

From: [Knudson, Cheryl J.](#)
To: [McGill, Richard](#)
Cc: [Eastvold, Jonathan C.](#)
Subject: [External] RE: First Notice Documents from JCAR
Date: Wednesday, May 25, 2022 4:08:10 PM
Attachments: [35-617NT-P JCAR.docx](#)
[35-617RG-P r01 \(46-22\).docx](#)
[Redline - 35-617RG-P Agency and 35-617RG-P r01 \(46-22\).pdf](#)

First Notice documents are attached for your review:

- [Notice Page](#)
- **Ist Notice** – [Numbered Line Version](#)
- [Agency vs. JCAR r01](#)

If you have any questions or concerns, please contact Jonathan Eastvold @ 217-524-9010.

Thank you,
Cheryl

Cheryl Knudson
Joint Committee on Administrative Rules
Illinois General Assembly
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217.785.8993
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POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Regulated Recharge Areas
- 2) Code Citation: 35 Ill. Adm. Code 617
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
617.101	Amendment
617.102	Amendment
617.110	Amendment
617.115	Amendment
617.120	Amendment
617.125	Amendment
617.130	Amendment
617.135	Amendment
617.140	Amendment
617.200	Amendment
617.205	Amendment
617.210	Amendment
617.220	Amendment
617.225	Amendment
- 4) Statutory Authority: Implementing Section 17.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/17.4 and 27].
- 5) A Complete Description of the Subjects and Issues Involved: The rulemaking pertains to the Board's public water supply rules and contain the requirements necessary for owners and official custodians of public water supplies in the State to provide, "continuous operation and maintenance of public water supply facilities to assure that the water is safe in quality, clean, adequate in quantity, and of satisfactory mineral characteristics for ordinary domestic consumption." 35 Ill. Adm. Code 601.101(a). In this rulemaking, the Board proposes non-substantive amendments to remove redundant or unnecessary language, replace outdated language, update statutory references, and reorganize provisions for clarity. The rulemaking also proposes amendments to delete outdated provisions, appropriately match incorporations by reference, eliminate redundancies and correct citations.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: No
- 7) Will this rulemaking replace an emergency rule currently in effect? No

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- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes

CFR (Code of Federal Regulations), Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (202)-783-3238.

40 CFR 302.1 through 302.8 (2017).

- 10) Are there any proposed rulemakings to this Part pending? No
- 11) Statement of Statewide Policy Objectives: This proposed amendment does not create or enlarge a State mandate as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3].
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comments on this proposal for a period of at least 45 days after the date of publication in the *Illinois Register*. Public comments should refer to Docket R18-26 and be filed electronically through the Clerk's Office On-Line (COOL) on the Board's website at pcb.illinois.gov. Public comments may be addressed to:

Clerk's Office
Illinois Pollution Control Board
100 W. Randolph St., Suite 11-500
Chicago, IL 60601

Interested persons may download copies of the Board's opinions and orders in R18-26 from the Board's Web site at pcb.illinois.gov and may also request copies by calling the Clerk's office at 312-814-3620.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: The proposed amendments in this rulemaking will not themselves require recordkeeping or reporting procedures for compliance.

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- C) Types of Professional skills necessary for compliance: None
- 14) Small Business Impact Analysis: The Board does not expect that the proposed rules will impact small business.
- 15) Regulatory Agenda on which this rulemaking was summarized: This rule did not appear in a regulatory agenda.

The full text of the Proposed Amendments begins on the next page:

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE F: PUBLIC WATER SUPPLIES
CHAPTER I: POLLUTION CONTROL BOARD

PART 617
REGULATED RECHARGE AREAS

SUBPART A: GENERAL

10	Section	
11	617.101	Purpose
12	617.102	Definitions
13	617.110	Incorporation by Reference
14	617.115	Scope
15	617.120	Prohibitions
16	617.125	Recharge Area Suitability Assessment
17	617.130	Technology Control Regulations
18	617.135	Abandoned and Improperly Plugged Well Assistance Program
19	617.140	Recharge Area Road Sign Posting

SUBPART B: PLEASANT VALLEY PUBLIC WATER DISTRICT REGULATED
RECHARGE AREA

24	Section	
25	617.200	Purpose
26	617.205	Applicability
27	617.210	Registration of Potential Sources and Routes of Groundwater Contamination
28	617.215	Recharge Area Registration Meeting
29	617.220	Management Systems for Potential Sources
30	617.225	Training Program for Potential Tertiary Sources
32	617.APPENDIX A	Boundary of the Pleasant Valley Public Water District Regulated Recharge Area
34	617.APPENDIX B	Potential Route and Source Registration Form

AUTHORITY: Implementing Section 17.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/17.4 and 27].

SOURCE: Adopted in R89-5 at 16 Ill. Reg. 1639, effective January 10, 1992, amended in R96-18 at 21 Ill. Reg. 6569, effective May 8, 1997, amended in R00-17 at 25 Ill. Reg. 10350, effective September 1, 2001; amended in R18-26 at 46 Ill. Reg. _____, effective

_____.

SUBPART A: GENERAL

Section 617.101 Purpose

This Part establishes the general requirements and standards for regulated recharge areas as defined, delineated and adopted by the Illinois Pollution Control Board underpursuant to Section 17.4 of the Illinois Environmental Protection Act (Act) [415 ILCS 5/17.4].

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 617.102 Definitions

Unless a different meaning of a word or term is clear from the context, the definitions of words or terms in this Part will shall be the same as those used in 35 Ill. Adm. Code 615.102, 35 Ill. Adm. Code 616.102, Section 1 of the Act, or the Illinois Groundwater Protection Act [415 ILCS 55/1].

"Agency" means the Illinois Environmental Protection Agency.

"Agrichemical facility" means *a site used for commercial purposes, where bulk pesticides are stored in a single container in excess of 300 gallons of liquid pesticide or 300 pounds of dry pesticide for more than 30 days per year or where more than 300 gallons of liquid pesticide or 300 pounds of dry pesticide are being mixed, repackaged or transferred from one container to another within a 30 day period or a site where bulk fertilizers are stored, mixed, repackaged or transferred from one container to another.* [415 ILCS 5/3.110-3.77]

"Board" means the Illinois Pollution Control Board.

"Chemical substance" means *any "extremely hazardous substance" listed in Appendix A of 40 CFR 355 that is present at a facility in an amount in excess of its threshold planning quantity, any "hazardous substance" listed in 40 CFR 302.4 that is present at a facility in an amount in excess of its reportable quantity or in excess of its threshold planning quantity if it is also an "extremely hazardous substance", and any petroleum including crude oil or any fraction thereof that is present at a facility in an amount exceeding 100 pounds unless it is specifically listed as a "hazardous substance" or an "extremely hazardous substance". "Chemical substance" does not mean any substance to the extent it is used for personal, family, or household purposes or to the extent it is present in the same form as a product packaged for distribution to and use by the general public.* [430 ILCS 45/3]

"Class V injection well" means injection wells not included in Class I, II, III, or IV. Class V wells include:

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88 air conditioning return flow wells used to return to the supply aquifer the
89 water used for heating or cooling in a heat pump;
90
91 cesspools, including multiple dwelling, community or regional cesspools, or
92 other devices that receive wastes, which have an open bottom and
93 sometimes have perforated sides. The Underground Injection Control
94 (UIC) requirements do not apply to single family residential cesspools nor
95 to non-residential cesspools that receive solely sanitary wastes and have the
96 capacity to serve fewer than 20 persons a day;
97
98 cooling water return flow wells used to inject water previously used for
99 cooling;
100
101 drainage wells used to drain surface fluid, primarily storm runoff, into a
102 subsurface formation;
103
104 dry wells used for the injection of wastes into a subsurface
105 formation;
106
107 recharge wells used to replenish the water in an aquifer;
108
109 salt water intrusion barrier wells used to inject water into a fresh water
110 aquifer to prevent the intrusion of salt water into the fresh water;
111
112 sand backfill and other backfill wells used to inject a mixture of water and
113 sand, mill tailings, or other solids into mined out portions of subsurface
114 mines whether or not what is injected is a radioactive waste;
115
116 septic system wells used to inject the waste or effluent from a multiple
117 dwelling, business establishment, community, or regional business
118 establishment septic tank. The UIC requirements do not apply to single
119 family residential septic system wells that are used solely for the disposal of
120 sanitary waste and have the capacity to serve fewer than 20 persons a day;
121
122 subsidence control wells (not used for the purpose of oil or natural gas
123 production) used to inject fluids into a non-oil or -gas producing zone to
124 reduce or eliminate subsidence associated with the overdraft of fresh water;
125
126 radioactive waste disposal wells other than Class IV;
127
128 injection wells associated with the recovery of geothermal energy for
129 heating, aquaculture, and production of electric power;

