ILLINOIS POLLUTION CONTROL BOARD
June 17, 2021

IN THE MATTER OF:	)	
	)	
AMENDMENTS TO 35 ILL. ADM. CODE	)	R18-26
SUBTITLE F: PUBLIC WATER SUPPLY	)	(Rulemaking – Public Water Supply)

ADDENDUM

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

PART 601
INTRODUCTION

Section
601.101 General Requirements
601.102 Applicability
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601.104 Analytical Testing
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601.APPENDIX ~~Appendix~~ A References to Former Rules

AUTHORITY: Implementing Section 17 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/17 and 27].

SOURCE: Filed with Secretary of State January 1, 1978; amended at 2 Ill. Reg. 36, p. 72, effective August 29, 1978; amended at 3 Ill. Reg. 13, p. 236, effective March 30, 1979; amended and codified at 6 Ill. Reg. 11497, effective September 14, 1982; amended at 6 Ill. Reg. 14344, effective November 3, 1982; amended in R84-12 at 14 Ill. Reg. 1379, effective January 8, 1990; amended in R89-5 at 16 Ill. Reg. 1585, effective January 10, 1992; amended in R96-18 at 21 Ill. Reg.6537, effective May 8, 1997; amended in R15-22 at 40 Ill. Reg. 6784, effective April 15, 2016; amended in R18-17 at 43 Ill. Reg. 8016, effective July 26, 2019; amended in R18-26 at 45 Ill. Reg. _____, effective _____.

Section 601.101 General Requirements

a) Owners and official custodians of a public water supply in the State of Illinois must provide, under the Act, Board Rules, and the Safe Drinking Water Act (42 USC 300f et seq.), 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.

b) Finished Water Quality

1) The finished water delivered to any user at any point in the distribution system must contain no impurity at a concentration that may be hazardous to the health of the consumer or that would be excessively corrosive or otherwise deleterious to the water supply. Drinking water delivered to any user at any point in the distribution system must contain no impurity that could reasonably be expected to cause offense to the sense of sight, taste, or smell.

2) Any ~~No~~ substance used in treatment must not ~~should~~ remain in the water at a concentration greater than that required by good practice. A substance that may have a deleterious physiological effect, or one for which physiological effects are not known, must not be used in a manner that would permit it to reach the consumer.

3) Concentrations of constituents in finished water must not exceed the secondary MCLs listed in the following chart: ~~should not be exceeded in the finished water.~~

Contaminant	**Secondary MCL**	**Noticeable Effects above the Secondary MCL**
Aluminum	0.2 mg/L	colored water
Chloride	250 mg/L	salty taste
Color	15 color units	visible tint
Copper	1 mg/L	metallic taste; blue-green staining
Fluoride	2.0 mg/L	tooth discoloration
Foaming Agents	0.5 mg/L	frothy, cloudy; bitter taste; odor
Iron	0.3 mg/L	rusty color; sediment; metallic taste; reddish or orange staining
Manganese	0.05 mg/L	black to brown color; black staining; bitter metallic taste
Odor	3 T.O.N. (Threshold Odor Number)	"rotten-egg", musty or chemical smell

Silver	0.1 mg/L	skin discoloration; graying of the white part of the eye
Sulfate	250 mg/L	salty taste
Total Dissolved Solids	500 mg/L	hardness; deposits; colored water; staining; salty taste

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 601.102 Applicability

a) This Subtitle applies ~~The provisions of this Chapter shall apply~~ to groundwater and public water supplies, except for those designated as non-community water supplies. A public water supply ends ~~shall be considered to end~~ at each service connection.

b) The rules ~~Board regulations~~ in this Subtitle ~~adopted in this Chapter~~ are organized as follows: ~~provided in this Section.~~

1) Part 601 contains definitions, analytical testing requirements, and incorporations by reference applicable to Parts 601, 602~~,~~ and 603 ~~and 607~~.

2) Part 602 contains permitting requirements and standards for community water supplies and technical, financial and managerial capacity requirements for new community water supplies.

3) Part 603 contains ownership and responsible personnel requirements for community water supplies.

~~4)~~ ~~Part 607 contains requirements for emergency operation and cross-connection control.~~

4~~5~~) Part 611 contains regulations identical in substance with federal regulations promulgated by the United States Environmental Protection Agency (USEPA) under ~~pursuant to~~ Sections 1412(b), 1414(c), 1417(a) and 1445(a) of the Safe Drinking Water Act (SDWA) (42 USC 300g-1(b), 300g-3(c), 300g-6(a) and 300j-4(a)). Part 611 establishes primary drinking water regulations and includes definitions and incorporations by reference applicable to Part 611.

5~~6~~) Part 615 contains requirements and standards for the protection of groundwater for certain types of existing facilities or units located wholly

or partially within a setback zone or a regulated recharge area. Part 615 includes definitions and incorporations by reference applicable to Part 615.

6~~7~~) Part 616 contains requirements and standards for the protection of groundwater for certain types of new facilities or units located wholly or partially within a setback zone or a regulated recharge area. Part 616 includes definitions applicable to Part 616.

7~~8~~) Part 617 contains the requirements and standards for regulated recharge areas. Part 617 includes definitions and an incorporation by reference applicable to Part 617.

8~~9~~) Part 618 contains requirements and standards for maximum setback zones. Part 618 includes definitions applicable to Part 618.

9~~10~~) Part 620 contains the method of classification of groundwater, nondegradation provisions, the groundwater quality standards, and procedures and protocols for the management and protection of groundwater. Part 620 includes definitions and incorporations by reference applicable to Part 620.

(Source: Amended at 45 Ill. Reg._____, effective _____)

Section 601.103 Severability

If any provision of these rules ~~or regulations~~ is adjudged invalid, or if the application ~~thereof~~ to any person or in any circumstance is adjudged invalid, the ~~such~~ invalidity will ~~shall~~ not affect the validity of this Subtitle ~~Chapter~~ as a whole, or any other part, sub-part, sentence or clause will ~~thereof~~ not be adjudged invalid.

(Source: Amended at 45 Ill. Reg._____, effective _____)

Section 601.104 Analytical Testing

a) To determine compliance with the community water supplies rules and regulations ~~(35 Ill. Adm. Code.Subtitle F)~~, all sampling, monitoring and testing must ~~shall~~ be made according to the methods described in 35 Ill. Adm. Code 611, the National Primary Drinking Water Regulations (40 CFR 141), and any other method specifically approved by the Agency.

b) All analyses for substances other than those listed in 35 Ill. Adm. Code 611 must be performed by methods acceptable to the Agency.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 601.105 Definitions

a) For purposes of 35 Ill. Adm. Code 601, 602, 603 and 604, unless a different meaning of a word or term is clear from the context:

"Act" means the Environmental Protection Act [415 ILCS 5].

"Agency" means the Illinois Environmental Protection Agency.

"Air Gap" means the unobstructed vertical distance through the free atmosphere between the water discharge point and the flood level rim of the receptacle.

"Atmospheric Vacuum Breaker" means a device designed to admit atmospheric pressure into a piping system whenever a vacuum is caused on the upstream side of the receptacle.

"Aquifer Property Data" means the porosity, hydraulic conductivity, transmissivity and storage coefficient of an aquifer, head and hydraulic gradient.

"Board" means the Illinois Pollution Control Board.

"Boil Order" means a notice to boil all drinking and culinary water for at least five minutes before use, issued by the proper authorities to the consumers of a public water supply affected, whenever the water being supplied may have become microbiologically contaminated.

"Certified Laboratory" means any laboratory certified under Section 4(o) of the Act, or certified by USEPA for the specific parameters to be examined.

"Chlorine"

"Chlorine Demand" means the difference between the amount of chlorine applied to a given water and the amount of total available chlorine remaining at the end of the contact period. All test conditions (contact time, pH and temperature) must be given, expressing the chlorine demand in a given water.

"Combined Chlorine" means the reaction product formed when chlorine has reacted with ammonia to form chloramines.

"Free Chlorine" means the residual chlorine existing in water as the sum of hypochlorous acid and hypochlorite ion.

"Total Chlorine" means the sum of the free chlorine and the combined chlorine.

"Community Water Supply" or "CWS" means *a public water supply which serves or is intended to serve at least 15 service connections used by residents or regularly serves at least 25 residents*. [415 ILCS 5/3.145] ~~(Section 3.145 of the Act)~~

"Confined Geologic Formations" are geologic water bearing formations protected against the entrance of contamination by other geologic formations.

"Conventional Filtration Treatment" means a series of processes, including coagulation, flocculation, sedimentation, and filtration resulting in substantial particulate removal.

"Cross-connection" means any physical connection or arrangement between two otherwise separate piping systems where flow from one system to the other is possible.

"CT" or "CT_{calc}" is the product of "residual disinfectant concentration" (RDC or C) in mg/L determined before or at the first customer, and the corresponding "disinfectant contact time" (T) in minutes. If a supplier applies disinfectants at more than one point prior to the first customer, it must determine the CT of each disinfectant sequence before or at the first customer to determine the total percent inactivation or "total inactivation ratio". In determining the total inactivation ratio, the supplier must determine the RDC of each disinfection sequence and corresponding contact time before any subsequent disinfection application points.

"Disinfectant" means any agent, including chlorine, chlorine dioxide, chloramines, and ozone, added to water in any part of the treatment or distribution process, that is intended to kill or inactivate pathogenic microorganisms.

"DPD Method" means an analytical method for determining chlorine residual utilizing the reagent DPD (n-diethyl-p-phenylenylenediamine).

"Effective External Linkage" is the ability of a water system to communicate and exchange information with water customers, regulators, technical and financial assistance organizations, and other entities that routinely interact with the water system.

