**Section 702.160 Establishing Permit Conditions**

a) In addition to conditions required in permits for both programs (Sections 702.140 through 702.152), the Agency must establish conditions in RCRA and UIC permits, as required on a case-by-case basis, pursuant to Section 702.150 (monitoring and records), 702.161 (duration of permits), Section 702.162 (schedules of compliance), Section 702.163 (alternate schedules of compliance), and Section 702.164 (Recording and Reporting). For UIC only, permits for owners and operators of hazardous waste injection wells must include conditions meeting the requirements of 35 Ill. Adm. Code 704.201 through 704.203 (requirements for wells injecting hazardous waste), 704.189 (financial responsibility), and 704.191 (additional conditions), and Subpart G of 35 Ill. Adm. Code 730 (criteria and standards applicable to Class I hazardous waste injection wells). Permits for other wells must contain the requirements set forth in Subpart E of 35 Ill. Adm. Code 704 (permit conditions) when applicable.

b) Additional conditions.

1) In addition to conditions required in all permits for a particular program (Subpart F of 35 Ill. Adm. Code 703 for RCRA and Subpart C of 35 Ill. Adm. Code 704 for UIC), the Agency must establish conditions in permits for the individual programs, as required on a case-by-case basis, to provide for and assure compliance with all applicable requirements of the appropriate Act and regulations.

2) An applicable requirement is a statutory or regulatory requirement that takes effect prior to final administrative disposition of a permit. The provisions of 35 Ill. Adm. Code 705.184 (reopening of comment period) provide a means for reopening permit proceedings at the discretion of the Agency where new requirements become effective during the permitting process and are of sufficient magnitude to make additional proceedings desirable. An applicable requirement is also any requirement that takes effect prior to the modification of a permit, to the extent allowed in 35 Ill. Adm. Code 705.201.

3) A new or reissued permit, and a modified permit to the extent allowed pursuant to 35 Ill. Adm. Code 705.201, must incorporate each of the applicable requirements referenced in Subpart F of 35 Ill. Adm. Code 703 (RCRA) and Subpart E of 35 Ill. Adm. Code 704 (UIC).

c) Incorporation. All permit conditions must be incorporated either expressly or by reference. If incorporated by reference, a specific citation to the applicable regulations or requirements must be given in the permit.

BOARD NOTE: Derived from 40 CFR 144.52 and 270.32 (2005).

(Source: Amended at 31 Ill. Reg. 438, effective December 20, 2006)