130
131 wells used for solution mining of conventional mines such as stopes
132 leaching;
133
134 wells used to inject spent brine into the same formation from which it was
135 withdrawn after extraction of halogens or their salts;
136
137 injection wells used in experimental technologies; and
138
139 injection wells used for in-situ recovery of lignite, coal, tar sands, and oil
140 shale. (40 CFR 146.5)
141
142 "Container" means any portable device (including, but not limited to, 55-gallon
143 drums) in which material is stored, treated, disposed of or otherwise handled. The
144 term "container" does not include a vehicle used to transport material.
145
146 "Existing Potential Tertiary Source of Groundwater Contamination" means a
147 potential tertiary source of groundwater contamination that is not new.
148
149 "Facility" means *the buildings and all real property contiguous thereto, and the*
150 *equipment at a single location used for the conduct of business.* [430 ILCS 45/3]
151
152 "Generator (RCRA)" means any person, by site location, whose act or process
153 produces "hazardous waste" identified or listed in 35 Ill. Adm. Code 721 (see 35 Ill.
154 Adm. Code 702.110 and 35 Ill. Adm. Code 730.103).
155
156 "Household waste" means any waste material (including garbage and trash)
157 derived from households (including single and multiple residences, hotels and
158 motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds,
159 and day-use recreation areas).
160
161 "IEMA" means the Illinois Emergency Management Agency.
162
163 "Low level radioactive waste" ~~or "waste"~~ means *radioactive waste not classified as*
164 *high- level radioactive waste, transuranic waste, spent nuclear fuel or byproduct*
165 *material as defined in Section 11e(2) of the Atomic Energy Act of 1954 (42*
166 *U.S.C. USC 2014) [420 ILCS 20/3].*
167
168 "Major Potential Source" means any unit at a facility or site not currently subject
169 to a removal or remedial action that stores, accumulates, landfills, or land treats
170 waste, other than household waste, that could cause contamination of groundwater
171 and is generated on the site.
172

173 "Municipal solid waste landfill unit" or "MSWLF Unit" means *a contiguous area of*
174 *land or an excavation that receives household waste, and is not a land application*
175 *unit, surface impoundment, injection well, or any pile of noncontainerized*
176 *accumulations of solid, nonflowing waste that is used for treatment or storage. A*
177 *MSWLF unit may also receive other types of RCRA Subtitle D wastes, such as*
178 *commercial solid waste, nonhazardous sludge, small quantity generator waste and*
179 *industrial solid waste. Such a landfill may be publicly or privately owned. A*
180 *MSWLF unit may be a new MSWLF unit, an existing MSWLF unit, or a lateral*
181 *expansion. A sanitary landfill is subject to regulation as a MSWLF unit if it*
182 *receives household waste. [415 ILCS 5/3.2853-85]*

183
184 "New Major Potential Source" means:

185
186 a major potential source that is not in existence or for which construction
187 has not commenced at its location as of September 1, 2001; or

188
189 a major potential source that expands laterally beyond the currently
190 permitted boundary or, if the potential source is not permitted, the
191 boundary in existence as of September 1, 2001; or

192
193 a major potential source that is part of a facility that undergoes major
194 reconstruction. Such reconstruction ~~must~~shall be deemed to have taken
195 place where the fixed capital cost of the new components, constructed
196 within a 2-year period, exceed 50% of the fixed capital cost of a
197 comparable entirely new facility as of September 1, 2001.

198
199 "New Potential Primary Source" means:

200
201 ~~a potential primary source which is not in existence or for which~~
202 ~~construction has not commenced at its location as of January 1, 1988; or~~

203
204 ~~a potential primary source which expands laterally beyond the~~
205 ~~currently permitted boundary or, if the primary source is not~~
206 ~~permitted, the boundary in existence as of January 1, 1988; or~~

207
208 ~~a potential primary source which is part of a facility that undergoes major~~
209 ~~reconstruction. Such reconstruction shall be deemed to have taken place~~
210 ~~where the fixed capital cost of the new components constructed within a 2-~~
211 ~~year period exceed 50% of the fixed capital cost of a comparable entirely~~
212 ~~new facility. [415 ILCS 5/53.59]~~

213
214 "New Potential Route" means:

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216 *a potential route which is not in existence or for which construction has*
217 *not commenced at its location as of January 1, 1988; or*

218
219 *a potential route which expands laterally beyond the currently permitted*
220 *boundary or, if the potential route is not permitted, the boundary in*
221 *existence as of January 1, 1988. [415 ILCS 5/3.3503.580]*

222
223 "New Potential Secondary Source" means:

224
225 *a potential secondary source which is not in existence or for which*
226 *construction has not commenced at its location as of July 1, 1988; or*

227
228 *a potential secondary source which expands laterally beyond the currently*
229 *permitted boundary or, if the secondary source is not permitted, the*
230 *boundary in existence as of July 1, 1988, other than an expansion for*
231 *handling of livestock waste or for treating domestic wastewaters; or*
232 *a potential secondary source which is part of a facility that undergoes*
233 *major reconstruction. Such reconstruction shall be deemed to have taken*
234 *place where the fixed capital cost of the new components constructed*
235 *within a 2-year period exceed 50% of the fixed capital cost of a*
236 *comparable entirely new facility [415 ILCS 5/3.3553.60]; or*

237
238 *A new potential secondary source excludes an agricultural facility that*
239 *modifies on-site storage capacity such that the volume of the pesticide*
240 *storage does not exceed 125% of the available capacity in existence on*
241 *April 1, 1990, or the volume of fertilizer storage does not exceed 150% of*
242 *the available capacity in existence on April 1, 1990; provided that a*
243 *written endorsement for an agricultural facility permit is in effect under*
244 *Section 39.4 of (the) Act and the maximum feasible setback is maintained.*
245 *This on-site storage capacity includes mini-bulk pesticides, package*
246 *agricultural storage areas, liquid or dry fertilizers, and liquid or dry*
247 *pesticides. [415 ILCS 5/14.2(g)(4)]*

248
249 "New Potential Tertiary Source of Groundwater Contamination" means:

250
251 a Potential Tertiary Source, that is not in existence or for which
252 construction has not commenced at its location as of September 1,
253 2001; or

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255 a Potential Tertiary Source that expands laterally beyond the
256 currently permitted boundary or, if the tertiary source is not
257 permitted, the boundary in existence as of September 1, 2001; or

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a Potential Tertiary Source that is part of a facility that undergoes major reconstruction after September 1, 2001. Reconstruction ~~must~~Such reconstruction shall be considered~~deemed~~ to have taken place where the fixed capital cost of the new components, constructed within a 2-year period, exceed 50% of the fixed capital cost of a comparable entirely new facility.

~~"Potential Primary Source" means any unit at a facility or site not currently subject to a removal or remedial action that:~~

~~is utilized for the treatment, storage, or disposal of any hazardous or special waste not generated at the site; or~~

~~is utilized for the disposal of municipal waste not generated at the site, other than landscape waste and construction and demolition debris; or~~

~~is utilized for the landfilling, land treating, surface impounding or piling of any hazardous or special waste that is generated on the site or at other sites owned, controlled or operated by the same person; or~~

~~stores or accumulates at any time more than 75,000 pounds above ground, or more than 7,500 pounds below ground, of any hazardous substances. [415 ILCS 5/3.59]~~

~~"Potential route" means abandoned and improperly plugged wells of all kinds, drainage wells, all injection wells, including closed loop heat pump wells, and any excavation for the discovery, development or production of stone, sand or gravel. [415 ILCS 5/3.58]~~

~~"Potential secondary source" means any unit at a facility or a site not currently subject to a removal or remedial action, other than a potential primary source, that:~~

~~is utilized for the landfilling, land treating, or surface impounding of waste that is generated on the site or at other sites owned, controlled or operated by the same person, other than livestock and landscape waste, and construction and demolition debris; or~~

~~stores or accumulates at any time more than 25,000 but not more than 75,000 pounds above ground, or more than 2,500 but not more than 7,500 pounds below ground, of any hazardous substances; or~~

302 *stores or accumulates at any time more than 25,000 gallons above*
303 *ground, or more than 500 gallons below ground, of petroleum, including*
304 *crude oil or any fraction thereof which is not otherwise specifically listed*
305 *or designated as a hazardous substance; or*

306
307 *stores or accumulates pesticides, fertilizers, or road oils for purposes of*
308 *commercial application or for distribution to retail sales outlets; or*

309
310 *stores or accumulates at any time more than 50,000 pounds of any de-*
311 *icing agent; or*

312
313 *is utilized for handling livestock waste or for treating domestic*
314 *wastewaters other than private sewage disposal systems as defined in the*
315 *Private Sewage Disposal Licensing Act. [415 ILCS 5/3.3553.60]*

316
317 "Potential Tertiary Source of Groundwater Contamination" means any unit at a
318 facility or site not currently subject to a removal or remedial action that stores or
319 accumulates any chemical substance during any calendar year and that is not a
320 potential primary or secondary source of groundwater contamination.