"Groundwater" means *underground water which occurs within the saturated zone and geologic materials where the fluid pressure in the pore*

space is equal to or greater than atmospheric pressure. [415 ILCS 5/3.210] ~~(Section 3.210 of the Act)~~

"Head" means the sum of the elevation head, pressure head and velocity head at a given point in an aquifer.

"Hydraulic Conductivity" means the rate of flow in gallons per day (gpd) through a cross section of one square foot (ft^2) under a unit hydraulic gradient (gpd/ft^2).

"Hydraulic Gradient" means the rate of change of total head per unit distance of flow in a given direction.

"Infrastructure" means all mains, pipes and structures through which water is obtained and distributed to the public, including wells and well structures, intakes and cribs, pumping stations, treatment plants, reservoirs, storage tanks and appurtenances, collectively or severally, actually used or intended to be used for the purpose of furnishing water for drinking or general domestic use.

"Interconnection" means a physical connection between two or more community water supply systems.

"Maximum Average Daily Demand" or "Maximum Demand" means highest average daily production over seven consecutive days.

"New Community Water Supply" means, beginning after October 1, 1999, all new community water supplies and those water supplies that expand their infrastructure to serve or intend to serve at least 15 service connections used by residents or regularly serves at least 25 residents. Any water supply not currently a community water supply that adds residents so that the total served is 25 residents or more without constructing additional infrastructure will become a community water supply, but will not be required to demonstrate capacity under 35 Ill. Adm. Code 602.103 unless the community water supply is on restricted status as required by 35 Ill. Adm. Code 602.106.

"Non-community Water Supply" means *a public water supply that is not a community water supply*. [415 ILCS 5/3.145] ~~(Section 3.145 of the Act)~~

"Official Custodian" means *an individual who is an* officer of an *entity that* is the owner of a *community* water supply *and acts as the owner's agent in matters concerning the community water supply*. [415 ILCS 45/9.4]

"Porosity" means the percentage of the bulk volume of a rock or soil that is occupied by interstices, whether isolated or connected, as defined by the

ratio of the pore volume to the total volume of a representative sample of the medium.

"Public Water Supply" means *all mains, pipes and structures through which water is obtained and distributed to the public, including wells and well structures, intakes and cribs, pumping stations, treatment plants, reservoirs, storage tanks and appurtenances, collectively or severally, actually used or intended for use for the purpose of furnishing water for drinking or general domestic use and which serve at least 15 service connections or which regularly serve at least 25 persons at least 60 days per year.* [415 ILCS 5/3.365] ~~(Section 3.365 of the Act)~~

"Responsible Operator in Charge" means *an individual who is designated as a Responsible Operator in Charge of a community water supply* under Section 1 of the Public Water Supply Operations Act [415 ILCS 45/1] and 35 Ill. Adm. Code 603. [415 ILCS 45/9.6]

"Satellite Supply" means any community water supply that:

purchases all finished water from another community water supply;

does not provide any treatment other than chlorination or corrosion control; and

distributes finished water to the consumers.

"Sell Water" means to deliver or provide potable water, obtained from a public water supply subject to these regulations, to the consumer, who is then individually or specifically billed for water service, or where any monetary assessment is levied or required and specifically used for water service. Water supply facilities owned or operated by political subdivisions, homeowners' associations, and not-for-profit associations, as well as privately owned utilities regulated by the Illinois Commerce Commission, are considered to sell water whether or not a charge is specifically made for water.

"SEP" means special exception permit.

"Service Connection" is the opening, including all fittings and appurtenances, at the water main through which water is supplied to the user through a water service line.

"Storage Coefficient" means the volume of water an aquifer releases from or takes into storage per unit surface area of the aquifer per unit change in head.

"Surface Water" means all tributary streams and drainage basins, including natural lakes and artificial reservoirs, which may affect a specific water supply above the point of water supply intake.

"Surface Water Supply Source" means any surface water used as a water source for a public water supply.

"Supply" means a community water supply.

"Transmissivity" means the rate in gallons per minute (gpm), at which water is transmitted horizontally through a unit width by the total saturated thickness of an aquifer, in feet (ft), under a unit hydraulic gradient (gpm/ft).

"Water Main" means any pipe for the purpose of distributing potable water that serves or is accessible to more than one property, dwelling or rental unit and is exterior to buildings.

"Water Service Line" means any pipe from the water main or source of potable water supply that serves or is accessible to not more than one property, dwelling or rental unit of the user.

"Well Hydraulics" means equations that are applied to understand the effect that a pumping well structure has on inducing the movement of water through permeable rock formations and certain aquifer properties to determine the rate of withdrawal of the well. This term is inclusive of equations that quantify wellbore skin effects/well loss.

"Wellhead Protection Area" or "WHPA" means the surface and subsurface recharge area surrounding a community water supply well or well field, delineated outside of any applicable setback zones (under Section 17.1 of the Act) established under Illinois' Wellhead Protection Program, through which contaminants are reasonably likely to move toward the well or well field.

"Wellhead Protection Measures" means management practices needed to mitigate existing and future threats to the water quality within the delineated WHPA.

"Wellhead Protection Program" means the Wellhead Protection Program for the State of Illinois, approved by USEPA under section 1428 of the SDWA (42 USC 300h-7).

b) Terms not specifically defined in subsection (a), will have the meanings ascribed in 35 Ill. Adm. Code 611.

c) Terms not specifically defined in subsection (a) or (b) will have the meanings specified in The Water Dictionary, incorporated by reference in Section 601.115.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 601.115 Incorporations by Reference

a) Abbreviations and Short-name Listing of References. The following names and abbreviated names are used in this Subtitle ~~Chapter I~~ to refer to materials incorporated by reference:

"ANSI" means those standards published by American National Standards Institute.

"ASME" means the American Society of Mechanical Engineers.

"ASTM" means those standards published by American Society for Testing and Materials.

"AWWA" means those standards published by the American Water Works Association.

"NSF" means those standards published by the National Science Foundation International.

"Recommended Standards" means "Recommended Standards for Water Works − Policies for the Review and Approval of Plans and Specifications for Public Water Supplies".

b) The Board ~~Agency~~ incorporates the following materials by reference:

ASME. American Society of Mechanical Engineers, Two Park Avenue, New York NY 10016, (800) 843-2763, www.asme.org.

ASME BPVC-VIII-1-2015, Boiler & Pressure Vessel Code (BPVC), Section VIII—Rules for Construction of Pressure Vessels, Division 1: Rules for Construction and Pressure Vessels, 2015.

ASTM. American Society for Testing and Materials, 100 Barr Harbor Drive, PO Box C700, West Conshohocken PA 19428-2959, (610)832-9500.

ASTM C 76-16, Standard Specification for Reinforced Concrete Culvert, Storm Drain, and Sewer Pipe, approved November 1, 2016.

ASTM C 361-16, Standard Specification for Reinforced Concrete Low-Head Pressure Pipe, approved September 1, 2016.

ASTM C 443-12, Standard Specification for Joints for Concrete Pipe and Manholes, Using Rubber Gaskets, approved September 1, 2012.

ASTM D 1784-11, Standard Specification for Rigid Poly(Vinyl Chloride) (PVC) Compounds and Chlorinated Poly(Vinyl Chloride) (CPVC) Compounds, approved May 1, 2011.

ASTM D 1785-15, Standard Specification for Poly(Vinyl Chloride) (PVC) Plastic Pipe, Schedules 40, 80, and 120, approved August 1, 2015.

ASTM D 2241-09, Standard Specification for Poly(Vinyl Chloride) (PVC) Pressure-Rated Pipe (SDR Series), approved December 1, 2009.

ASTM D 2464-15, Standard Specification for Threaded Poly(Vinyl Chloride) (PVC) Plastic Pipe Fittings, Schedule 80, approved March 1, 2015.

ASTM D 2466-15, Standard Specification for Poly(Vinyl Chloride) (PVC) Plastic Pipe Fittings, Schedule 40, approved March 1, 2015.

ASTM D 2467-15, Standard Specification for Poly(Vinyl Chloride) (PVC) Plastic Pipe Fittings, Schedule 80, approved March 1, 2015.

ASTM D 2564-12, Standard Specification for Solvent Cements for Poly(Vinyl Chloride) (PVC) Plastic Piping Systems, approved August 1, 2012.

ASTM D 3139-11, Standard Specification for Joints for Plastic Pressure Pipes Using Flexible Elastomeric Seals, February 1, 2011.

ASTM F 437-15, Standard Specification for Threaded Chlorinated Poly(Vinyl Chloride) (CPVC) Plastic Pipe Fittings, Schedule 80, approved March 1, 2015.

ASTM F 438-15, Standard Specification for Socket-Type Chlorinated Poly(Vinyl Chloride) (CPVC) Plastic Pipe Fittings, Schedule 40, approved March 1, 2015.

ASTM F 439-13, Standard Specification for Chlorinated Poly (Vinyl Chloride) (CPVC) Plastic Pipe Fittings, Schedule 80, approved August 1, 2013.

ASTM F 441/F 441M–15, Standard Specification for Chlorinated Poly(Vinyl Chloride) (CPVC) Plastic Pipe, Schedules 40 and 80, approved August 1, 2015.

ASTM F 442/F 442M-13, Standard Specification for Chlorinated Poly(Vinyl Chloride) (CPVC) Plastic Pipe (SDR–PR), approved June 1, 2013.

ASTM F 477-14, Standard Specification for Elastomeric Seals (Gaskets) for Joining Plastic Pipe, approved September 15, 2014.

