

From: [McGill, Richard](#)
To: [Brown, Don](#)
Cc: [Horton, Vanessa](#)
Subject: FW: R18-26 proposed first notice changes
Date: Monday, February 27, 2023 5:05:42 PM
Attachments: [image001.png](#)
[35-618 Board responses.pdf](#)
[35-618RG-P r01 \(46-22\).pdf](#)

Good evening, Mr. Clerk:

Please docket this email exchange with JCAR, including the two attachments, as a public comment in R18-26.

Thank you.

Richard R. McGill, Jr.
Senior Attorney for Research & Writing
Illinois Pollution Control Board
60 E. Van Buren St., Suite 630
Chicago, Illinois 60605
richard.mcgill@illinois.gov (312) 814-6983



From: McGill, Richard
Sent: Monday, February 27, 2023 4:59 PM
To: Eastvold, Jonathan C. <JonathanE@ilga.gov>
Subject: RE: R18-26 proposed first notice changes

Good evening, Jonathan:

I've attached two documents. The first document contains Board staff responses to your proposed Part 618 changes emailed to me on June 24, 2022. The second document is the JCAR line-numbered r01 referenced in your changes and our responses. Our responses include related changes prompted by your suggestions.

Thank you for your careful review. Please let me know if you have any questions.

Best regards,

Richard

Richard R. McGill, Jr.
Senior Attorney for Research & Writing
Illinois Pollution Control Board
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Chicago, Illinois 60605

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From: Eastvold, Jonathan C. <JonathanE@ilga.gov>
Sent: Friday, June 24, 2022 9:39 AM
To: McGill, Richard <Richard.McGill@illinois.gov>
Subject: [External] R18-26 proposed first notice changes

Here are some possible technical changes, sorted by Part, for the Board to consider. Any of these changes that you wish to make can be simply copied into your first notice changes document.

Thanks in advance for your consideration.

Sincerely,

Jonathan C. Eastvold, Ph.D.
Rules Analyst III

Illinois General Assembly
Joint Committee on Administrative Rules
700 Stratton Building
Springfield IL 62706
217-524-9010

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From: Eastvold, Jonathan C. <JonathanE@ilga.gov>
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Board staff responses and related changes (2/27/23) appear in bold, red font below.

Rulemaking: Regulated Recharge Areas (35 Ill. Adm. Code 617; 46 Ill. Reg. 8840)

Changes:

1. In line 49, after "delineated" add a comma.
Disagree. Delete "defined".
2. In line 50, strike "/17.4".
a. Disagree. Because the sentence refers not to the Act generally but rather to a specific section of the Act, we must cite the specific section.
b. In line 57, delete "will" and add "are". Strike "be".
3. In line 59, strike "/1".
Agree.
4. In line 67, strike "30 day" and add "30-day".
Agree.
5. In line 91, strike "dwelling" and add "dwellings".
a. Disagree. The words "multiple dwelling", which are used in 40 CFR 146.5(e)(2), function as an adjective, modifying "cesspools". After "community" add a comma.
b. In line 92, strike ", which" and add "that".

6. In line 94, strike "single family" and add "single-family".
Agree.
7. In line 113, strike "mined out" and add "mined-out".
Agree.
8. In lines 118-119, strike "single family" and add "single-family".
Agree.
9. In line 122, strike "the purpose of".
Agree.
10. In line 123, strike "non-oil" and add "non-oil-". **a. Agree.** Strike "-gas producing" and add "non-gas-producing". **b. Agree.**
c. In line 142, delete "but not limited to".
11. In line 143, after "of" add a comma.
Agree.
12. In line 163, strike "Low level" and add "Low-level".
Agree.
13. In line 164, after "*fuel*" add a comma.
Agree.
14. In line 176, strike "A" and add "An".
Agree but no italics.
15. In line 178, after "*waste*" add a comma.
Agree (the second "*waste*").
16. In line 179, strike "A" and add "An".
Agree but no italics.
17. In line 181, after "*as*" strike "*a*" and add "an".
a. Agree but no italics.
b. In line 194, strike "Such reconstruction" and add "Reconstruction is considered". Delete "must". Strike "be deemed".
c. In line 195, strike "where" and add "if".
18. In line 196, strike "exceed" and add "exceeds".
Agree.
19. In line 251, strike the comma.
a. Agree.
b. In line 261, delete "must" and add "is". Strike "be".