321
322 "Regulated recharge area" means a compact geographic area, as determined by the
323 Board, the geology of which renders a potable resource groundwater particularly
324 susceptible to contamination. [415 ILCS 5/3.3903.67]

325
326 "Setback zone" means a geographic area, designated pursuant to (the) Act,
327 containing a potable water supply well or a potential source or potential route,
328 having a continuous boundary, and within which certain prohibitions or
329 regulations are applicable in order to protect groundwaters. [415 ILCS
330 5/3.4503.64]

331
332 "Sinkhole" means any natural depression formed as a result of subsurface removal
333 of soil or rock materials and causing the formation of a collapse feature that
334 exhibits internal drainage. The existence of a sinkhole ~~must~~ shall be indicated by
335 the uppermost closed depression contour lines on the United States Geological
336 Survey 7.5 minute topographic quadrangle maps or as determined by field
337 investigation.

338
339 "Site" means any location, place, tract of land, and facilities, including but not
340 limited to buildings, and improvements used for purposes subject to regulation or
341 control by (the) Act or regulations thereunder. [415 ILCS 5/3.4603.43]

342
343 "Unit" means any device, mechanism, equipment, or area (exclusive of land
344 utilized only for agricultural production). This term includes secondary

345 *containment structures and their contents at agrichemical facilities.* [415 ILCS
346 5/3.5153-62]

347
348 "Unit boundary" means a line at the land's surface circumscribing the area on
349 which, above which or below which waste, pesticides, fertilizers, road oils or de-
350 icing agents will be placed during the active life of the facility. The space taken
351 up by any liner, dike or other barrier designed to contain waste, pesticides,
352 fertilizers, road oils or de-icing agents falls within the unit boundary.
353

354 "Waste" means *any garbage, sludge from a waste treatment plant, water supply*
355 *treatment plant, or air pollution control facility or other discarded material,*
356 *including solid, liquid, semi-solid, or contained gaseous material resulting from*
357 *industrial, commercial, mining and agricultural operations, and from community*
358 *activities, but does not include solid or dissolved material in domestic sewage, or*
359 *solid or dissolved material in irrigation return flows, or coal combustion by-*
360 *products as defined in Section 3.1353-94 (of the Act), or in industrial discharges*
361 *which are point sources subject to permits under section 402 of the Federal Water*
362 *Pollution Control Act, as now or hereafter amended, or source, special nuclear,*
363 *or by-product materials as defined by the Atomic Energy Act of 1954 as amended*
364 *(68 stat. 921)(42 USC 2011 et seq.) or any solid or dissolved material from any*
365 *facility subject to the Federal Surface Mining Control and Reclamation Act of*
366 *1977 (P.L. 95-87) or the rules and regulations thereunder or any law or rule or*
367 *regulation adopted by the State of Illinois pursuant thereto.* [415 ILCS
368 5/3.5353-53]

369
370 (Source: Amended at 46 Ill. Reg. _____, effective _____)
371

372 **Section 617.110 Incorporation by Reference**

373
374 a) The Board incorporates the following federal regulations by reference:

375
376 CFR (Code of Federal Regulations), Available from the Superintendent of
377 Documents, U.S. Government Printing Office, Washington, D.C. 20402 202-783-
378 3238.

379
380 40 CFR 302.1 through 302.8 (2017).

381
382 b) This Section~~Part~~ incorporates no later amendments or editions.

383
384 (Source: Amended at 46 Ill. Reg. _____, effective _____)
385

386 **Section 617.115 Scope**
387

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388 This Part establishes regulated recharge areas and provisions governing specific activities in
389 those areas ~~defined~~ delineated by the Board.

390

391 (Source: Amended at 46 Ill. Reg. _____, effective _____)

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393 Section 617.120 Prohibitions

394

395 a) The following new facilities, sites, units, or potential routes must not be located
396 within a ~~defined~~ delineated regulated recharge area:

397

398 1) low level radioactive waste sites;

399

400 2) class V injection wells;

401

402 3) municipal solid waste landfills; or

403

404 4) special or hazardous waste landfills.

405

406 b) For the purpose of subsection (a), "new" means the following:

407

408 1) a facility, site, or unit that is not in existence or for which construction has
409 not commenced at its location as of the effective date of any Subpart of
410 this Part that creates a ~~defined~~ delineated regulated recharge area in which
411 that facility is located;

412

413 2) a facility, site, or unit that expands laterally beyond the currently permitted
414 boundary or, if the potential primary source is not permitted, the boundary
415 in existence as of the effective date of any Subpart of this Part that creates
416 a ~~defined~~ delineated regulated recharge area in which that facility is
417 located;

418

419 3) a unit or site that is part of a facility that undergoes major reconstruction,
420 which ~~is considered~~ shall be deemed to have taken place where the fixed
421 capital cost of the new components, constructed within a 2-year period,
422 exceed 50% of the fixed capital cost of a comparable entirely new facility;
423 or

424

425 4) a Class V injection well that is not in existence or for which construction
426 has not commenced at its location as of the effective date of any Subpart
427 of this Part that creates a ~~defined~~ delineated regulated recharge area in
428 which that facility is located.

429

430 (Source: Amended at 46 Ill. Reg. _____, effective _____)

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Section 617.125 Recharge Area Suitability Assessment

The purpose of the recharge area suitability assessment process is to assess potential environmental impacts that a new facility would have within a regulated recharge area, and to assure that appropriate measures to protect against possible contamination will be included in the operation of the facility.

- a) The owners or operators of new major potential sources located wholly or partially within a delineated regulated recharge area must submit a recharge area suitability assessment to the Agency before beginning ~~may not commence construction without first filing a recharge area suitability assessment with the Agency, except for livestock operations that meet the criteria set forth in 35 Ill. Adm. Code 501.404(e) or except as provided in subsection (b) of this Section.~~

- b) For any livestock waste handling facility subject to the Livestock Management Facilities Act [510 ILCS 77], the requirement in subsection (a) ~~of this Section~~ for filing a recharge area suitability assessment is only applicable to such facility after filing a notice of intent, or a complete registration if the facility is designed to handle the waste from a 300 animal unit or larger operation, and:
 - 1) a public informational meeting ~~underpursuant to~~ Section 12 of the Livestock Management Facilities Act is not requested; or
 - 2) the provisions for a public informational meeting are not applicable to such facility.

- c) A recharge area suitability assessment must include, ~~at a minimum,~~ the following:
 - 1) a legal description of the site and location maps including:
 - A) a topographic map of the site drawn to scale of 200 feet to the inch or larger with a contour interval of less than 50 feet;
 - B) an area map that shows the approximate distance of the unit at a facility or site from the nearest potable water supply well or sinkhole; and
 - C) an area map that identifies all land uses within 1 mile of the site;
 - 2) soil survey data for the site;
 - 3) an explanation of the proposed operation and any protection controls or

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- 474 measures;
- 475
- 476 4) a description of any management systems that will be utilized to prevent
- 477 environmental contamination; and
- 478
- 479 5) an analysis of the potential environmental impacts that could occur due to
- 480 the operation of the facility and any mitigating measures that will be
- 481 implemented.
- 482
- 483 d) Within 7 days after filing the suitability assessment, the owner or operator must:
- 484
- 485 1) notify all adjacent property owners of the filing; and
- 486
- 487 2) publish a public notice regarding the filing of the assessment in a
- 488 newspaper whose circulation covers the affected area.
- 489
- 490 e) Within 45 days after the filing of an assessment, any person may:
- 491
- 492 1) request copies of the assessment from the Agency; and
- 493
- 494 2) request that a public hearing be held at a location in the vicinity of the
- 495 proposed facility.
- 496
- 497 f) The Agency must hold the public hearing ~~within a timely manner, but no more~~
- 498 ~~than 45 days after receipt of the written response is received under~~ pursuant to
- 499 subsection (e)(2) of this Section.
- 500
- 501 g) The Agency must provide 21 days public notice prior to a public hearing.
- 502
- 503 h) Within 90 days after the filing of an assessment or within 120 days after a
- 504 hearing, the Agency must issue a written statement with one of the following
- 505 determinations:
- 506
- 507 1) the assessment demonstrates the potential environmental impacts that a
- 508 facility would have within the recharge area and includes the appropriate
- 509 measures to protect against possible contamination;
- 510
- 511 2) the assessment does not demonstrate the potential environmental impacts
- 512 that a facility would have within the recharge area and does not include
- 513 the appropriate measures to protect against possible contamination; or
- 514
- 515 3) the assessment must be modified to address any impacts that the facility
- 516 will have on the groundwater within the area.