ASTM F 493-14, Standard Specification for Solvent Cements for Chlorinated Poly (Vinyl Chloride) (CPVC) Plastic Pipe and Fittings, approved November 1, 2014.

ASTM F 1216-16, Standard Practice for Rehabilitation of Existing Pipelines and Conduits by the Inversion and Curing of a Resin-Impregnated Tube, approved August 1, 2016.

AWWA. American Water Works Association et al., 6666 West Quincy Ave., Denver CO 80235, (303)794-7711.

AWWA A100-06, Water Wells, approved February 2, 2006, effective August 1, 2006.

AWWA B100-09, Granular Filter Material, approved January 25, 2009, effective March 1, 2010.

AWWA C151/A21.51-09, Ductile-Iron Pipe, Centrifugally Cast, approved January 25, 2009, effective September 1, 2009.

AWWA C200-12, Steel Water Pipe, 6 In. (150 mm) and Larger, approved June 10, 2012, effective September 1, 2012.

AWWA C301-07, Prestressed Concrete Pressure Pipe, Steel-Cylinder Type, approved January 21, 2007, effective June 1, 2007.

AWWA C651-05, Disinfecting Water Mains, approved January 16, 2005, effective June 1, 2005.

AWWA C652-11, Disinfection of Water Storage Facilities, approved June 12, 2011, effective October 1, 2011.

AWWA C653-03, Disinfection of Water Treatment Plants, approved January 19, 2003, effective June 1, 2003.

AWWA C654-03, Disinfection of Wells, approved January 19, 2003, effective November 1, 2003.

AWWA C900-07 Polyvinyl Chloride (PVC) Pressure Pipe and Fabricated Fittings, 4 In. Through 12 In. (100 mm Through 300 mm), for Water Transmission and Distribution, 2007.

AWWA C905-10, Polyvinyl Chloride (PVC) Pressure Pipe and Fabricated Fittings, 14 In. Through 48 In. (350 mm Through 1,200 mm), approved January 17, 2010, effective April 1, 2010.

AWWA C906-07 Polyethylene (PE) Pressure Pipe and Fittings, 4 In. (100 mm) Through 63 In. (1,600 mm) for Water Distribution and Transmission, 2007.

AWWA C907-12 Injection-Molded Polyvinyl Chloride (PVC) Pressure Fittings, 4 In. Through 12 In. (100 mm Through 300 mm), for Water, Wastewater, and Reclaimed Water Service, effective March 1, 2012.

AWWA C909-09 Molecularly Oriented Polyvinyl Chloride (PVCO) Pressure Pipe, 4 In. through 24 In. (100 mm through 600 mm) for Water, Wastewater, and Reclaimed Water Service, effective March 1, 2010.

AWWA D100-11, Welded Carbon Steel Tanks for Storage, approved January 23, 2011, effective July 1, 2011.

AWWA D103-09, Factory Coated Bolted Carbon Steel Tanks for Water Storage, approved January 25, 2009, effective November 1, 2009.

AWWA D107-10, Composite Elevated Tanks for Water Storage, approved January 17, 2010, effective December 1, 2010.

"Improving Clearwell Design for CT Compliance" (1999).

"The Water Dictionary", 2nd Edition, 2010.

The Chlorine Institute, 1300 Wilson Boulevard, Suite 525, Arlington VA 22209, (703) 894-4140, pubs@CL2.com.

Pamphlet 6: Piping Systems for Dry Chlorine, Edition 16, March 2013.

NSF. National Sanitation Foundation International, 3475 Plymouth Road, PO Box 130140, Ann Arbor MI 48113-0140, (734)769-8010.

NSF/ANSI 14-2012 Plastics Piping System Components and Related Materials, March 2013.

NFS/ANSI 60-2013 Drinking Water Treatment Chemicals − Health Effects, April 2014.

NSF/ANSI 61-2013 Drinking Water System Components − Health Effects, March 2014.

NSF/ANSI 372-2011 Drinking Water System Components—Lead Content, July 2013.

"Recommended Standards for Water Works – Policies for the Review and Approval of Plans and Specifications for Public Water Supplies", 2012 Edition, Great Lakes − Upper Mississippi River Board of State and Provincial Public Health and Environmental Managers, Health Research Inc., Health Education Services Division, PO Box 7126, Albany NY 12224, (518)439-7286.

"Standard Specifications for Water and Sewer Main Construction in Illinois", 7th Edition, 2014, Illinois Society of Professional Engineers, 100 East Washington Street, Springfield IL 62701, (217)544-7424.

USEPA, NSCEP. United States Environmental Protection Agency, National Service Center for Environmental Publications, P.O. Box 42419, Cincinnati, OH 45242-0419 (accessible on-line and available by download from http://www.epa.gov/nscep/).

Disinfection Profiling and Benchmarking Guidance Manual, August 1999, EPA 815-R-99-013.

Optimal Corrosion Control Treatment Evaluation Technical Recommendations for Primacy Agencies and Public Water Systems, March 2016, EPA 816-B-16-003.

c) No later amendments to or editions of the materials listed in subsection (b) are incorporated.

(Source: Amended at 45 Ill. Reg._____, effective _____)

Section 601.APPENDIX A References to Former Rules

The following table is provided to aid in referencing former Board rule numbers to section numbers under ~~pursuant to~~ codification.

Chapter 6: Public Water Supplies
35 Ill. Adm. Code Part 601
Part I: Introduction

Rule 101	Section 601.101
Rule 102	Deleted
Rule 103	Deleted
Rule 104	Section 601.105
Rule 105	Section 601.104
Rule 106	Section 601.102
Rule 107	Section 601.103

(Source: Amended at 45 Ill. Reg._____, effective _____)

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

PART 602
PERMITS

SUBPART A: GENERAL PERMIT PROVISIONS

Section

SUBPART B: CONSTRUCTION PERMITS

Section

SUBPART C: OPERATING PERMITS

SUBPART D: ALGICIDE PERMITS

SUBPART E: OTHER AQUATIC PESTICIDE PERMITS

SUBPART F: SPECIAL EXCEPTION PERMITS

AUTHORITY: Implementing Section 17 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5].

SOURCE: Filed with Secretary of State January 1, 1978; amended and codified at 6 Ill. Reg. 11497, effective September 14, 1982; amended at 8 Ill. Reg. 2157, effective February 7, 1984; emergency amendment at 9 Ill. Reg. 13371, effective August 16, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 7337, effective April 22, 1986; amended in R96-18 at 21 Ill. Reg. 6562, effective May 8, 1997; amended in R03-21 at 27 Ill. Reg.18030, effective November 12, 2003; amended in R15-22 at 40 Ill. Reg. 6799, effective April 15, 2016; amended in R18-17 at

43 Ill. Reg. 8036, effective July 26, 2019; amended in R18-26 at 45 Ill. Reg._____, effective _____.

SUBPART A: GENERAL PERMIT PROVISIONS

Section 602.101 Purpose

The purpose of this Part is to establish ~~and enforce~~ minimum standards for the permitting of community water supplies. The definitions in 35 Ill. Adm. Code 601.105 apply to this Part.

a) No person shall *construct, install, or operate a community water supply without a permit granted by the Agency*. [415 ILCS 5/18(a)(3)]

b) *Owners are required to submit plans and specifications to the Agency and obtain written approval before construction, installation, changes or additions to a community water supply,* except as provided in Section 602.104. [415 ILCS 5/15(a)].

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 602.104 Emergency Permits

a) Whenever emergency conditions require immediate action, the Agency may issue construction and operating permits by telephone to the owner, official custodian, or Responsible Operator in Charge, with whatever special conditions the Agency deems to be necessary for the proper safeguarding of the health of the water consumers.

b) Emergency conditions are hazards or threats to public health caused by:

1) accidents;

2) equipment failures;

3) human error; or

4) natural disasters.

c) The Agency must ~~shall~~ confirm to a permit applicant, in writing, within 10 days after issuance, its granting of an emergency permit. The confirmation will be conditioned upon the receipt and approval, by the Agency, of as-built plans and specifications.

d) As-built plans and specifications covering the work performed under the emergency permit and any information required by special conditions in the

emergency permit must be submitted to the Agency within 60 days after issuance of the emergency permit, unless otherwise stated by the Agency in writing.

e) The Agency may request that the community water supply make modifications after review of the as-built plans and specifications covering the work performed under the emergency permit. Modifications must be made within 90 days after the Agency's written request, unless otherwise stated by the Agency.

f) The Agency can be contacted by calling:

1) Bureau of Water, Division of Public Water Supplies Permit Section (217/782-1724); or

2) after normal business hours, the State emergency number (217/782-3637 (STA-EMER) or 800/782-7860).

g) *Each applicant for an emergency permit to install or extend a water main must submit the appropriate fee*, as specified in Section 16.1 of the Act, *to the Agency within 10 calendar days from the date of issuance of the emergency construction permit*. [415 ILCS 5/16.1]

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 602.105 Standards for Issuance

a) Construction Permits and Operating Permits

1) The Agency must not issue any construction or operating permit required by this Part unless the applicant submits adequate proof that the community water supply will be constructed, modified or operated so as not to cause a violation of the Act or Board rules.

2) Except as provided in subsection (a)(3), the Agency must not issue any construction or operating permit required by this Part unless the applicant submits adequate proof that the community water supply facility conforms to the following design criteria. When the design criteria in the documents listed in this subsection (a)(2) conflict, the applicant must comply with the design criteria listed in subsection (a)(2)(A).

A) Criteria promulgated by the Board under 35 Ill. Adm. Code 604;

B) Recommended Standards for Water Works, incorporated by reference at 35 Ill. Adm. Code 601.115; and

C) AWWA, ASTM, ANSI or NSF standards incorporated by reference at 35 Ill. Adm. Code 601.115.