20. In line 262, strike "where" and add "when".
a. Disagree. Strike "where" and add "if".
b. In line 263, strike "exceed" and add "exceeds".
21. In line 336, strike "7.5 minute" and add "7.5-minute".
a. Agree.
b. In lines 339-40, strike "but not limited to".
22. In line 349, after "above which" add a comma. **a. Agree.** After "oils" add a comma. **b. Agree.**
23. In line 351, after "dike" add a comma.
Agree.
24. In line 352, after "oils" add a comma.
Agree.
25. In line 360, strike the parentheses.
Agree.
26. In line 364, strike "*stat*" and add "Stat". **a. Agree.** Strike "(42 USC 2011 et seq.)" and add "(42 U.S.C. 2011 et seq.)". **b. Agree.**
c. In lines 389 and 396, delete "defined" and restore "delineated".
27. In line 398, strike "low level" and add "low-level".
a. Agree.
b. In line 406, strike "the purpose of".
c. In lines 410 and 416, delete "defined" and restore "delineated".
d. In line 420, strike "where" and add "if".
28. In line 422, strike "exceed" and add "exceeds".
a. Agree.
b. In line 427, delete "defined" and restore "delineated".
29. In line 435, strike the comma.
a. Agree. Strike "to".
b. In line 440, delete "submit" and add "file".
c. In line 441, delete "to" and add "with". Delete "beginning" and add "the commencement of". See Section 615.102 ("commencement of construction" is a defined term).
d. In line 448, strike "such" and add "the".
30. In line 450, strike "300 animal" and add "300-animal".
Agree.

31. In line 455, strike "are not applicable" and add "do not apply".
Agree.
32. In line 456, strike "such" and add "the".
Agree.
33. In line 462, after "drawn to" add "a".
a. Agree.
b. In line 483, strike "7" and add "seven".
c. In line 494, after "that" add "the Agency hold". Strike "be held".
d. In line 498, after "after" add "receiving". Strike "response" and add "request". Delete "is received".
34. In line 501, strike "days" and add "days". **a. Agree.** Strike "prior to" and add "before".
b. Agree.
c. In line 518, delete "subsections" and add "subsection".
d. In line 519, delete "(h)(1) or (h)(2)" and add "(h)(2) or (h)(3)".
e. In line 523, delete "receipt of" and add "receiving". After "response" add "under subsection (i)".
35. In line 525, after "assessment" reinstate the stricken space.
a. Agree. Delete "under" and strike "subsection (i)".
b. In line 526, after "period" add "of subsection (i)".
36. In line 526, strike "30 day" and add "30-day".
a. Agree.
b. In line 526, after "further" add "Agency".
c. In line 527, after "statement" add "issued under subsection (h)". Strike "initially issued" and add "the Agency's final statement".
d. In line 529, after "may" add "start". After "only" delete "begin". After "after" add "the Agency issues".
e. In line 530, strike "by the Agency" and delete "is issued".
f. In line 533, strike "on or before the 35th day" and add "within 35 days". After "after" add "receiving". Delete "is issued".
37. In line 535, strike "set forth".
Agree.
38. In line 541, strike the second comma.
Agree.
39. In line 546, after "impounding" add a comma.
Agree.
40. In lines 555-556, strike "the purpose of".
Agree.

