**Section 730.164 Corrective Action for Wells in the Area of Review**

For the purposes of a Class I hazardous waste injection well, this Section applies instead of 35 Ill. Adm. Code 704.193 and Section 730.107.

a) The owner or operator of a Class I hazardous waste injection well must, as part of the permit application, submit a plan to the Agency outlining the protocol used to accomplish both of the following:

1) Identify all wells penetrating the confining zone or injection zone within the area of review; and

2) Determine whether wells are adequately completed or plugged.

b) The owner or operator of a Class I hazardous waste injection well must identify the location of all wells within the area of review that penetrate the injection zone or the confining zone and must submit both of the following, as required in Section 730.170(a):

1) A tabulation of all wells within the area of review that penetrate the injection zone or the confining zone; and

2) A description of each well or type of well and any records of its plugging or completion.

c) For wells that the Agency determines are improperly plugged, completed, or abandoned, or for which plugging or completion information is unavailable, the applicant must also submit a plan consisting of such steps or modification as are necessary to prevent movement of fluids into or between USDWs. Where the plan is adequate, the Agency must incorporate it into the permit as a condition. Where the Agency's review of an application indicates the permittee's plan is inadequate (based at a minimum on the factors in subsection (e)), the Agency must do the appropriate of the following:

1) It must require the applicant to revise the plan;

2) It must prescribe a plan for corrective action as a condition of the permit; or

3) It must deny the application.

d) Requirements

1) Existing Injection Wells. Any permit issued for an existing Class I hazardous waste injection well requiring corrective action other than pressure limitations must include a compliance schedule pursuant to 35 Ill. Adm. Code 702.162 requiring any corrective action accepted or prescribed pursuant to subsection (c). Any such compliance schedule must provide for compliance no later than two years following issuance of the permit and must require observance of appropriate pressure limitations pursuant to subsection (d)(3) until all other corrective action measures have been implemented.

2) New Injection Wells. No owner or operator of a new Class I hazardous waste injection well may begin injection until all corrective actions required pursuant to this Section have been taken.

3) The Agency may require pressure limitations instead of plugging. If pressure limitations are used instead of plugging, the Agency must require as a permit condition that injection pressure be limited so that pressure in the injection zone at the site of any improperly completed or abandoned well within the area of review would not be sufficient to drive fluids into or between USDWs. This pressure limitation must satisfy the corrective action requirements. Alternatively, such injection pressure limitation may be made part of a compliance schedule pursuant to 35 Ill. Adm. Code 702.162 and may be required to be maintained until all other required corrective actions have been implemented.

e) The Agency must consider the following criteria and factors in determining the adequacy of corrective action proposed by the applicant pursuant to subsection (c) and in determining the additional steps needed to prevent fluid movement into and between USDWs:

1) The nature and volume of injected fluid;

2) The nature of native fluids or byproducts of injection;

3) Geology;

4) Hydrology;

5) The history of the injection operation;

6) Any completion and plugging records;

7) The closure procedures in effect at the time the well was closed;

8) Any hydraulic connections with USDWs;

9) The reliability of the procedures used to identify abandoned wells; and

10) Any other factors that might affect the movement of fluids into or between USDWs.

BOARD NOTE: Derived from 40 CFR 146.64 (2017).

(Source: Amended at 42 Ill. Reg. 24145, effective November 19, 2018)