3) When the documents listed in subsection (a)(2) do not provide design criteria for the proposed community water supply facility, the Agency must not issue the construction or operating permit unless the applicant submits adequate proof that the community water supply facility conforms to other design criteria that will produce consistently satisfactory results. When necessary for adequate proof, the Agency may require a pilot study.

4) The Agency must not issue any construction permit required by this Part unless the applicant submits proof that all plan and specification documents required by this Section and Subpart B have been prepared by a person licensed under the Illinois Architecture Practice Act [225 ILCS 305], the Illinois Professional Engineering Practice Act [225 ILCS 325], the Illinois Structural Engineering Licensing Act [225 ILCS 340], or, for site and groundwater conditions, under the Professional Geologist Licensing Act [225 ILCS 745], or any required combination of these Acts.

5) The Agency must not issue a construction permit unless the community water supply has filed a notification of ownership under 35 Ill. Adm. Code 603.101.

6) The existence of a violation of the Act, Board regulation, or Agency regulation will not prevent the issuance of a construction permit if:

A) the applicant has been granted a variance or an adjusted standard from the regulation by the Board;

B) the permit application is for construction or installation of equipment to alleviate or correct a violation;

C) the permit application is for a water main extension to serve existing residences or commercial facilities when the permit applicant can show that those residences or commercial facilities are being served by a source of water of a quality or quantity that violates the primary drinking water standards of 35 Ill. Adm. Code 611; or

D) the Agency determines the permit application is for construction or installation of equipment necessary to produce water that is assuredly safe, as required by 35 Ill. Adm. Code 601.101.

b) Algicide or Aquatic Pesticide Permit

The Agency must not issue an algicide or pesticide permit required by this Part unless the applicant submits adequate proof that the application of the algicide or aquatic pesticide will not cause a violation of the Act, Board <u>rule</u> ~~regulation~~, or Agency regulation.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 602.106 Restricted Status

a) Restricted status is defined as the Agency determination, under Section 39(a) of the Act and Section 602.105, that a community water supply facility, or portion of ~~thereof~~, may no longer be issued a construction permit without causing a violation of the Act or Board or Agency rules. Violations of Board rules that can result in a restricted status determination include regulations establishing maximum contaminant levels, treatment techniques, source water quantity requirements, treatment unit loading rates, storage volume requirements, and minimum pressure for a distribution system.

1) When the Agency cannot issue a construction permit to a community water supply because that issuance would extend an existing violation of the Act or Board or Agency rules, the Agency must place the community water supply on restricted status.

2) Except as specified in Section 602.105(a)(6), the Agency must not issue a permit for water main extension construction when the water main would extend an existing violation of the Act or Board or Agency rules.

b) The Agency must publish on its website and in the Environmental Register and update, at intervals of not more than three months, a comprehensive list of community water supplies subject to restrictive status. This list will be entitled the "Restricted Status List".

c) The Agency must notify the owners or official custodian and Responsible Operator in Charge of a community water supply when the community water supply is initially placed on restricted status by the Agency.

d) The restricted status list must include a statement of the potential or existing violation of the Act or Board regulations that caused the community water supply's inclusion on the list.

e) Owners or official custodians of community water supplies that have been placed on restricted status must notify any person requesting construction of a water main extension of this status.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 602.107 Critical Review

a) The Agency must publish in the Environmental Register and on its webpage, at the same frequency as the Restricted Status List under Section 602.106(b), a list

of those community water supplies that Agency records indicate exceed 80 percent of the rate of any of the quantity requirements in the Board's or Agency's rules. This list will be entitled the "Critical Review List".

b) The Critical Review List must include a description of the cause of the community water supply's inclusion on the list.

c) The Agency must notify the owner or official custodian and the Responsible Operator in Charge of the community water supply when the community water supply is initially placed on critical review status by the Agency.

d) Owners or official custodians of community water supplies that have been placed on critical review status must notify of this status any person requesting construction of a water main extension.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 602.108 Right of Inspection

The permittee must allow the Agency and its duly authorized representatives to perform inspections as authorized by ~~in accordance with its authority under~~ the Act, including but not limited to:

a) entering at reasonable times the permittee's premises where treatment or distribution facilities are located or where any activity is to be conducted under ~~pursuant to~~ a permit;

b) having access to and copying at reasonable times any records required to be kept under the terms and conditions of a permit;

c) inspecting at reasonable times, including during any hours of operation:

1) equipment constructed or operated under the permit;

2) equipment or monitoring methodology; or

3) equipment required to be kept, used, operated, calibrated and maintained under the permit;

d) obtaining and removing at reasonable times samples of any raw or finished water, discharge or emission of pollutants; and

e) entering at reasonable times to use any photographic, recording, testing, monitoring or other equipment for the purpose of preserving, testing, monitoring or recording any raw or finished water, activity, discharge or emission authorized by a permit.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 602.111 Application Forms and Additional Information

The Agency may prescribe the form in which all information required under this Part must ~~shall~~ be submitted and may require such additional information as is necessary to determine whether the community water supply will meet the requirements of the Act and this Subtitle ~~Chapter~~.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 602.112 Filing and Final Action by Agency on Permit Applications

a) For permits without a fee under Section 602.109:

1) An application for permit will be considered ~~shall be deemed~~ to be filed on the date of initial receipt by the Agency of the application documents. The Agency must ~~shall~~ send the applicant written notification of receipt of the complete application.

2) Except for emergency permits, applications for construction permits must be filed at least 90 days before the expected start of construction.

3) If the Agency fails to take final action, by granting or denying the permit as requested or with conditions, within 90 days from the filing of the completed application, the applicant may deem the permit granted for a period of one year.

4) Any applicant for a permit may waive in writing the requirement that the Agency must take final action within 90days from the filing of the application.

b) For permits with a fee under Section 602.109:

1) An application for a permit is considered ~~must be deemed~~ to be filed on the date the Agency has received the application documents and required fee. The Agency must send the applicant written notification of receipt of the complete application.

2) Except for emergency construction permits, applications for construction permits must be filed at least 45 days before the expected start of construction.

3) The Agency must deny construction permit applications that do not contain the entire fee.

4) The Agency must take final action by granting or denying permits within 45 days after the filing of an application and the payment of the required fee. If the Agency fails to take final action within 45 days after filing the application and payment of the required fee, the applicant may deem the permit issued.

c) The Agency must maintain a progress record of all permit applications, including interim and final action dates. This information is available to the applicant upon request.

d) The Agency must send all notices of final action by U.S. mail. The Agency must be deemed to have taken final action on the date that the notice is mailed.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 602.113 Duration

a) Construction Permits

1) Construction permits for community water supply facilities expire one year from the date issued or renewed ~~of issuance or renewal~~, unless construction has started. If construction does not start ~~commence~~ within one year from the date issued or renewed ~~of issuance or renewal~~, the permit may be renewed for additional one year periods at the discretion of the Agency, upon written request of the applicant.

2) If construction starts ~~commences~~ within one year from the date ~~of issuance or renewal of~~ the construction permit was issued or renewed, the permit expires five years from the date issued or renewed ~~of issuance or renewal~~. Afterward~~Thereafter~~, the permit may be renewed for periods specified by the Agency at its discretion, upon written request of the applicant.

3) For the purposes of this Section, construction is considered to have started ~~must be deemed commenced~~ when work at the site has been initiated and proceeds in a reasonably continuous manner to completion.

b) Operating permits will ~~shall~~ be valid until revoked unless otherwise stated in the permit.

c) Algicide permits must be issued for fixed terms of five years.

d) Aquatic pesticide permits must be valid for a fixed term, not to exceed one year.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 602.116 Requirement for As-Built Plans

If any portion of a community water supply has been constructed without a construction permit as required by Section 602.101, or an emergency permit issued under ~~pursuant to~~ Section 602.104, the community water supply must submit to the Agency as-built plans and specifications and a construction permit application. As-built plans and specifications must be prepared by a qualified person as described in Section 602.105(a)(4). All plans and specifications submitted to the Agency under this Section must be clearly marked "as-built" or "record drawings". Any deficiencies requiring correction, as determined by the Agency, must be corrected within a time limit set by the Agency. Submission of as-built plans and the correction of any deficiencies does not relieve the owner or official custodian from any liability for construction without a permit.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 602.117 Existence of Permit No Defense

The existence of a permit under this Subtitle ~~Chapter~~ does ~~shall~~ not constitute a defense to a violation of the Act, Board regulation, or Agency regulation except for the requirements to secure construction, operating, algicide, aquatic pesticide or emergency permits.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 602.118 Appeal of Final Agency Action on a Permit Application

a) If the Agency denies a permit required under this Part, the applicant may petition the Board to appeal the Agency's final decision under ~~pursuant to~~ Section 40 of the Act.

b) An applicant may consider any condition imposed by the Agency in a permit as a refusal by the Agency to grant a permit that must ~~shall~~ entitle the applicant to appeal the Agency's decision to the Board under ~~pursuant to~~ Section 40 of the Act.

c) All appeals must be filed with the Board within 35 days after the date on which the Agency served its decision on the applicant.

(Source: Amended at 45 Ill. Reg. _____ effective _____)

Section 602.119 Revocations

Violation of any permit conditions or failure to comply with the Act, Board regulation or Agency regulation will ~~shall~~ be grounds for enforcement actions as provided in the Act, including revocation of a permit. Revocation of a permit must shall be sought by filing a complaint with the Board under ~~pursuant to~~ Title VIII of the Act.

