**Section 730.194 Emergency and Remedial Response**

a) As part of the permit application, the owner or operator must provide the Agency with an emergency and remedial response plan that describes actions the owner or operator must take to address movement of the injection or formation fluids which may cause an endangerment to a USDW during the construction, operation, and post-injection site care periods of the injection well. The requirement to maintain and implement an approved emergency and remedial response plan is directly enforceable regardless of whether the requirement is a condition of the permit.

b) If the owner or operator obtains evidence that the injected carbon dioxide stream and associated pressure front may cause an endangerment to a USDW, the owner or operator must undertake the following actions:

1) The owner or operator must immediately cease injection;

2) The owner or operator must take all steps reasonably necessary to identify and characterize any release;

3) The owner or operator must notify the Agency within 24 hours after obtaining the evidence; and

4) The owner or operator must implement the emergency and remedial response plan approved by the Agency.

c) The Agency must allow the operator to resume injection prior to remediation if the Agency has determined that the injection operation will not endanger any USDW.

d) The owner or operator must periodically review the emergency and remedial response plan developed pursuant to subsection (a). The owner or operator must review the emergency and remedial response plan at least once in every five year period. Based on this review, the owner or operator must submit an amended emergency and remedial response plan or demonstrate to the Agency that no amendment to the emergency and remedial response plan is needed. The Agency must approve any amendments to the emergency and remedial response plan and incorporate the amendments into the permit, and the incorporation of the amendments into the permit is subject to the permit modification requirements set forth in 35 Ill. Adm. Code 704.262 or 704.264, as appropriate. The owner or operator must submit any amended plans or demonstrations to the Agency as follows:

1) Within one year of an area of review reevaluation;

2) Following any significant changes to the facility, such as addition of injection or monitoring wells, on a schedule determined by the Agency; or

3) When required by the Agency.

BOARD NOTE: This Section corresponds with 40 CFR 146.94 (2017).

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