- 517
- 518 i) Within 30 days after receiving the Agency's written statement under subsections
- 519 (h)(1) or (h)(2), theThe owner or operator of the facility may, within 30 days,
- 520 respond to thea statement-issued by the Agency pursuant to subsection (h)(2) or
- 521 (h)(3) of this Section.
- 522
- 523 j) Within~~Not later than~~ 30 days after receipt of a response from the owner or
- 524 operator of the facility, the Agency must issue a final statement regarding the
- 525 assessment-underpursuant to subsection (i) of this Section. If no response is
- 526 received by the Agency within the 30 day period, no further action is necessary
- 527 and the statement stands as initially issued.
- 528
- 529 k) Operation of the facility may only begin~~commence~~ after issuance of a final
- 530 statement by the Agency is issued.
- 531
- 532 l) The applicant may appeal the Agency's final statement to the Board by filing a
- 533 petition on or before the 35th day after the statement is issued~~issuance of the~~
- 534 statement. The petition must be filed, and the proceedings conducted,
- 535 underpursuant to the procedures set forth in 35 Ill. Adm. Code 105.
- 536

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 617.130 Technology Control Regulations

The standards and requirements of 35 Ill. Adm. Code 615, ~~35 Ill. Adm. Code 616~~, 8 Ill. Adm. Code 257, or 77 Ill. Adm. Code 830 apply to the following existing and new activities if the ~~when these activities~~ are located wholly or partially within 2,500 feet of the wellheads and are located or take place within a regulated recharge area:

- 546 a) landfilling, land treating, surface impounding or piling of special waste and other
- 547 wastes that could cause contamination of groundwater and that are generated on
- 548 the site, other than hazardous waste, livestock waste, and construction and
- 549 demolition debris;
- 550
- 551 b) storage of special waste in an underground storage tank to which federal
- 552 regulatory requirements for the protection of groundwater do not apply~~are not~~
- 553 applicable;
- 554
- 555 c) storage and related handling of pesticides and fertilizers at a facility for the
- 556 purpose of commercial application;
- 557
- 558 d) storage and related handling of road oils and de-icing agents at a central location;
- 559 and

- 560
561 e) storage and related handling of pesticides and fertilizers at a central location for
562 the purpose of distribution to retail sales outlets.
563

564 (Source: Amended at 46 Ill. Reg. _____, effective _____)
565

566 **Section 617.135 Abandoned and Improperly Plugged Well Assistance Program**
567

568 The Department of Public Health and Department of Natural Resources may develop an
569 assistance program for abandoned and improperly plugged water supply wells as follows:
570

- 571 a) The Department of Natural Resources and Department of Public Health must
572 develop educational materials on the requirements for properly plugging
573 abandoned water supply wells within a regulated recharge area.
574
575 b) The Department of Natural Resources and the Department of Public Health must
576 work ~~with~~^{within} a school district to develop, and implement an educational
577 program utilizing the materials developed under subsection (a) ~~of this Section~~ on
578 the requirements for properly plugging abandoned water supply wells within, or
579 within the service area, of the water supply within a regulated recharge area.
580
581 c) The water supply associated with a regulated recharge area will distribute the
582 educational materials developed under subsection (a) ~~of this Section~~ to the water
583 users within the service area.
584
585 d) The Department of Natural Resources must work with a school district in the
586 service area associated with a regulated recharge area to develop and implement
587 groundwater protection information on the proper plugging requirements of
588 abandoned water supply wells.
589

590 (Source: Amended at 46 Ill. Reg. _____, effective _____)
591

592 **Section 617.140 Recharge Area Road Sign Posting**
593

594 Road signs will be posted at the entrance to and exit from a regulated recharge area after
595 September 1, 2001, as follows:
596

- 597 a) the Agency must work with the Illinois Department of Transportation to
598 demarcate any State or interstate road or highway at the perimeter of a regulated
599 recharge area; and
600
601 b) the public water supply, as defined in 415 ILCS 5/~~3.3653-28~~, must demarcate
602 where any major road other than a State or interstate road or highway enters or

603 exits a regulated recharge area.

604

605 (Source: Amended at 46 Ill. Reg. _____ effective _____)

606

607 SUBPART B: PLEASANT VALLEY PUBLIC WATER DISTRICT

608

REGULATED RECHARGE AREA

609

610 **Section 617.200 Purpose**

611

612 This Subpart establishes requirements and standards for the protection of the Pleasant Valley
613 Public Water District for certain types of existing or new facilities, sites or units located wholly
614 or partially within the regulated recharge area boundary ~~defined~~delineated in 35 Ill. Adm. Code
615 617.Appendix A.

616

617 (Source: Amended at 46 Ill. Reg. _____, effective _____)

618

619 **Section 617.205 Applicability**

620

621 a) This Subpart applies to the following facilities, sites, units or wells located
622 partially or wholly within the Pleasant Valley Public Water District's recharge
623 area boundary:

624

625 1) those activities not regulated by 35 Ill. Adm. Code 615 or ~~35 Ill. Adm.~~
626 ~~Code 616~~;

627

628 2) Class V wells and abandoned and improperly plugged wells of any type;

629

630 3) existing and new potential primary sources of groundwater contamination,
631 existing and new potential secondary sources of groundwater
632 contamination, existing and new potential tertiary sources of groundwater
633 contamination, and existing and new potential routes of groundwater
634 contamination.

635

636 b) ~~This~~Nothing in this Subpart has no impacts on the application of State or Federal
637 laws or regulations (35 Ill. Adm. Code 615, 35 Ill. Adm. Code 616, Sections 106
638 and 107 of the Comprehensive Environmental Response, Compensation and
639 Liability Act (42 ~~U.S.C.~~USC 9601, et seq.); Sections 3004 and 3008 of the
640 Resource Conservation and Recovery Act (42 ~~U.S.C.~~USC 6901, et seq.); Sections
641 4(q), 4(v), 12(g), 21(d), 21(f), 22.2(f), 22.2(m) and 22.18 of the Act; 35 Ill. Adm.
642 Code 724, 725, 730, 731, 733, 740, 742, 750, 811 and 814)) to activities
643 addressed in those Parts or Sections that occur within the boundaries of the
644 regulated recharge area set out in this Part.