(Source: Amended at 45 Ill. Reg. _____ effective _____)

SUBPART B: CONSTRUCTION PERMITS

Section 602.205 Preliminary Plans

a) To expedite the review of subsequent construction permit application plan documents, preliminary plans may be submitted prior to the submission of a construction permit application. No construction permit may ~~shall~~ be issued until the completed application, required fee, plans and specifications have been submitted.

b) If preliminary plans are submitted, as directed under the Illinois Drinking Water Revolving Loan Funding Process (see 35 Ill. Adm. Code 664), the documents must include a description of alternate solutions, a discussion of the alternatives and reasons for selecting the alternative recommended.

(Source: Amended at 45 Ill. Reg. _____ effective _____)

Section 602.225 Engineer's Report

Upon request from the Agency, an applicant for a construction permit must submit an Engineer's Report. Types of construction projects for which the Agency may request an Engineer's Report include, but are not limited to, the construction of a new community water supply, a new source location, or a new water treatment process other than chemical feeding only. The Engineer's Report may be submitted as a preliminary plan under ~~pursuant to~~ Section 602.205. An Engineer's Report submitted under ~~pursuant to~~ this Section must contain the information specified by this Section.

a) General information, including:

1) a description of existing community water supply;

2) a description of sewerage facilities;

3) a description of the municipality or area to be served; and

4) the name and mailing address of the owner or official custodian of the community water supply.

b) The extent of the community water supply system, including:

1) a map of the area to be served with water and any provisions for extending the community water supply system;

2) maps of additional areas to be served and an appraisal of the future requirements for service; and

3) present and prospective industrial and commercial water supply needs that are likely to be required in the near future.

c) Water consumption data, including:

1) population trends as indicated by available records;

2) an estimate of the number of consumers, based on population trends, who will be served by the proposed or expanded water supply system 20 years in the future;

3) present and future water consumption values used as the basis of design;

4) present and estimated future yield of the water sources for a community water supply; and

5) estimated water loss in the distribution system based on available records.

d) A justification for the project when two or more solutions exist for providing community water supply facilities, as directed under the Illinois Drinking Water Revolving Loan Funding Process, each of which is feasible and practicable. The Engineer's Report must discuss the alternatives and provide reasons for selecting the one recommended, including financial considerations, operational requirements, operator qualifications, reliability and water quality considerations.

e) Sources of Water Supply. The Engineer's Report must describe the proposed source or sources of water supply to be developed and the reasons for their selection, and provide information as follows:

1) For surface water sources:

A) hydrological data, stream flow and weather records;

B) safe yield, including all factors that may affect it;

C) documentation of structural safety of any spillway or dam to assure the spillway or dam can continue to provide a source of water during extreme weather;

D) description of the watershed, noting any existing or potential sources of contamination (such as highways, railroads, chemical facilities, land/water use activities, etc.) that may affect water quality;

E) summarized quality of the raw water with special reference to fluctuations in quality, changing meteorological conditions, etc.; and

F) source water protection issues or measures, including erosion and siltation control structures, that need to be considered or implemented.

2) For groundwater sources:

A) the sites considered;

B) advantages of the site selected;

C) the elevations above mean sea level of site selected;

D) the probable character of geologic formations through which the source is to be developed;

E) hydrogeologic conditions affecting the site, such as anticipated interference between proposed and existing wells;

F) sources of possible contamination such as sewers and sewage treatment/disposal facilities, highways, railroads, landfills, outcroppings of consolidated water bearing formations, chemical facilities, waste disposal wells, and agricultural uses;

G) the test well depth and method of construction, including placement of liners or screens;

H) test pumping rates and their duration, including water levels and specific yield;

I) test well water quality information; and

J) wellhead protection measures being considered.

f) Project sites, including:

1) a discussion of the various sites considered and advantages of the chosen one;

2) the proximity of residences, industries and other establishments; and

3) any potential sources of pollution that may influence the quality of the supply or interfere with effective operation of the water works system, such as sewage absorption systems, septic tanks, privies, cesspools, sink holes, sanitary landfills, and refuse and garbage dumps, etc.

g) Proposed Treatment Processes. The Engineer's Report must ~~shall~~ describe all proposed treatment processes necessary to meet the requirements of this Subtitle ~~Chapter~~ and any available supporting data.

h) Automation. The Engineer's Report must provide supporting data justifying automatic equipment, including the servicing and operator training to be provided, and must provide for manual override for any automatic controls.

i) Power. The Engineer's Report must include the following power description:

1) the main source of power;

2) dedicated standby power capable of providing power to operate the community water supply's water source, treatment plant and distribution facilities during power outages; and

3) outside emergency power sources that are available.-

j) Soil characteristics, groundwater conditions and foundation problems, including:

1) the character of the soil through which water mains are to be laid;

2) the foundation conditions prevailing at sites of proposed structures; and

3) the approximate elevation of groundwater relative to mean sea level at its expected highest level in relation to subsurface structures.

k) Flow requirements, including a hydraulic analysis based on flow demands and pressure requirements.

BOARD NOTE: Fire flows, when fire protection is provided, should meet the recommendations of the Illinois Insurance Services Office or other similar agency for the service area involved.

l) Water Plant Wastes. When waste treatment facilities are necessary for the addition of a new process or an increase in water treatment plant capacity, those facilities must be included as part of the engineering plans and specifications, and the Engineer's Report must include the following:

1) an estimate of the character and volume of the waste that will be generated and its proposed disposition; and

2) the type of waste treatment, discharge location and frequency of discharge.

(Source: Amended at 45 Ill. Reg. _____ effective _____)

SUBPART C: OPERATING PERMITS

Section 602.305 Operating Permit Applications

a) All applications for operating permits must be on ~~forms prescribed by the~~ Agency forms and must contain:

1) the community water supply's name, address, identification number and project name;

2) the construction permit number, type of construction permit, and date the construction permit was issued;

3) an explanation of the status of the construction project. If the project is only partially completed, the applicant must provide the information set forth in Section 602.320; and

4) any other information required by the Agency for proper consideration of the permit, including the submission of the water sample results under Section 602.310.

b) If the operating permit application is for the operation of a well, the application ~~the operating permit application~~ must include the following information in addition to the information required by subsection (a):

1) final geologic well log;

2) aquifer property data;

3) lateral area of influence, as calculated under 35 Ill. Adm. Code 671.Subpart B;

4) delineated well head protection area;

5) pump test data:

A) the latitude and longitude of the observation well;

B) test pump capacity head characteristics;

C) static water level;

D) depth of pump settings; and

E) time of starting and ending each test cycle;

6) static water level in the production well and observation wells;

7) pumping water level in the production well;

8) transmissivity in gallons per day per foot of drawdown (GPD/ft);

9) hydraulic conductivity in gallons per day per square feet (GPD/ft^2) or feet per day (ft/day);

10) saturated thickness of the aquifer (ft);

11) storage coefficient or specific yield (dimensionless);

12) recording and graphic evaluation of the following, at one-hour intervals or less:

A) pumping rate;

B) pumping water level;

C) drawdown;

D) water recovery rate and levels; and

E) specific capacity, measured in gallons per minute per foot (GPM/ft) of drawdown;

13) a determination of the regional groundwater gradient and flow direction:

A) if the groundwater gradient and flow direction was estimated, provide the data, and the source of that data;

B) if the groundwater gradient and flow direction was not estimated, provide the longitude and latitude of the wells used, well logs and the water elevations observed in the wells during the pump test;

C) provide the compass direction clockwise from north in degrees; and

D) provide the gradient;

14) geological data:

A) a driller's log determined from samples collected at 5-foot intervals and at each pronounced change in formation;

B) accurate geographical location such as latitude and longitude or GIS coordinates;

C) records of drill hole diameters and depths;

D) order of size and length of casing, screens and liners;

E) grouting depths;

F) formations penetrated;

G) water levels; and

H) location of any blast charges; and

15) analyses of water samples for the constituents listed in 35 Ill. Adm. Code 620.410(a) and (b).

(Source: Amended at 45 Ill. Reg._____, effective _____)

Section 602.320 Partial Operating Permits

a) If all phases of a construction project will not be completed at one time, the Agency must issue a partial operating permit under ~~pursuant to~~ Section 602.105 upon receipt of:

1) a cover letter describing which sections of the project are completed;

2) a general layout plan sheet of the project indicating the location of water mains, treatment processes or storage facilities to be operated;

3) a completed and signed operating permit application; and

4) bacteriological analyses results from water samples collected from the completed section of the project verifying satisfactory disinfection in accordance with Section 602.310.

b) Additional operating permits may be obtained in accordance with this Section as other portions of the project are completed.

(Source: Amended at 45 Ill. Reg. _____ effective _____)

Section 602.325 Operating Permit-by-Rule

a) This ~~The purpose of this~~ Section implements ~~is to implement~~ the permit-by-rule program provided for in Section 39.12 of the Act for classes of community water supply operating permits. By fulfilling all of the requirements of this Section, a community water supply is considered to have met the requirements for obtaining an operating permit under Section 18(a)(3) of the Act and Section 602.300.

b) A community water supply is eligible to obtain an operating permit-by-rule if the construction project for which the Agency granted a construction permit is for any of the following projects:

1) Water main extensions; or

2) Projects not requiring disinfection specified in Section 602.315.

c) A community water supply is not eligible to obtain an operating permit-by-rule if the construction project involves a water main that connects two or more community water supplies.

d) Upon issuance of a construction permit, the Agency may notify an eligible community water supply that it may not seek a permit-by-rule if the community water supply has failed to submit information required by Agency or Board rules in the two years preceding the Agency's notification.

e) For construction projects that contain both permit-by-rule eligible and non-eligible components, a community water supply may obtain a partial operating permit-by-rule for the eligible portions of the project.

f) A community water supply eligible for a permit-by-rule under subsection (b) that does not elect to obtain a permit-by-rule, must obtain an operating permit issued by the Agency before commencing operations.

g) Permit-by-Rule Certification. Any community water supply seeking to obtain an operating permit-by-rule must submit a certification, on Agency forms ~~prescribed by the Agency~~, specifying the following:

1) the community water supply's name, address, identification number and project name;

2) the construction permit number, type of construction permit, and date the construction permit was issued;

3) an explanation of the status of the construction project and, if the project is only partially completed, the information set forth in Section 602.320;

4) a statement attesting to compliance with Section 602.310, if disinfection is required; and

5) the submission of the water sample results required by Section 602.310.

h) The community water supply may begin operation of a permit-by-rule eligible construction project immediately after it files the certification required by subsection (g).

