**Section 704.161 Application for Permit; Authorization by Permit**

a) Permit Application. Unless an underground injection well is authorized by rule under Subpart C, all injection activities, including construction of an injection well, are prohibited until the owner or operator is authorized by permit. An owner or operator of a well currently authorized by rule must apply for a permit under this Section unless the well authorization was for the life of the well or project. Authorization by rule for a well or project for which a permit application has been submitted terminates for the well or project upon the effective date of the permit. Procedures for application, issuance, and administration of emergency permits are found exclusively in Section 704.163. A RCRA permit applying the standards of Subpart C of 35 Ill. Adm. Code 724 will constitute a UIC permit for hazardous waste injection wells for which the technical standards in 35 Ill. Adm. Code 730 are not generally appropriate.

BOARD NOTE: Subsection (a) is derived from 40 CFR 144.31(a) (2017).

b) Time to Apply. Any person that proposes an underground injection for which a permit will be required must submit an application to the Agency. For new injection wells, except new wells covered by an existing area permit under Section 704.162(c), the application must be filed a reasonable time before construction is expected to begin.

BOARD NOTE: Subsection (b) is derived from 40 CFR 144.31(c) (2017).

c) Contents of UIC Application. The applicant must demonstrate that the underground injection will not endanger drinking water sources. The form and content of the UIC permit application may be prescribed by the Agency, including the materials required by 35 Ill. Adm. Code 702.123.

d) Information Requirements for a Class I Hazardous Waste Injection Well

1) The following information is required for each active Class I hazardous waste injection well at a facility seeking a UIC permit:

A) The dates the well was operated; and

B) Specification of all wastes that have been injected into the well, if available.

2) The owner or operator of any facility containing one or more active hazardous waste injection wells must submit all available information pertaining to any release of hazardous waste or constituents from any active hazardous waste injection well at the facility.

3) The owner or operator of any facility containing one or more active Class I hazardous waste injection wells must conduct such preliminary site investigations as are necessary to determine whether a release is occurring, has occurred, or is likely to have occurred.

BOARD NOTE: Subsection (d) is derived from 40 CFR 144.31(g) (2017).

e) In addition to the materials required by 35 Ill. Adm. Code 702.123, the applicant must provide the following:

1) It must identify and submit on a list with the permit application the names and addresses for all owners of record of land within one-quarter mile (401 meters) of the facility boundary. This requirement may be waived by the Agency where the site is located in a populous area such that the requirement would be impracticable; and

2) It must submit a plugging and abandonment plan that meets the requirements of 35 Ill. Adm. Code 730.110.

BOARD NOTE: Subsection (e) is derived from 40 CFR 144.31(e)(9) and (e)(10) (2017).

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