645

646 (Source: Amended at 46 Ill. Reg. _____, effective _____)
647

648 **Section 617.210 Registration of Potential Sources and Routes of Groundwater**
649 **Contamination**

650
651 The owner or operator of potential sources or routes of groundwater contamination, located
652 wholly or partially within the Pleasant Valley Public Water District's regulated recharge area
653 ~~defined~~~~detailed~~ in Appendix A, must register the location with the Agency using forms provided
654 in Appendix B as follows:

- 655
656 a) ~~Within 30 days construction begins~~~~no later than 30 days prior to commencement~~
657 ~~of construction~~ for new potential routes or primary, secondary or tertiary sources
658 of groundwater contamination; or
659
660 b) ~~Within~~~~no later than~~ 90 days after the registration meeting described in Section
661 617.215 ~~of this Subpart.~~

662
663 (Source: Amended at 46 Ill. Reg. _____, effective _____)
664

665 **Section 617.220 Management Systems for Potential Sources**

- 666
667 a) The owner or operator of any potential tertiary source of groundwater
668 contamination located wholly or partially within the regulated recharge area must
669 develop and implement a chemical substances management system that, ~~at a~~
670 ~~minimum~~, must include the following:
671
672 1) a brief description of the manner in which the on-site chemical substances
673 are stored and used;
674
675 2) a potential release assessment and the response procedures to be followed
676 by the facility for notifying local emergency response agencies;
677
678 3) management measures that are employed to reduce the potential for
679 releases; and
680
681 4) ~~suitable~~ training as provided by the Agency ~~under~~~~pursuant to~~ Section
682 617.225 ~~of this Subpart.~~
683
684 b) The owner or operator of an existing potential tertiary source of groundwater
685 contamination located wholly or partially within the regulated recharge area must:
686
687 1) Within 90 days after September 1, 2001, register for the training required
688 under Section 617.225; and

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- 2) Within 120 days after September 1, 2001, attend an Agency sponsored training program required under Section 617.225 before the development of the required chemical substances management plan (CSMP).
 - c) The owner or operator of an existing potential tertiary source of groundwater contamination located wholly or partially within the regulated recharge area must, within 180 days after the training required ~~under~~ pursuant to Section 617.225, develop a CSMP and make it available on-site.
 - d) The chemical substances management system for a new potential tertiary source must also include secondary containment. Chemical substance storage areas regulated under this Subpart must have a constructed or pre-fabricated containment system that is operated as follows:
 - 1) When not protected from receiving precipitation, the constructed or pre-fabricated containment system must have:
 - A) a minimum containment volume of a 6-inch rain storm (a 25 year, 24 hour rain);
 - B) the capacity of the largest container or tank; and
 - C) the volume displaced by the bases of the other tanks located within the secondary containment structure.
 - 2) When protected from receiving precipitation, the constructed or pre-fabricated containment system must have a minimum containment volume of 100 percent of the capacity of the largest container or tank, plus the volume displaced by the bases of the other containers or tanks.
 - 3) The owner or operator must prevent run-on into the pre-fabricated or constructed secondary containment system, unless the collection system has sufficient excess capacity in addition to that required in subsection (d)(1) of this Section to contain any run-on, which might enter the constructed or pre-fabricated containment system.
 - 4) The owner or operator must remove spilled or leaked material and accumulated precipitation from the sump or collection area in a timely manner to prevent overflow of the collection system.
 - e) The owner or operator of a new potential tertiary source of groundwater contamination located wholly or partially within the regulated recharge area must:

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- 1) register for the training required under Section 617.225 30 days before construction ~~begins~~has commenced; and
 - 2) attend an Agency sponsored training program required under Section 617.225 within 60 days after registration.
- f) The owner or operator of a potential primary or secondary source must review the facility's chemical management practices and take any necessary actions to ensure protection equivalent to subsection (a) or (d) ~~of this Section~~.
- g) The owner or operator of a potential tertiary source of groundwater contamination must do the following, unless an equivalent CSMP has been prepared and filed:
- 1) maintain a CSMP at the facility at all times;
 - 2) review the CSMP annually;
 - 3) clearly identify changes in the CSMP;
 - 4) provide a copy of the initial Plan to the appropriate local fire department and police response agency; and
 - 5) make the CSMP available for inspection by the public during normal operating hours.

758 (Source: Amended at 46 Ill. Reg. _____, effective _____)
759

Section 617.225 Training Program for Potential Tertiary Sources

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774
- a) A chemical substance management training program (as required in Section 617.220(a)) must be conducted by the Agency as follows:
 - 1) The training program must cover, ~~at a minimum~~, the following topics:
 - A) an overview of the sensitivity of community water supply recharge areas and groundwater protection;
 - B) improperly abandoned wells;
 - C) the procedure for developing a chemical substance management system;

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- 775 D) cost effective containment systems;
776
777 E) small business technical assistance opportunities; and
778
779 F) pollution prevention alternatives appropriate for the type of
780 business.
781
782 2) The chemical substances management system training program ~~must~~will
783 be offered at least once, and may be offered more frequently, depending
784 upon demand. The Agency or its designee must publish advance notice of
785 the time, date, and location for each training program.
786
787 3) An individual must enroll with the Agency prior to the date for the next
788 scheduled training program.
789
790 4) The Agency must provide the owner or operator of a potential tertiary
791 source that participates in the chemical substances management training
792 program with a certificate of completion.
793
794 b) The owner or operator of a potential tertiary source who receives a certificate of
795 completion of a chemical substances management training program must post the
796 certificate of completion at his place of business, and must provide a copy of such
797 certificate to the Pleasant Valley Public Water District within 10 days after receipt
798 of the certificate from the Agency.
799

800 (Source: Amended at 46 Ill. Reg. _____, effective _____)



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0 TITLE 35: ENVIRONMENTAL PROTECTION
1 SUBTITLE F: PUBLIC WATER SUPPLIES
2 CHAPTER I: POLLUTION CONTROL BOARD

3
4 PART 617
5 REGULATED RECHARGE AREAS

6
7 SUBPART A: GENERAL
8

9Section

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- 11617.102 Definitions
- 12617.110 Incorporation by Reference
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19
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22
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30 31617.APPENDIX A Boundary of the Pleasant Valley Public Water District Regulated
32 Recharge Area

33617.APPENDIX B Potential Route and Source Registration Form

34
35AUTHORITY: Implementing Section 17.4 and authorized by Section 27 of the Environmental
36Protection Act [415 ILCS 5/17.4 and 27].

37
38SOURCE: Adopted in R89-5 at 16 Ill. Reg. 1639, effective January 10, 1992, amended in
39R96-18 at 21 Ill. Reg. 6569, effective May 8, 1997, amended in R00-17 at 25 Ill. Reg. 10350,
40effective September 1, 2001; amended [in R18-26](#) at 46 Ill. Reg. _____, effective

41 _____.

42

43

SUBPART A: GENERAL

44

45**Section 617.101 Purpose**

46

47This Part establishes the general requirements and standards for regulated recharge areas as
48defined, delineated and adopted by the Illinois Pollution Control Board under Section 17.4 of the
49Illinois Environmental Protection Act (Act) [415 ILCS 5/17.4].

50

51 (Source: Amended at 46 Ill. Reg. _____, effective _____)

52

53**Section 617.102 Definitions**

54

55Unless a different meaning of a word or term is clear from the context, the definitions of words
56or terms in this Part will be the same as those used in 35 Ill. Adm. Code 615.102, 35 Ill. Adm.
57Code 616.102, the Act, or the Illinois Groundwater Protection Act [415 ILCS 55/1].

58

59 "Agency" means the Illinois Environmental Protection Agency.

60

61 "Agrichemical facility" means *a site used for commercial purposes, where bulk*
62 *pesticides are stored in a single container in excess of 300 gallons of liquid*
63 *pesticide or 300 pounds of dry pesticide for more than 30 days per year or where*
64 *more than 300 gallons of liquid pesticide or 300 pounds of dry pesticide are*
65 *being mixed, repackaged or transferred from one container to another within a*
66 *30 day period or a site where bulk fertilizers are stored, mixed, repackaged or*
67 *transferred from one container to another.* [415 ILCS 5/3.110]

68

69 "Board" means the Illinois Pollution Control Board.

70

71 "Chemical substance" means *any "extremely hazardous substance" listed in*
72 *Appendix A of 40 CFR 355 that is present at a facility in an amount in excess of its*
73 *threshold planning quantity, any "hazardous substance" listed in 40 CFR 302.4*
74 *that is present at a facility in an amount in excess of its reportable quantity or in*
75 *excess of its threshold planning quantity if it is also an "extremely hazardous*
76 *substance", and any petroleum including crude oil or any fraction thereof that is*
77 *present at a facility in an amount exceeding 100 pounds unless it is specifically*
78 *listed as a "hazardous substance" or an "extremely hazardous substance".*

79

80 *"Chemical substance" does not mean any substance to the extent it is used for*
81 *personal, family, or household purposes or to the extent it is present in the same*
82 *form as a product packaged for distribution to and use by the general public.* [430
83 ILCS 45/3]