(Source: Amended at 45 Ill. Reg. _____, effective _____)

SUBPART D: ALGICIDE PERMITS

Section 602.400 Algicide Permit Requirement~~-~~

a) A ~~No~~ person must not ~~shall~~ apply algicide, copper sulfate chemical aids to any stream, reservoir, lake, pond or other body of water used as a community water supply source without an Algicide Permit issued by the Agency.

b) Permits issued under this Subpart D will be valid for community water supply sources only.

(Source: Amended at 45 Ill. Reg. _____ effective _____)

SUBPART E: OTHER AQUATIC PESTICIDE PERMITS

Section 602.410 Sampling

a) The owner or official custodian, or an authorized delegate, must collect water samples for each application of copper sulfate, copper sulfate based products, or copper sulfate chemical aids. Water samples must be collected at the locations and times established in this subsection (a).

1) From the raw water intake, one sample must be collected before treatment.

2) From the entry point to the distribution system one sample must be collected:

A) ~~One sample must be collected~~ approximately 24 hours following the copper sulfate treatment~~.~~; and

B) ~~One sample must be collected~~ approximately 48 hours following the copper sulfate treatment.

b) The sample results must demonstrate that concentrations of copper do not pose a high health risk to water consumers in compliance ~~accordance~~ with 35 Ill. Adm. Code 611.350(c)(2).

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 602.500 Other Aquatic Pesticide Permit Requirement

a) When the application of the pesticide will have an effect on any community water supply, a ~~no~~ person must not ~~shall~~ apply an aquatic pesticide, other than an algicide, copper sulfate, copper sulfate based products, or copper sulfate chemical aids to any stream, reservoir, lake, pond or other body of water used as a community water supply source without an Aquatic Pesticide Permit issued by the Agency. Effect is defined as any measurable concentration of the pesticide in the intake water of the community water supply.

b) A~~No~~ person must not ~~shall~~ apply an aquatic pesticide, other than an algicide, copper sulfate, copper sulfate based products, or copper sulfate chemical aids, within 20 miles upstream of a public or food processing water supply intake without an Aquatic Pesticide Permit issued by the Agency. The 20 mile upstream distance must be measured as follows:

1) for streams, the distance must be measured from the water supply intake to the downstream edge of the application area;

2) for impoundments, the distance must be measured as the straight line distance over water from the intake to the nearest edge of the application area or, if the shape of the impoundment will not allow a straight line measurement over water, the distance must be measured as the shortest distance over water between the intake and the application area; and

3) for streams tributary to impoundments, the distance must be the sum of the stream distance plus the shortest line distance described in subsection (b)(2).

(Source: Amended at 45 Ill. Reg. _____ effective _____)

Section 602.505 Other Aquatic Pesticide Permit Application Contents

All applications for Aquatic Pesticide Permits must contain, at a minimum:

a) The reasons for controlling the aquatic plant or animal nuisance.

b) Applicant Information

1) The applicant must be the official custodian of, or have control over the waters to which the aquatic pesticide is applied.

2) The application must contain the name, address, telephone number and signature of the applicant. If the applicant's signature cannot be obtained, the application must be accompanied by a signed statement that the applicant has requested or approved the use of the aquatic pesticide for the times and locations identified in the application.

c) Applicator Information

1) The name, address and telephone number of the applicator.

2) The applicator's Illinois Department of Agriculture license number.

3) A list of the limitations imposed by the applicator's license that restrict the types of pesticides that may be used by the applicator.

d) General Information

1) A description of the aquatic pesticide by trade name, chemical name or name of active ingredients, and names of decomposition products.

2) The U.S. Environmental Protection Agency (USEPA) Registration Number for the pesticide.

3) A description of the steps to be followed in preparing and applying the pesticide, including, but not limited to, proportions, mixing and precautions in preparation. A copy or facsimile of the label containing this information may be used to satisfy this requirement.

e) Time and Location of Treatment

1) A depiction of the area or areas to be treated on a U.S. Geological Survey (USGS) topographic map reproduction or an accurately drawn map of larger scale. The depiction must include the locations and provide the name of the owners of all water intakes for a distance of 20 miles downstream of each area to be treated.

2) Ponds under 10 acres to be treated, but that are not used as a water source for public or food processing water supplies, must be described using a map of the pond, its tributaries and the surrounding area.

A) Pond locations must be given and described using the quarter section, section number, township, range, county and township name.

B) The name of all public and food processing water supplies for a distance of 20 miles downstream of the pond to be treated must be provided.

3) The date and time required for each treatment.

f) An inventory of the species, size and population of animals or plants to be controlled.

g) Contacts with Downstream Water Users

1) Written documentation showing that all water supplies described in Section 602.500 have been notified of the proposed treatment and provided details of possible adverse effects.

2) The names of water supply operators who will be notified 24 hours before the aquatic pesticide application.

h) Application and Precautions

1) A description of the method to be used to apply the pesticide.

2) A description of the method to be used to protect humans and animals during the time toxic pesticide concentrations exist in the water.

3) A description of the method to be used to remove dead plants or animals should these accumulations result in water quality deterioration.

4) A description of the method to be used to retain water in the impoundment while toxic pesticide concentrations exist.

5) A description of the method to be used for detoxification of the water in the event of water supply contamination.

6) A description of the actions to be taken to insure that tributary streams will not reintroduce the aquatic life being controlled following application of the pesticide. If these actions cannot be taken, the anticipated frequency of retreatment must ~~shall~~ be stated.

7) A copy of the contingency plan to be followed by water plant operators for emergency water plant shut down or emergency operation.

i) Water Characteristics and Chemistry

1) The expected life of the pesticide's active ingredient and its decomposition products, considering characteristics of the water such as pH, dissolved oxygen and temperature.

2) A list of the limiting chemical constituents of the water to be treated that can hinder the effectiveness of the pesticide.

3) A list of the short term and chronic effects of the pesticide on people and animals.

4) A description of the weather and stream flow conditions under which the pesticide must be applied.

5) A list of the references used to obtain information required by subsections (i)(1) through (4).

j) Pesticide Dosage and Concentration

1) A description of the pesticide dosage.

2) A description of the concentration of the pesticide in the water immediately after application.

3) A copy of the computations used to determine the concentration.

k) Stream and Impoundment Data

1) Streams

A) The stream flow expected during pesticide application.

B) When stream flows are not available, data on high, average and low stream flow conditions.

C) The specific quantity of discharge in cubic feet per second and the average stream velocity in feet per second.

2) Impoundments

A) The surface area, average depth, maximum depth and volume of the impoundment.

B) The flow expected into and out of the impoundment during the time the pesticide will be active, including the flows attributed to contributing streams, flow over the spillway and water withdrawn by individual users.

C) Information pertinent to the segment in question when only part of the impoundment will be treated.

D) A depiction of the water flow patterns to the water supply intake on a map of the impoundment.

E) An estimate of the minimum time required for the aquatic pesticide to reach the water supply intake.

3) A list of the reference sources or the name and qualifications of the person supplying stream flow and impoundment data.

l) Additional Information and Reports

l) Additional information must be provided to the Agency upon request to assure the safety of a community water supply as required by 35 Ill. Adm. Code 302.210. A copy of the applicant's authorization to discharge under an NPDES permit must be submitted if the aquatic pesticide is applied to a water of the United States. –

2) A report letter must be filed with the Agency within 30 days following each application of the aquatic pesticide. The report must include~~, but is not limited to~~:

A) the names and addresses of the applicant and applicator;

B) the aquatic pesticide application permit number;

C) the date of aquatic pesticide application;

D) the name and amount of aquatic pesticide applied; and

E) a description of any mishap that endangered a community water supply and a chronology of the steps taken to correct the problem.

(Source: Amended at 45 Ill. Reg. _____ effective _____)

Section 602.510 Permits Under Public Health Related Emergencies

The Agency may issue Aquatic Pesticide Permits by telephone whenever public health is immediately endangered by an aquatic pest such as a disease-carrying organism. Aquatic Pesticide Permits issued by telephone must have special conditions for safeguarding downstream public and food processing water supplies.

a) The Agency must confirm to the applicant in writing the granting of an emergency Aquatic Pesticide Permit within 10 days after issuance.

b) A written report containing the same information required for a permit application under Section 602.505 must be submitted ~~made~~ to the Agency within 30 days following pesticide application.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 602.520 Extension of Permit Duration

The Agency may extend the duration of an Aquatic Pesticide Permit when circumstances beyond the control of the applicant prevent the aquatic pesticide application during the time specified in the permit.

a) All requests for extensions of permit duration must:

1) be in writing;

2) list the reasons the aquatic pesticide could not be applied on the date permitted;

3) give the new date the aquatic pesticide is to be applied;

4) contain a statement that the aquatic pesticide will be applied in accordance with the conditions listed in the Aquatic Pesticide Permit; and

5) contain the Aquatic Pesticide Permit Number, the name and Illinois Department of Agriculture license number of the applicator and the signature of the applicant.

b) Requests for extensions of permit duration may be made by telephone if ~~provided~~:

1) the information listed in subsection (a) is stated; and

2) the information listed in subsection (a) is transmitted in writing to the Division of Public Water Supplies Permit Section within five days after the date verbal approval for an extension of permit duration is given by the Agency.

c) Applications for extensions of permit duration will ~~shall~~ not be granted if more than 60 days have elapsed from the date of aquatic pesticide application listed in the permit.

d) Extensions of permit duration, if granted by the Agency, must be in writing and must state the time of the extension.

