 122.3). However, the first paragraph of Section 12(f) of the Environmental Protection Act (Act) does specifically require an NPDES permit for underground injection, in spite of the second paragraph which states that no permit shall be required for any discharge for which no permit is required under the Federal Water Pollution Control Act (now known as the Clean Water Act).

Section 12(g), as amended by P.A. 82-380, contains specific provisions for a UIC permit program. Read literally, Sections 12(f) and 12(g) appear to require two permits. The Board proposes to amend the NPDES rules to deem persons with UIC permits in compliance with the NPDES permit requirement for the well.

The Clerk is directed to prepare a first notice for publication in the Illinois Register. This matter will be consolidated with R82-5 for purposes of hearings.

ORDER

The Board proposes to amend Part 309 of Subtitle C as follows:

Section 309.102 NPDES Permit Required

- a. Except as in compliance with the Act, Board regulations and the CWA, and the provisions

and conditions of the NPDES permit issued to the discharger, the discharge of any contaminant or pollutant by any person into the waters of the State from a point source or into a well shall be unlawful.

- b. Neither an NPDES permit nor a state permit is required for any discharge into a well which is authorized by a UIC (Underground Injection Control) permit issued by the Agency pursuant to Parts 702 and 704 of Subtitle G. For such wells, compliance with the UIC permit requirement of Section 12(g) is deemed compliance with the NPDES permit requirement of Section 12(f) of the Act.

Source: Amended at 6 Ill. Reg. ____, effective as provided in Section 309.191.

~~Section-309.153--Deep-Well-Disposal-of-Pollutants~~

~~All-NPDES-Permits-shall-include-such-additional-terms-and-conditions-as-may-be-required-to-prohibit-or-control-the-disposal-of-pollutants-into-wells-in-order-to-prevent-pollution-of-ground-and-surface-water-resources-and-to-protect-the-public-health-and-welfare.~~

Section 309.191 Effective Date

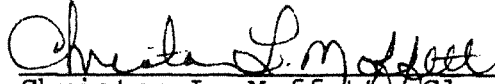
~~The-effective-date-of-this-Subpart-A-shall-be-the-date-when-the-Board-files-with-the-Secretary-of-State-a-copy-of-the-letter-approving-the-Illinois-NPDES-program-by-the-Administration-of-the-United-States-Environmental-Protection-Agency-pursuant-to-Section-402(b)-of-the-EWA.~~

- a. Except as otherwise provided, Subpart A became effective on October 24, 1977.
- b. The UIC permit exception of Section 309.102(b) will become effective upon filing with the Secretary of State of a letter from USEPA approving the UIC program for the State of Illinois pursuant to Section 1422 of the Safe Drinking Water Act (42 U.S.C. 300f et seq.) and 40 CFR 123.

Source: Amended at 6 Ill. Reg. ____, effective _____.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order were adopted on the 13th day of May, 1982 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board