83

84 "Class V injection well" means injection wells not included in Class I, II, III, or IV.
85 Class V wells include:
86
87 air conditioning return flow wells used to return to the supply aquifer the
88 water used for heating or cooling in a heat pump;
89
90 cesspools, including multiple dwelling, community or regional cesspools, or
91 other devices that receive wastes, which have an open bottom and
92 sometimes have perforated sides. The Underground Injection Control (UIC)
93 requirements do not apply to single family residential cesspools nor to
94 non-residential cesspools that receive solely sanitary wastes and have the
95 capacity to serve fewer than 20 persons a day;
96
97 cooling water return flow wells used to inject water previously used for
98 cooling;
99
100 drainage wells used to drain surface fluid, primarily storm runoff, into a
101 subsurface formation;
102
103 dry wells used for the injection of wastes into a subsurface
104 formation;
105
106 recharge wells used to replenish the water in an aquifer;
107
108 salt water intrusion barrier wells used to inject water into a fresh water
109 aquifer to prevent the intrusion of salt water into the fresh water;
110
111 sand backfill and other backfill wells used to inject a mixture of water and
112 sand, mill tailings, or other solids into mined out portions of subsurface
113 mines whether or not what is injected is a radioactive waste;
114
115 septic system wells used to inject the waste or effluent from a multiple
116 dwelling, business establishment, community, or regional business
117 establishment septic tank. The UIC requirements do not apply to single
118 family residential septic system wells that are used solely for the disposal of
119 sanitary waste and have the capacity to serve fewer than 20 persons a day;
120
121 subsidence control wells (not used for the purpose of oil or natural gas
122 production) used to inject fluids into a non-oil or -gas producing zone to
123 reduce or eliminate subsidence associated with the overdraft of fresh water;
124
125 radioactive waste disposal wells other than Class IV;

126
127 injection wells associated with the recovery of geothermal energy for
128 heating, aquaculture, and production of electric power;
129
130 wells used for solution mining of conventional mines such as stopes
131 leaching;
132
133 wells used to inject spent brine into the same formation from which it was
134 withdrawn after extraction of halogens or their salts;
135
136 injection wells used in experimental technologies; and
137
138 injection wells used for in-situ recovery of lignite, coal, tar sands, and oil
139 shale. (40 CFR 146.5)
140
141 "Container" means any portable device (including, but not limited to, 55-gallon
142 drums) in which material is stored, treated, disposed of or otherwise handled. The
143 term "container" does not include a vehicle used to transport material.
144
145 "Existing Potential Tertiary Source of Groundwater Contamination" means a
146 potential tertiary source of groundwater contamination that is not new.
147
148 "Facility" means *the buildings and all real property contiguous thereto, and the*
149 *equipment at a single location used for the conduct of business.* [430 ILCS 45/3]
150
151 "Generator (RCRA)" means any person, by site location, whose act or process
152 produces "hazardous waste" identified or listed in 35 Ill. Adm. Code 721 (see 35 Ill.
153 Adm. Code 702.110 and 35 Ill. Adm. Code 730.103).
154
155 "Household waste" means any waste material (including garbage and trash) derived
156 from households (including single and multiple residences, hotels and motels,
157 bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and
158 day-use recreation areas).
159
160 "IEMA" means the Illinois Emergency Management Agency.
161
162 "Low level radioactive waste" ~~or "waste"~~ means *radioactive waste not classified as*
163 *high- level radioactive waste, transuranic waste, spent nuclear fuel or byproduct*
164 *material as defined in Section 11e(2) of the Atomic Energy Act of 1954 (42*
165 *USC*[U.S.C.](#) 2014) [420 ILCS 20/3].
166

167 "Major Potential Source" means any unit at a facility or site not currently subject to
168 a removal or remedial action that stores, accumulates, landfills, or land treats waste,
169 other than household waste, that could cause contamination of groundwater and is
170 generated on the site.

171
172 "Municipal solid waste landfill unit" or "MSWLF Unit" means *a contiguous area*
173 *of land or an excavation that receives household waste, and is not a land*
174 *application unit, surface impoundment, injection well, or any pile of*
175 *noncontainerized accumulations of solid, nonflowing waste that is used for*
176 *treatment or storage. A MSWLF unit may also receive other types of RCRA Subtitle*
177 *D wastes, such as commercial solid waste, nonhazardous sludge, small quantity*
178 *generator waste and industrial solid waste. Such a landfill may be publicly or*
179 *privately owned. A MSWLF unit may be a new MSWLF unit, an existing MSWLF*
180 *unit, or a lateral expansion. A sanitary landfill is subject to regulation as a*
181 *MSWLF unit if it receives household waste. [415 ILCS 5/3.285-~~3.85~~]*

182
183 "New Major Potential Source" means:

184
185 a major potential source that is not in existence or for which construction
186 has not commenced at its location as of September 1, 2001; or

187
188 a major potential source that expands laterally beyond the currently
189 permitted boundary or, if the potential source is not permitted, the
190 boundary in existence as of September 1, 2001; or

191
192 a major potential source that is part of a facility that undergoes major
193 reconstruction. Such reconstruction must be deemed to have taken place
194 where the fixed capital cost of the new components, constructed within a
195 2-year period, exceed 50% of the fixed capital cost of a comparable
196 entirely new facility as of September 1, 2001.

197 -
198 "New Potential Tertiary Source of Groundwater Contamination" means:

199
200 a Potential Tertiary Source, that is not in existence or for which
201 construction has not commenced at its location as of September 1,
202 2001; or

203
204 a Potential Tertiary Source that expands laterally beyond the
205 currently permitted boundary or, if the tertiary source is not
206 permitted, the boundary in existence as of September 1, 2001; or

207

208 a Potential Tertiary Source that is part of a facility that undergoes
209 major reconstruction after September 1, 2001. Reconstruction
210 must be considered to have taken place where the fixed capital cost
211 of the new components, constructed within a 2-year period, exceed
212 50% of the fixed capital cost of a comparable entirely new facility.
213

214 "Potential Tertiary Source of Groundwater Contamination" means any unit at a
215 facility or site not currently subject to a removal or remedial action that stores or
216 accumulates any chemical substance during any calendar year and that is not a
217 potential primary or secondary source of groundwater contamination.
218

219 "Regulated recharge area" means *a compact geographic area, as determined by the*
220 *Board, the geology of which renders a potable resource groundwater particularly*
221 *susceptible to contamination.* [415 ILCS 5/3.390]
222

223 "Setback zone" means *a geographic area, designated pursuant to (the) Act,*
224 *containing a potable water supply well or a potential source or potential route,*
225 *having a continuous boundary, and within which certain prohibitions or*
226 *regulations are applicable in order to protect groundwaters.* [415 ILCS 5/3.450]
227

228 "Sinkhole" means any natural depression formed as a result of subsurface removal
229 of soil or rock materials and causing the formation of a collapse feature that
230 exhibits internal drainage. The existence of a sinkhole must be indicated by the
231 uppermost closed depression contour lines on the United States Geological
232 Survey 7.5 minute topographic quadrangle maps or as determined by field
233 investigation.
234

235 "Site" means *any location, place, tract of land, and facilities, including but not*
236 *limited to buildings, and improvements used for purposes subject to regulation or*
237 *control by (the) Act or regulations thereunder.* [415 ILCS 5/3.460]
238

239 "Unit" means *any device, mechanism, equipment, or area (exclusive of land*
240 *utilized only for agricultural production). This term includes secondary*
241 *containment structures and their contents at agrichemical facilities.* [415 ILCS
242 5/3.515]
243

244 "Unit boundary" means a line at the land's surface circumscribing the area on
245 which, above which or below which waste, pesticides, fertilizers, road oils or
246 de-icing agents will be placed during the active life of the facility. The space
247 taken up by any liner, dike or other barrier designed to contain waste, pesticides,
248 fertilizers, road oils or de-icing agents falls within the unit boundary.
249

250 "Waste" means *any garbage, sludge from a waste treatment plant, water supply*
251 *treatment plant, or air pollution control facility or other discarded material,*
252 *including solid, liquid, semi-solid, or contained gaseous material resulting from*
253 *industrial, commercial, mining and agricultural operations, and from community*
254 *activities, but does not include solid or dissolved material in domestic sewage, or*
255 *solid or dissolved material in irrigation return flows, or coal combustion*
256 *by-products as defined in Section 3.135 (of the Act), or in industrial discharges*
257 *which are point sources subject to permits under section 402 of the Federal*
258 *Water Pollution Control Act, as now or hereafter amended, or source, special*
259 *nuclear, or by-product materials as defined by the Atomic Energy Act of 1954 as*
260 *amended (68 stat. 921)(42 USC 2011 et seq.) or any solid or dissolved material*
261 *from any facility subject to the Federal Surface Mining Control and Reclamation*
262 *Act of 1977 (P.L. 95-87) or the rules and regulations thereunder or any law or*
263 *rule or regulation adopted by the State of Illinois pursuant thereto. [415 ILCS*
264 *5/3.535]*

265
266 (Source: Amended at 46 Ill. Reg. _____, effective _____)
267

268 **Section 617.110 Incorporation by Reference**

269
270 a) The Board incorporates the following federal regulations by reference:

271
272 CFR (Code of Federal Regulations), Available from the Superintendent of
273 Documents, U.S. Government Printing Office, Washington, D.C. ~~20402~~
274 ~~(202)-783-3238~~20402 202-783-3238.
275

276 40 CFR 302.1 through 302.8 (2017).
277

278 b) This Section incorporates no later amendments or editions.
279

280 (Source: Amended at 46 Ill. Reg. _____, effective _____)
281

282 **Section 617.115 Scope**

283
284 This Part establishes regulated recharge areas and provisions governing specific activities in
285 those areas defined by the Board.