(Source: Amended at 45 Ill. Reg. _____ effective _____)

Section 602.600 Special Exception Permits

a) Unless contained in a construction or operating permit, each Agency determination in 35 Ill. Adm. Code 604 and 611 is to be made by way of a written special exception permit (SEP) pursuant to Section 39(a) of the Act.

b) A ~~No~~ person must not ~~may~~ cause or allow the violation of any condition of a SEP.

c) The community water supply may appeal the denial of, or the conditions of, a SEP to the Board pursuant to Section 40 of the Act.

d) A SEP may be initiated in either of the following ways:

1) by a written request from the community water supply; or

2) by the Agency, when authorized by Board regulations.

BOARD NOTE: The Board does not intend by any provision of this Part to require that the Agency exercise its discretion and initiate a SEP under subsection (d)(2). Rather, the Board intends to clarify by subsection (d)(2) that the Agency may initiate a SEP without receiving a request from the supplier.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 602.APPENDIX A References to Former Rules

The following table is provided to aid in referencing former Board rule numbers to section numbers under ~~pursuant to~~ codification.

Chapter 6: Public Water Supplies	35 Ill. Adm. Code Part 602
Part II: Permits	Part 602
Rule 201	Section 602.101
Rule 202	Section 602.102
Rule 203	Section 602.103
Rule 204	Section 602.108
	Section 602.109
	Section 602.110
Rule 205	Section 602.107
Rule 206	Section 602.111
	Section 602.112
Rule 207	Section 602.105

Rule 208	Section 602.113
Rule 209	Section 602.116
Rule 210	Section 602.114
Rule 211	Section 602.118
Rule 212	Section 602.115
Rule 213	Section 602.104
Rule 214	Section 602.119
Rule 215	Section 602.120

(Source: Amended at 45 Ill. Reg. _____ effective _____)

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

PART 603
OWNERSHIP AND RESPONSIBLE PERSONNEL

Section
603.101 Ownership
603.102 Administrative Contact
603.103 Responsible Operator in Charge
603.104 Exempt Community Water Supply
603.105 Notification of Change of Ownership or Responsible Operator in Charge

603.APPENDIX~~Appendix~~: References to Former Rules

AUTHORITY: Implementing Section 17 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/17 and 27].

SOURCE: Filed with Secretary of State January 1, 1978; amended and codified at 6 Ill. Reg. 11497, effective September 14, 1982; amended in R96-18 at 21 Ill. Reg. 6558, effective May 8, 1997; amended in R15-22 at 40 Ill. Reg. 6853, effective April 15, 2016; amended in R18-26 at 45 Ill. Reg._____, effective_____.

Section 603.101 Ownership

a) To assure the continued maintenance and operation of community water supplies, each supply must be under the individual direct supervision of a municipal or private corporation, individual private ownership, or a regularly organized body governed by a constitution and by-laws requiring regular election of officers.

b) The body exercising direct supervision over a community water supply must~~shall~~ file with the Agency a statement of ownership before starting ~~commencing~~ construction of any community water supply facility.

c) The body filing a statement of ownership under subsection (b) will~~shall~~ be considered to be the owner of the community water supply until such time as a notification of change of ownership is received, in compliance~~accordance~~ with Section 603.105.

d) The owner or official custodian and the Responsible Operator in Charge designated under ~~pursuant to~~ Section~~s~~ 603.103 must be jointly accountable for the proper operation of the community water supply.

(Source: Amended at 45 Ill. Reg._____, effective _____)

Section 603.103 Responsible Operator in Charge

a) Under the Public Water Supply Operations Act, *all portions of a community water supply system must be under the direct supervision of a Responsible Operator in Charge.* [415 ILCS 45/1].

b) Each community water supply, unless exempted under Section 603.104, must designate:

1) one Responsible Operator in Charge who directly supervises both the treatment and distribution facilities of the community water supply; or

2) one Responsible Operator in Charge who directly supervises the treatment facilities of the community water supply and one Responsible Operator in Charge who directly supervises the distribution facilities of the community water supply.

c) The Responsible Operator in Charge must be a certified operator, qualified and registered in compliance ~~accordance~~ with the Public Water Supply Operations Act and 35 Ill. Adm. Code 681.

d) The Responsible Operator in Charge must be on the community water supply's operational staff or be providing services to the community water supply under a contract approved by the Agency under ~~pursuant to~~ 35 Ill. Adm. Code 681.1015.

e) The owner or official custodian and the Responsible Operator in Charge must file a signed statement identifying the Responsible Operator in Charge on Agency forms ~~provided by the Agency~~.

f) *Each individual who is a Responsible Operator in Charge for a community water supply is jointly accountable with the owner of the community water supply for the proper operation of the portions of the community water supply over which he or she has been designated as the Responsible Operator in Charge*. [415 ILCS 45/1.1(a)]

g) Responsible Operator in Charge must submit to the Agency, *in accordance with Board rules, consumer confidence reports, monthly operating reports, and drinking water compliance monitoring results, such as corrosion control reports and monitoring results*. [415 ILCS 45/1.1(b)(3)]

(Source: Amended at 45 Ill. Reg._____, effective _____)

Section 603.104 Exempt Community Water Supply

Under ~~pursuant to~~ Section 9.1 of the Public Water Supply Operations Act, a community water supply is not required to have a Responsible Operator in Charge if it:

a) *consists only of distribution and storage facilities and does not have any collection and treatment facilities;*

b) *obtains all of its water from, but is not owned or operated by, a community water supply that is required to employ a Class A, Class B, Class C, or Class D community water supply operator;*

c) *does not sell water to any person; and*

d) *is not a carrier that conveys passengers in interstate commerce.* [415 ILCS 45/9.2]

(Source: Amended at 45 Ill. Reg._____, effective _____)

Section 603.105 Notification of Change of Ownership or Responsible Operator in Charge

a) Within 15 days after any change in ownership of a community water supply, the new owner must notify the Agency, on Agency forms ~~supplied by the Agency~~, of changes in ownership.

b) Within 15 days after any change in the Responsible Operator in Charge, the owner or official custodian and the new Responsible Operator in Charge must notify the Agency, on Agency forms ~~supplied by the Agency~~, of the changes in responsible personnel.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 603.APPENDIX References to Former Rules

The following table is provided to aid in referencing former Board rule numbers to section numbers under ~~pursuant to~~ codification.

Chapter 6: Public Water Supplies Part III: Operation and Maintenance	35 Ill. Adm. Code Part 603
Rule 301	Section 603.101
New	Section 603.102
Rule 302	Section 603.103
New	Section 603.104
Rule 303	Section 603.105

(Source: Amended at 45 Ill. Reg._____, effective _____)

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

PART 611
PRIMARY DRINKING WATER STANDARDS

SUBPART A: GENERAL

Section

SUBPART B: FILTRATION AND DISINFECTION

Section

SUBPART C: USE OF NON-CENTRALIZED TREATMENT DEVICES

SUBPART D: TREATMENT TECHNIQUES

SUBPART F: MAXIMUM CONTAMINANT LEVELS (MCLs) AND MAXIMUM RESIDUAL DISINFECTANT LEVELS (MRDLs)

SUBPART G: LEAD AND COPPER

SUBPART I: DISINFECTANT RESIDUALS, DISINFECTION BYPRODUCTS, AND DISINFECTION BYPRODUCT PRECURSORS

SUBPART K: GENERAL MONITORING AND ANALYTICAL REQUIREMENTS

SUBPART L: MICROBIOLOGICAL MONITORING AND ANALYTICAL REQUIREMENTS

SUBPART M: TURBIDITY MONITORING AND ANALYTICAL REQUIREMENTS

Section
611.560 Turbidity

SUBPART N: INORGANIC MONITORING AND ANALYTICAL REQUIREMENTS

Section
611.591 Violation of a State MCL (Repealed)
611.592 Frequency of State Monitoring
611.600 Applicability
611.601 Monitoring Frequency
611.602 Asbestos Monitoring Frequency
611.603 Inorganic Monitoring Frequency
611.604 Nitrate Monitoring
611.605 Nitrite Monitoring
611.606 Confirmation Samples
611.607 More Frequent Monitoring and Confirmation Sampling
611.608 Additional Optional Monitoring
611.609 Determining Compliance
611.610 Inorganic Monitoring Times
611.611 Inorganic Analysis
611.612 Monitoring Requirements for Old Inorganic MCLs
611.630 Special Monitoring for Sodium
611.631 Special Monitoring for Inorganic Chemicals (Repealed)

SUBPART O: ORGANIC MONITORING AND ANALYTICAL REQUIREMENTS

Section
611.640 Definitions
611.641 Old MCLs
611.645 Analytical Methods for Organic Chemical Contaminants
611.646 Phase I, Phase II, and Phase V Volatile Organic Contaminants
611.647 Sampling for Phase I Volatile Organic Contaminants (Repealed)
611.648 Phase II, Phase IIB, and Phase V Synthetic Organic Contaminants
611.650 Monitoring for 36 Contaminants (Repealed)
611.657 Analytical Methods for 36 Contaminants (Repealed)
611.658 Special Monitoring for Organic Chemicals (Repealed)