41. In line 562, strike "the purpose of".
Agree.
42. In line 613, after "sites" add a comma.
a. Agree.
b. In line 614, delete "defined" and restore "delineated".
43. In line 621, after "units" add a comma.
Agree.
44. In line 636, strike "impacts" and add "impact". **a. Agree.** Strike "Federal" and add "federal". **b. Agree.**
45. In lines 639 and 640, strike the comma.
Agree.
46. In line 656, after "days" add "before".
a. Agree. Delete "Within" and add "At least". Delete "construction begins" and add "the commencement of construction". See Section 615.102 ("commencement of construction" is a defined term).
b. In line 657, after "secondary" add a comma.
47. In line 672, strike "the manner in which" and add "how".
Agree.
48. In line 681, strike "as".
Agree.
49. In line 707, strike "25 year" and add "25-year".
Agree.
50. In line 708, strike "24 hour" and add "24-hour".
Agree.
51. In lines 715-716 and 720, strike "pre-fabricated" and add "prefabricated".
Agree. Also in lines 701, 704-05, and 724.
52. In line 721, strike the comma.
a. Agree.
b. In line 723, strike ", which" and add "that".
c. In line 733, after "617.225" add "at least". After "before" add "the commencement of". See Section 615.102 ("commencement of construction" is a defined term).
d. In line 734, delete "begins".

53. In line 744, strike the comma.
Agree.
54. In line 775, strike "cost effective" and add "cost-effective".
Agree.
55. In line 783, after "once" strike the comma.
Agree.
56. In line 796, strike the comma.
Agree. Strike "his" and add "the owner's or operator's". Strike "such" and add "the".

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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

617.APPENDIX A Boundary of the Pleasant Valley Public Water District Regulated
Recharge Area

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

_____.

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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;

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wells used for solution mining of conventional mines such as stopes leaching;

wells used to inject spent brine into the same formation from which it was withdrawn after extraction of halogens or their salts;

injection wells used in experimental technologies; and

injection wells used for in-situ recovery of lignite, coal, tar sands, and oil shale. (40 CFR 146.5)

"Container" means any portable device (including, but not limited to, 55-gallon drums) in which material is stored, treated, disposed of or otherwise handled. The term "container" does not include a vehicle used to transport material.

"Existing Potential Tertiary Source of Groundwater Contamination" means a potential tertiary source of groundwater contamination that is not new.

"Facility" means *the buildings and all real property contiguous thereto, and the equipment at a single location used for the conduct of business.* [430 ILCS 45/3]

"Generator (RCRA)" means any person, by site location, whose act or process produces "hazardous waste" identified or listed in 35 Ill. Adm. Code 721 (see 35 Ill. Adm. Code 702.110 and 35 Ill. Adm. Code 730.103).

"Household waste" means any waste material (including garbage and trash) derived from households (including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas).

"IEMA" means the Illinois Emergency Management Agency.

"Low level radioactive waste" ~~or "waste"~~ means *radioactive waste not classified as high- level radioactive waste, transuranic waste, spent nuclear fuel or byproduct material as defined in Section 11e(2) of the Atomic Energy Act of 1954 (42 U.S.C. USC 2014) [420 ILCS 20/3].*

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

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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 agrichemical 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 agrichemical 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 ~~agrichemical 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

254
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
258

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

265
266 ~~"Potential Primary Source" means any unit at a facility or site not currently~~
267 ~~subject to a removal or remedial action that:~~

268
269 ~~is utilized for the treatment, storage, or disposal of any hazardous~~
270 ~~or special waste not generated at the site; or~~

271
272 ~~is utilized for the disposal of municipal waste not generated at the~~
273 ~~site, other than landscape waste and construction and demolition~~
274 ~~debris; or~~

275
276 ~~is utilized for the landfilling, land treating, surface impounding or piling~~
277 ~~of any hazardous or special waste that is generated on the site or at other~~
278 ~~sites owned, controlled or operated by the same person; or~~

279
280 ~~stores or accumulates at any time more than 75,000 pounds above ground,~~
281 ~~or more than 7,500 pounds below ground, of any hazardous substances.~~
282 ~~[415 ILCS 5/3.59]~~

