**Section 738.124 Termination of Approved Petition**

a) Termination Through an Enforcement Action

1) An enforcement action against an owner or operator having an adjusted standard and limitation on Agency petitions for reconsideration of an adjusted standard:

A) Any person may file an enforcement action against an owner or operator of an underground injection well pursuant to Section 33 of the Environmental Protection Act for any violation of the Act or Board rules, notwithstanding the existence of any adjusted standard.

B) The Agency may petition the Board for reconsideration of any adjusted standard at any time during the effectiveness of that adjusted standard, the limitation periods of 35 Ill. Adm. Code 101.520 and 101.904 notwithstanding.

2) In any action under subsection (a)(1), if the Board finds a violation of the Act or Board regulations, the Board may terminate any adjusted standard granted under Section 738.120 for any of the following causes:

A) Noncompliance by the owner or operator with any condition of the adjusted standard;

B) The owner or operator's failure in the petition or during the review and approval to disclose fully all relevant facts, or the petitioner's misrepresentation of any relevant facts at any time; or

C) A determination that new information shows that the basis for approval of the petition is no longer valid.

b) In any action under subsection (a)(1), the Board will terminate an adjusted standard granted under Section 738.120 for the following causes:

1) The petitioner's willful withholding during the review and approval of the petition of facts directly and materially relevant to the Board's decision on the petition;

2) A determination that there has been migration from the injection zone or the well that is not in accordance with the terms of the adjusted standard, except that the Board, may at its discretion decide not to terminate where both of the following conditions are fulfilled:

A) The migration resulted from a mechanical failure of the well that can be promptly corrected through a repair to the injection well itself or from an undetected well or conduit that can be plugged promptly; and

B) The requirements of 35 Ill. Adm. Code 730.167 are satisfied.

BOARD NOTE: Derived from 40 CFR 148.24 (2017).

(Source: Amended at 42 Ill. Reg. 25244, effective November 19, 2018)