

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE F: PUBLIC WATER SUPPLIES
CHAPTER I: POLLUTION CONTROL BOARD
PART 617
REGULATED RECHARGE AREAS

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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 R 96-18, at 21 Ill. Reg. 6569, effective May 8, 1997, amended in R00-17 at 25 Ill. Reg. 10350, effective September 1, 2001; amended at __ Ill. Reg. _____, effective _____.

NOTE: Italicization denotes statutory language.

SUBPART A:GENERAL

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 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 5/3.1103-77]

“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:

air conditioning return flow wells used to return to the supply aquifer the water used for heating or cooling in a heat pump;

cesspools, including multiple dwelling, community or regional cesspools, or other devices that receive wastes, which have an open bottom and sometimes have perforated sides. The Underground Injection Control (UIC) requirements do not apply to single family residential cesspools nor to non-residential cesspools that receive

solely sanitary wastes and have the capacity to serve fewer than 20 persons a day;

cooling water return flow wells used to inject water previously used for cooling;

drainage wells used to drain surface fluid, primarily storm runoff, into a subsurface formation;

dry wells used for the injection of wastes into a subsurface formation;

recharge wells used to replenish the water in an aquifer;

salt water intrusion barrier wells used to inject water into a fresh water aquifer to prevent the intrusion of salt water into the fresh water;

sand backfill and other backfill wells used to inject a mixture of water and sand, mill tailings, or other solids into mined out portions of subsurface mines whether or not what is injected is a radioactive waste;

septic system wells used to inject the waste or effluent from a multiple dwelling, business establishment, community, or regional business establishment septic tank. The UIC requirements do not apply to single family residential septic system wells that are used solely for the disposal of sanitary waste and have the capacity to serve fewer than 20 persons a day;

subsidence control wells (not used for the purpose of oil or natural gas production) used to inject fluids into a non-oil or -gas producing zone to reduce or eliminate subsidence associated with the overdraft of fresh water;

radioactive waste disposal wells other than Class IV;

injection wells associated with the recovery of geothermal energy for heating, aquaculture, and production of electric power;

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 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.

“Municipal solid waste landfill unit” or “MSWLF Unit” means a contiguous area of land or an excavation that receives household waste, and is not a land application unit, surface impoundment, injection well, or any pile of noncontainerized accumulations of solid, nonflowing waste that is used for treatment or storage. A MSWLF unit may also receive other types of RCRA Subtitle D wastes, such as commercial solid waste,

nonhazardous sludge, small quantity generator waste and industrial solid waste. Such a landfill may be publicly or privately owned. A MSWLF unit may be a new MSWLF unit, an existing MSWLF unit, or a lateral expansion. A sanitary landfill is subject to regulation as a MSWLF unit if it receives household waste. [415 ILCS 5/3.2853-85]

“New Major Potential Source” means:

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

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

a major potential source that is part of a facility that undergoes major reconstruction. Such reconstruction shall be 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 as of September 1, 2001.

“New Potential Primary Source” means:

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

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

a potential primary source which is part of a facility that undergoes major reconstruction. Such reconstruction shall be 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. [415 ILCS 5/3.3453-59]

“New Potential Route” means:

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

a potential route which expands laterally beyond the currently permitted boundary or, if the potential route is not permitted, the boundary in existence as of January 1, 1988. [415 ILCS 5/3.3503-58]

“New Potential Secondary Source” means:

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

a potential secondary source which expands laterally beyond the currently permitted boundary or, if the secondary source is not permitted, the boundary in existence as of July 1, 1988, other than an expansion for handling of livestock waste or for treating domestic wastewaters; or

a potential secondary source which is part of a facility that undergoes major reconstruction. Such reconstruction shall be 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 [415 ILCS 5/3.3553-60]; or

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

“New Potential Tertiary Source of Groundwater Contamination” means:

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

a Potential Tertiary Source that expands laterally beyond the currently permitted boundary or, if the tertiary source is not

permitted, the boundary in existence as of September 1, 2001; or

a Potential Tertiary Source that is part of a facility that undergoes major reconstruction after September 1, 2001. Such reconstruction shall be 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 5/3.3453-59]

“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 5/3.3503-58]

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

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 5/3.4503-64]

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

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

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

(Source: Amended at __ 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 exits a regulated recharge area.

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