283
284 ~~"Potential route" means abandoned and improperly plugged wells of all kinds,~~
285 ~~drainage wells, all injection wells, including closed loop heat pump wells, and~~
286 ~~any excavation for the discovery, development or production of stone, sand or~~
287 ~~gravel. [415 ILCS 5/3.58]~~

288
289 ~~"Potential secondary source" means any unit at a facility or a site not currently~~
290 ~~subject to a removal or remedial action, other than a potential primary source,~~
291 ~~that:~~

292
293 ~~is utilized for the landfilling, land treating, or surface impounding of~~
294 ~~waste that is generated on the site or at other sites owned, controlled or~~
295 ~~operated by the same person, other than livestock and landscape waste,~~
296 ~~and construction and demolition debris; or~~

297
298 ~~stores or accumulates at any time more than 25,000 but not more than~~
299 ~~75,000 pounds above ground, or more than 2,500 but not more than 7,500~~
300 ~~pounds below ground, of any hazardous substances; or~~
301

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

~~stores or accumulates pesticides, fertilizers, or road oils for purposes of commercial application or for distribution to retail sales outlets; or~~

~~stores or accumulates at any time more than 50,000 pounds of any de-icing agent; or~~

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

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

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

"Setback zone" means a geographic area, designated pursuant to (the) Act, containing a potable water supply well or a potential source or potential route, having a continuous boundary, and within which certain prohibitions or regulations are applicable in order to protect groundwaters. [415 ILCS 5/[3.4503.61](#)]

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

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

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

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

370
371
372 **Section 617.110 Incorporation by Reference**

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

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

379
380 40 CFR 302.1 through 302.8 ([2017](#)).

381
382 b) This [SectionPart](#) 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~~ by the Board.

390
391 (Source: Amended at 46 Ill. Reg. _____, effective _____)
392

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~~ 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~~ 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~~ 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~~ 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~~ 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 under ~~pursuant 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.

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- 517
518 i) Within 30 days after receiving the Agency's written statement under subsections
519 (h)(1) or (h)(2), the ~~The~~ owner or operator of the facility may, ~~within 30 days,~~
520 respond to ~~the~~ a 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 ~~under~~ pursuant 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 under ~~pursuant to~~ the procedures set forth in 35 Ill. Adm. Code 105.

536
537 (Source: Amended at 46 Ill. Reg. _____, effective _____)

538
539 **Section 617.130 Technology Control Regulations**

540
541 The standards and requirements of 35 Ill. Adm. Code 615, ~~35 Ill. Adm. Code 616~~, 8 Ill. Adm.
542 Code 257, or 77 Ill. Adm. Code 830 apply to the following existing and new activities if the
543 ~~when those~~ activities are located wholly or partially within 2,500 feet of the wellheads and are
544 located or take place within a regulated recharge area:

- 545
- 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

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

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

Section 617.135 Abandoned and Improperly Plugged Well Assistance Program

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

- a) The Department of Natural Resources and Department of Public Health must develop educational materials on the requirements for properly plugging abandoned water supply wells within a regulated recharge area.
- b) The Department of Natural Resources and the Department of Public Health must work ~~with~~^{within} a school district to develop, and implement an educational program utilizing the materials developed under subsection (a) ~~of this Section~~ on the requirements for properly plugging abandoned water supply wells within, or within the service area, of the water supply within a regulated recharge area.
- c) The water supply associated with a regulated recharge area will distribute the educational materials developed under subsection (a) ~~of this Section~~ to the water users within the service area.
- d) The Department of Natural Resources must work with a school district in the service area associated with a regulated recharge area to develop and implement groundwater protection information on the proper plugging requirements of abandoned water supply wells.

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

Section 617.140 Recharge Area Road Sign Posting

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

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

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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.~~~~USE~~ 9601, et seq.); Sections 3004 and 3008 of the
640 Resource Conservation and Recovery Act (42 ~~U.S.C.~~~~USE~~ 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.

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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.

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

Section 617.225 Training Program for Potential Tertiary Sources

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- 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 _____)