286
287 (Source: Amended at 46 Ill. Reg. _____, effective _____)
288

289 **Section 617.120 Prohibitions**

290
291 a) The following new facilities, sites, units, or potential routes must not be located

292 within a defined regulated recharge area:

293

294 1) low level radioactive waste sites;

295

296 2) class V injection wells;

297

298 3) municipal solid waste landfills; or

299

300 4) special or hazardous waste landfills.

301

302 b) For the purpose of subsection (a), "new" means the following:

303

304 1) a facility, site, or unit that is not in existence or for which construction has
305 not commenced at its location as of the effective date of any Subpart of
306 this Part that creates a defined regulated recharge area in which that
307 facility is located;

308

309 2) a facility, site, or unit that expands laterally beyond the currently permitted
310 boundary or, if the potential primary source is not permitted, the boundary
311 in existence as of the effective date of any Subpart of this Part that creates
312 a defined regulated recharge area in which that facility is located;

313

314 3) a unit or site that is part of a facility that undergoes major reconstruction,
315 which is considered to have taken place where the fixed capital cost of the
316 new components, constructed within a 2-year period, exceed 50% of the
317 fixed capital cost of a comparable entirely new facility; or

318

319 4) a Class V injection well that is not in existence or for which construction
320 has not commenced at its location as of the effective date of any Subpart
321 of this Part that creates a defined regulated recharge area in which that
322 facility is located.

323

324 (Source: Amended at 46 Ill. Reg. , effective)

325

326 **Section 617.125 Recharge Area Suitability Assessment**

327

328 The purpose of the recharge area suitability assessment process is to assess potential
329 environmental impacts that a new facility would have within a regulated recharge area, and to
330 assure that appropriate measures to protect against possible contamination will be included in the
331 operation of the facility.

332

333 a) The owners or operators of new major potential sources located wholly or

334 partially within a delineated regulated recharge area must submit a recharge area
335 suitability assessment to the Agency before beginning construction, except for
336 livestock operations that meet the criteria in 35 Ill. Adm. Code 501.404(e) or
337 except as provided in subsection (b).
338

339 b) For any livestock waste handling facility subject to the Livestock Management
340 Facilities Act [510 ILCS 77], the requirement in subsection (a) for filing a
341 recharge area suitability assessment is only applicable to such facility after filing a
342 notice of intent, or a complete registration if the facility is designed to handle the
343 waste from a 300 animal unit or larger operation, and:
344

- 345 1) a public informational meeting under Section 12 of the Livestock
346 Management Facilities Act is not requested; or
347
- 348 2) the provisions for a public informational meeting are not applicable to
349 such facility.
350

351 c) A recharge area suitability assessment must include the following:
352

- 353 1) a legal description of the site and location maps including:
354
 - 355 A) a topographic map of the site drawn to scale of 200 feet to the inch
356 or larger with a contour interval of less than 50 feet;
357
 - 358 B) an area map that shows the approximate distance of the unit at a
359 facility or site from the nearest potable water supply well or
360 sinkhole; and
361
 - 362 C) an area map that identifies all land uses within 1 mile of the site;
363
- 364 2) soil survey data for the site;
365
- 366 3) an explanation of the proposed operation and any protection controls or
367 measures;
368
- 369 4) a description of any management systems that will be utilized to prevent
370 environmental contamination; and
371
- 372 5) an analysis of the potential environmental impacts that could occur due to
373 the operation of the facility and any mitigating measures that will be
374 implemented.
375

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- 376 d) Within 7 days after filing the suitability assessment, the owner or operator must:
377
378 1) notify all adjacent property owners of the filing; and
379
380 2) publish a public notice regarding the filing of the assessment in a
381 newspaper whose circulation covers the affected area.
382
- 383 e) Within 45 days after the filing of an assessment, any person may:
384
385 1) request copies of the assessment from the Agency; and
386
387 2) request that a public hearing be held at a location in the vicinity of the
388 proposed facility.
389
- 390 f) The Agency must hold the public hearing within 45 days after the written
391 response is received under subsection (e)(2).
392
- 393 g) The Agency must provide 21 days public notice prior to a public hearing.
394
- 395 h) Within 90 days after the filing of an assessment or within 120 days after a
396 hearing, the Agency must issue a written statement with one of the following
397 determinations:
398
399 1) the assessment demonstrates the potential environmental impacts that a
400 facility would have within the recharge area and includes the appropriate
401 measures to protect against possible contamination;
402
403 2) the assessment does not demonstrate the potential environmental impacts
404 that a facility would have within the recharge area and does not include
405 the appropriate measures to protect against possible contamination; or
406
407 3) the assessment must be modified to address any impacts that the facility
408 will have on the groundwater within the area.
409
- 410 i) Within 30 days after receiving the Agency's written statement under subsections
411 (h)(1) or (h)(2), the owner or operator of the facility may respond to the statement.
412
- 413 j) Within 30 days after receipt of a response from the owner or operator of the
414 facility, the Agency must issue a final statement regarding the
415 ~~assessment~~assessmentunder subsection (i). If no response is received by the
416 Agency within the 30 day period, no further action is necessary and the statement
417 stands as initially issued.

418

419 k) Operation of the facility may only begin after ~~of~~ a final statement by the Agency is
420 issued.

421

422 l) The applicant may appeal the Agency's final statement to the Board by filing a
423 petition on or before the 35th day after the statement is issued. The petition must
424 be filed, and the proceedings conducted, under the procedures set forth in 35 Ill.
425 Adm. Code 105.

426

427 (Source: Amended at 46 Ill. Reg. _____, effective _____)

428

429 **Section 617.130 Technology Control Regulations**

430

431 The standards and requirements of 35 Ill. Adm. Code 615, , 8 Ill. Adm. Code 257, or 77 Ill.
432 Adm. Code 830 apply to the following existing and new activities if the activities are located
433 wholly or partially within 2,500 feet of the wellheads and are located or take place within a
434 regulated recharge area:

435

436 a) landfilling, land treating, surface impounding or piling of special waste and other
437 wastes that could cause contamination of groundwater and that are generated on
438 the site, other than hazardous waste, livestock waste, and construction and
439 demolition debris;

440

441 b) storage of special waste in an underground storage tank to which federal
442 regulatory requirements for the protection of groundwater do not apply;

443

444 c) storage and related handling of pesticides and fertilizers at a facility for the
445 purpose of commercial application;

446

447 d) storage and related handling of road oils and de-icing agents at a central location;
448 and

449

450 e) storage and related handling of pesticides and fertilizers at a central location for
451 the purpose of distribution to retail sales outlets.

