**Section 704.147 Requiring a Permit**

a) The Agency may require the owner or operator of any Class V injection well that is authorized by rule under this Subpart C to apply for and obtain an individual or area UIC permit. Cases where individual or area UIC permits may be required include the following:

1) The injection well is not in compliance with any requirement of this Subpart C;

BOARD NOTE: Any underground injection that violates any rule under this Subpart C is subject to appropriate enforcement action.

2) The injection well is not or no longer is within the category of wells and types of well operations authorized in the rule;

3) The protection of USDWs requires that the injection operation be regulated by requirements, such as for corrective action, monitoring and reporting, or operation, that are not contained in this Subpart C.

b) The Agency may require the owner or operator of any well that is authorized by rule under this Subpart C to apply for an individual or area UIC permit under this subsection (b) only if the owner or operator has been notified in writing that a permit application is required. The owner or operator of a well that is authorized by rule is prohibited from injecting into the well on the occurrence of either of the circumstances of subsection (b)(1) or (b)(2), subject to subsection (b)(3).

1) Upon the effective date of a permit denial; or

2) Upon the failure of the owner or operator to submit an application in a timely manner as specified in the notice.

3) The notice must include all of the following:

A) A brief statement of the reasons for this decision;

B) An application form;

C) A statement setting a time for the owner or operator to file the application; and

D) A statement of the consequences of denial or issuance of the permit, or failure to submit an application, as described in this subsection (b).

c) An owner or operator of a well that is authorized by rule may request to be excluded from the coverage of the rule by applying for an individual or area UIC permit. The owner or operator must submit to the Agency an application under Section 704.161 with reasons supporting the request. The Agency may grant any such request.

BOARD NOTE: Derived from 40 CFR 144.25 (2017).

(Source: Amended at 42 Ill. Reg. 21095, effective November 19, 2018)