452

453 (Source: Amended at 46 Ill. Reg. _____, effective _____)

454

455 **Section 617.135 Abandoned and Improperly Plugged Well Assistance Program**

456

457 The Department of Public Health and Department of Natural Resources may develop an
458 assistance program for abandoned and improperly plugged water supply wells as follows:

459

- 460 a) The Department of Natural Resources and Department of Public Health must
461 develop educational materials on the requirements for properly plugging
462 abandoned water supply wells within a regulated recharge area.
463
- 464 b) The Department of Natural Resources and the Department of Public Health must
465 work with a school district to develop, and implement an educational program
466 utilizing the materials developed under subsection (a) on the requirements for
467 properly plugging abandoned water supply wells within, or within the service
468 area, of the water supply within a regulated recharge area.
469
- 470 c) The water supply associated with a regulated recharge area will distribute the
471 educational materials developed under subsection (a) to the water users within the
472 service area.
473
- 474 d) The Department of Natural Resources must work with a school district in the
475 service area associated with a regulated recharge area to develop and implement
476 groundwater protection information on the proper plugging requirements of
477 abandoned water supply wells.
478

479 (Source: Amended at 46 Ill. Reg. _____, effective _____)
480

481 **Section 617.140 Recharge Area Road Sign Posting**
482

483 Road signs will be posted at the entrance to and exit from a regulated recharge area after
484 September 1, 2001, as follows:
485

- 486 a) the Agency must work with the Illinois Department of Transportation to
487 demarcate any State or interstate road or highway at the perimeter of a regulated
488 recharge area; and
489
- 490 b) the public water supply, as defined in 415 ILCS 5/3.365, must demarcate where
491 any major road other than a State or interstate road or highway enters or exits a
492 regulated recharge area.
493

494 (Source: Amended at 46 Ill. Reg. _____ effective _____)
495

496 SUBPART B: PLEASANT VALLEY PUBLIC WATER DISTRICT
497 REGULATED RECHARGE AREA
498

499 **Section 617.200 Purpose**
500

501 This Subpart establishes requirements and standards for the protection of the Pleasant Valley

502Public Water District for certain types of existing or new facilities, sites or units located wholly
503or partially within the regulated recharge area boundary defined in 35 Ill. Adm. Code
504617.Appendix A.

505

506 (Source: Amended at 46 Ill. Reg. _____, effective _____)

507

508**Section 617.205 Applicability**

509

510 a) This Subpart applies to the following facilities, sites, units or wells located
511 partially or wholly within the Pleasant Valley Public Water District's recharge
512 area boundary:

513

514 1) those activities not regulated by 35 Ill. Adm. Code 615 or 616;

515

516 2) Class V wells and abandoned and improperly plugged wells of any type;

517

518 3) existing and new potential primary sources of groundwater contamination,
519 existing and new potential secondary sources of groundwater
520 contamination, existing and new potential tertiary sources of groundwater
521 contamination, and existing and new potential routes of groundwater
522 contamination.

523

524 b) This Subpart has no impacts on the application of State or Federal laws or
525 regulations (35 Ill. Adm. Code 615, 35 Ill. Adm. Code 616, Sections 106 and 107
526 of the Comprehensive Environmental Response, Compensation and Liability Act
527 (42 [USC U.S.C.](#) 9601, et seq.); Sections 3004 and 3008 of the Resource
528 Conservation and Recovery Act (42 [USC U.S.C.](#) 6901, et seq.); Sections 4(q),
529 4(v), 12(g), 21(d), 21(f), 22.2(f), 22.2(m) and 22.18 of the Act; 35 Ill. Adm. Code
530 724, 725, 730, 731, 733, 740, 742, 750, 811 and 814)) to activities addressed in
531 those Parts or Sections that occur within the boundaries of the regulated recharge
532 area set out in this Part.

533

534 (Source: Amended at 46 Ill. Reg. _____, effective _____)

535

536**Section 617.210 Registration of Potential Sources and Routes of Groundwater**

537**Contamination**

538

539The owner or operator of potential sources or routes of groundwater contamination, located
540wholly or partially within the Pleasant Valley Public Water District's regulated recharge area
541defined in Appendix A, must register the location with the Agency using forms provided in
542Appendix B as follows:

543

- 544 a) Within 30 days construction begins for new potential routes or primary, secondary
545 or tertiary sources of groundwater contamination; or
546
- 547 b) ~~Within~~Within 90 days after the registration meeting described in Section
548 617.215.

549
550 (Source: Amended at 46 Ill. Reg. _____, effective _____)
551

552 **Section 617.220 Management Systems for Potential Sources**

- 553
- 554 a) The owner or operator of any potential tertiary source of groundwater
555 contamination located wholly or partially within the regulated recharge area must
556 develop and implement a chemical substances management system that must
557 include the following:
558
 - 559 1) a brief description of the manner in which the on-site chemical substances
560 are stored and used;
 - 561
 - 562 2) a potential release assessment and the response procedures to be followed
563 by the facility for notifying local emergency response agencies;
 - 564
 - 565 3) management measures that are employed to reduce the potential for
566 releases; and
 - 567
 - 568 4) training as provided by the Agency under Section 617.225.
- 569
- 570 b) The owner or operator of an existing potential tertiary source of groundwater
571 contamination located wholly or partially within the regulated recharge area must:
572
 - 573 1) Within 90 days after September 1, 2001, register for the training required
574 under Section 617.225; and
 - 575
 - 576 2) Within 120 days after September 1, 2001, attend an Agency sponsored
577 training program required under Section 617.225 before the development
578 of the required chemical substances management plan (CSMP).
 - 579
- 580 c) The owner or operator of an existing potential tertiary source of groundwater
581 contamination located wholly or partially within the regulated recharge area must,
582 within 180 days after the training required under Section 617.225, develop a
583 CSMP and make it available on-site.
- 584
- 585 d) The chemical substances management system for a new potential tertiary source

- 586 must also include secondary containment. Chemical substance storage areas
587 regulated under this Subpart must have a constructed or pre-fabricated
588 containment system that is operated as follows:
589
- 590 1) When not protected from receiving precipitation, the constructed or
591 pre-fabricated containment system must have:
 - 592
 - 593 A) a minimum containment volume of a 6-inch rain storm (a 25 year,
594 24 hour rain);
 - 595
 - 596 B) the capacity of the largest container or tank; and
 - 597
 - 598 C) the volume displaced by the bases of the other tanks located within
599 the secondary containment structure.
 - 600
 - 601 2) When protected from receiving precipitation, the constructed or
602 pre-fabricated containment system must have a minimum containment
603 volume of 100 percent of the capacity of the largest container or tank, plus
604 the volume displaced by the bases of the other containers or tanks.
605
 - 606 3) The owner or operator must prevent run-on into the pre-fabricated or
607 constructed secondary containment system, unless the collection system
608 has sufficient excess capacity in addition to that required in subsection
609 (d)(1) to contain any run-on, which might enter the constructed or
610 pre-fabricated containment system.
611
 - 612 4) The owner or operator must remove spilled or leaked material and
613 accumulated precipitation from the sump or collection area in a timely
614 manner to prevent overflow of the collection system.
615
 - 616 e) The owner or operator of a new potential tertiary source of groundwater
617 contamination located wholly or partially within the regulated recharge area must:
618
 - 619 1) register for the training required under Section 617.225 30 days before
620 construction ~~beginns~~begins; and
 - 621
 - 622 2) attend an Agency sponsored training program required under Section
623 617.225 within 60 days after registration.
624
 - 625 f) The owner or operator of a potential primary or secondary source must review the
626 facility's chemical management practices and take any necessary actions to ensure
627 protection equivalent to subsection (a) or (d).

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- g) The owner or operator of a potential tertiary source of groundwater contamination must do the following, unless an equivalent CSMP has been prepared and filed:
 - 1) maintain a CSMP at the facility at all times;
 - 2) review the CSMP annually;
 - 3) clearly identify changes in the CSMP;
 - 4) provide a copy of the initial Plan to the appropriate local fire department and police response agency; and
 - 5) make the CSMP available for inspection by the public during normal operating hours.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 617.225 Training Program for Potential Tertiary Sources

- a) A chemical substance management training program (as required in Section 617.220(a)) must be conducted by the Agency as follows:
 - 1) The training program must cover the following topics:
 - A) an overview of the sensitivity of community water supply recharge areas and groundwater protection;
 - B) improperly abandoned wells;
 - C) the procedure for developing a chemical substance management system;
 - D) cost effective containment systems;
 - E) small business technical assistance opportunities; and
 - F) pollution prevention alternatives appropriate for the type of business.
 - 2) The chemical substances management system training program must be offered at least once, and may be offered more frequently, depending upon

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- 670 demand. The Agency or its designee must publish advance notice of the
671 time, date, and location for each training program.
672
673 3) An individual must enroll with the Agency prior to the date for the next
674 scheduled training program.
675
676 4) The Agency must provide the owner or operator of a potential tertiary
677 source that participates in the chemical substances management training
678 program with a certificate of completion.
679
680 b) The owner or operator of a potential tertiary source who receives a certificate of
681 completion of a chemical substances management training program must post the
682 certificate of completion at his place of business, and must provide a copy of such
683 certificate to the Pleasant Valley Public Water District within 10 days after receipt
684 of the certificate from the Agency.
685

687 (Source: Amended at 46 Ill. Reg. _____, effective _____)

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