SUBPART P: THM MONITORING AND ANALYTICAL REQUIREMENTS

Section
611.680 Sampling, Analytical, and other Requirements (Repealed)
611.683 Reduced Monitoring Frequency (Repealed)
611.684 Averaging (Repealed)

SUBPART Q: RADIOLOGICAL MONITORING AND ANALYTICAL REQUIREMENTS

SUBPART R: ENHANCED FILTRATION AND DISINFECTION: SYSTEMS THAT SERVE 10,000 OR MORE PEOPLE

SUBPART S: GROUNDWATER RULE

SUBPART T: REPORTING AND RECORDKEEPING

SUBPART U: CONSUMER CONFIDENCE REPORTS

Section

SUBPART V: PUBLIC NOTIFICATION OF DRINKING WATER VIOLATIONS

Section

SUBPART W: INITIAL DISTRIBUTION SYSTEM EVALUATIONS

Section

SUBPART X: ENHANCED FILTRATION AND DISINFECTION – SYSTEMS SERVING FEWER THAN 10,000 PEOPLE

Section

SUBPART Y: STAGE 2 DISINFECTION BYPRODUCTS REQUIREMENTS

Section

SUBPART Z: ENHANCED TREATMENT FOR CRYPTOSPORIDIUM

Section

SUBPART AA: REVISED TOTAL COLIFORM RULE

611.APPENDIX B	Percent Inactivation of G. Lamblia Cysts
611.APPENDIX C	Common Names of Organic Chemicals
611.APPENDIX D	Defined Substrate Method for the Simultaneous Detection of Total Coliforms and Escherichia Coli from Drinking Water (Repealed)
611.APPENDIX E	Mandatory Lead Public Education Information for Community Water Systems
611.APPENDIX F	Mandatory Lead Public Education Information for Non-Transient Non-Community Water Systems
611.APPENDIX G	NPDWR Violations and Situations Requiring Public Notice
611.APPENDIX H	Standard Health Effects Language for Public Notification
611.APPENDIX I	Acronyms Used in Public Notification Regulation
611.TABLE A	Total Coliform Monitoring Frequency (Repealed)
611.TABLE B	Fecal or Total Coliform Density Measurements
611.TABLE C	Frequency of RDC Measurement
611.TABLE D	Number of Lead and Copper Monitoring Sites
611.TABLE E	Lead and Copper Monitoring Start Dates (Repealed)
611.TABLE F	Number of Water Quality Parameter Sampling Sites
611.TABLE G	Summary of Section 611.357 Monitoring Requirements for Water Quality Parameters
611.TABLE H	CT Values (mg·min/ℓ) for Cryptosporidium Inactivation by Chlorine Dioxide
611.TABLE I	CT Values (mg·min/ℓ) for Cryptosporidium Inactivation by Ozone
611.TABLE J	UV Dose Table for Cryptosporidium, Giardia lamblia, and Virus Inactivation Credit
611.TABLE Z	Federal Effective Dates

AUTHORITY: Implementing Sections 7.2, 17, and 17.5 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 17, 17.5, and 27].

SOURCE: Adopted in R88-26 at 14 Ill. Reg. 16517, effective September 20, 1990; amended in R90-21 at 14 Ill. Reg. 20448, effective December 11, 1990; amended in R90-13 at 15 Ill. Reg. 1562, effective January 22, 1991; amended in R91-3 at 16 Ill. Reg. 19010, effective December 1, 1992; amended in R92-3 at 17 Ill. Reg. 7796, effective May 18, 1993; amended in R93-1 at 17 Ill. Reg. 12650, effective July 23, 1993; amended in R94-4 at 18 Ill. Reg. 12291, effective July 28, 1994; amended in R94-23 at 19 Ill. Reg. 8613, effective June 20, 1995; amended in R95-17 at 20 Ill. Reg. 14493, effective October 22, 1996; amended in R98-2 at 22 Ill. Reg. 5020, effective March 5, 1998; amended in R99-6 at 23 Ill. Reg. 2756, effective February 17, 1999; amended in R99-12 at 23 Ill. Reg. 10348, effective August 11, 1999; amended in R00-8 at 23 Ill. Reg. 14715, effective December 8, 1999; amended in R00-10 at 24 Ill. Reg. 14226, effective September 11, 2000; amended in R01-7 at 25 Ill. Reg. 1329, effective January 11, 2001; amended in R01-20 at 25 Ill. Reg. 13611, effective October 9, 2001; amended in R02-5 at 26 Ill. Reg. 3522, effective February 22, 2002; amended in R03-4 at 27 Ill. Reg. 1183, effective January 10, 2003; amended in R03-15 at 27 Ill. Reg. 16447, effective October 10, 2003; amended in R04-3 at 28 Ill. Reg. 5269, effective March 10, 2004; amended in R04-13 at 28 Ill. Reg. 12666, effective August 26, 2004; amended in R05-6 at 29 Ill. Reg. 2287, effective January 28, 2005; amended in R06-15 at 30 Ill. Reg. 17004, effective October 13, 2006; amended in R07-2/R07-11 at 31 Ill. Reg. 11757,

effective July 27, 2007; amended in R08-7/R08-13 at 33 Ill. Reg. 633, effective December 30, 2008; amended in R10-1/R10-17/R11-6 at 34 Ill. Reg. 19848, effective December 7, 2010; amended in R12-4 at 36 Ill. Reg. 7110, effective April 25, 2012; amended in R13-2 at 37 Ill. Reg. 1978, effective February 4, 2013; amended in R14-8 at 38 Ill. Reg. 3608, effective January 27, 2014; amended in R14-9 at 38 Ill. Reg. 9792, effective April 21, 2014; amended in R15-6 at 39 Ill. Reg. 3713, effective February 24, 2015; amended in R15-23 at 39 Ill. Reg. 15144, effective November 9, 2015; amended in R16-4 at 39 Ill. Reg. 15352, effective November 13, 2015; amended in R17-12 at 42 Ill. Reg. 1140, effective January 4, 2018; amended in R18-9 at 42 Ill. Reg. 9316, effective May 29, 2018; amended in R18-17 at 43 Ill. Reg. 8206, effective July 26, 2019; amended in R19-16 at 44 Ill. Reg. 6996, effective April 17, 2020; amended in R18-___ at 45 Ill. Reg. _____, effective _____.

Section 611.105 Electronic Reporting

The submission of any document under any provision of this Part as an electronic document in lieu of a paper document is subject to this Section.

a) Scope and Applicability

1) The USEPA, the Board, or the Agency may allow for the submission of electronic documents in lieu of paper documents. This Section does not require submission of electronic documents in lieu of paper documents. This Section sets forth the requirements for the optional electronic submission of any document that must be submitted to the appropriate of the following:

A) To USEPA directly under Title 40 of the Code of Federal Regulations; or

B) To the Board or the Agency under any provision of 35 Ill. Adm. Code 702 through 705, 720 through 728, 730, 733, 738, or 739.

2) Electronic document submission under this Section can occur only as follows:

A) For submissions of documents to USEPA, submissions may occur only after USEPA has published a notice in the Federal Register announcing that USEPA is prepared to receive, in an electronic format, documents required or permitted by the identified part or subpart of Title 40 of the Code of Federal Regulations; or

B) For submissions of documents to the State, submissions may occur only under the following circumstances: the Board or the Agency may use any electronic document receiving system for which USEPA has granted approval under 40 CFR 3.1000, so long as the system complies with 40 CFR 3.2000, incorporated by reference in

Section 611.102(c), and USEPA has not withdrawn its approval of the system in writing.

3) This Section does not apply to any of the following documents, whether or not the document is a document submitted to satisfy the requirements cited in subsection (a)(1):

A) Any document submitted via facsimile;

B) Any document submitted via magnetic or optical media, such as diskette, compact disc, digital video disc, or tape; or

C) Any data transfer between USEPA, any state, or any local government and either the Board or the Agency as part of administrative arrangements between the parties to the transfer to share data.

4) Upon USEPA conferring written approval for the submission of any types of documents as electronic documents in lieu of paper documents, as described in subsection (a)(2)(B)(iii), the Agency or the Board, as appropriate, must publish a Notice of Public Information in the Illinois Register that describes the documents approved for submission as electronic documents, the electronic document receiving system approved to receive them, the acceptable formats and procedures for their submission, and, as applicable, the date on which the Board or the Agency will begin to receive those submissions. In the event of written cessation of USEPA approval for receiving any type of document as an electronic document in lieu of a paper document, the Board or the Agency must similarly cause publication of a Notice of Public Information in the Illinois Register.

BOARD NOTE: Subsection (a) is derived from 40 CFR 3.1, 3.2, 3.10, 3.20, and 3.1000.

b) Definitions. For the purposes of this Section, terms will have the meaning attributed them in 40 CFR 3.3, incorporated by reference in 35 Ill. Adm. Code 611.102(c).

c) Procedures for Submitting Electronic Documents to USEPA in Lieu of Paper Documents. Except as provided in subsection (a)(3), any person who is required under Title 40 of the Code of Federal Regulations to create and submit or otherwise provide a document to USEPA may satisfy this requirement with an electronic document, in lieu of a paper document, provided the following conditions are met:

1) The person satisfies the requirements of 40 CFR 3.10, incorporated by reference in Section 611.102(c); and

2) USEPA has first published a notice in the Federal Register as described in subsection (a)(2)(A).

BOARD NOTE: Subsection (c) is derived from 40 CFR 3.2(a) and subpart B of 40 CFR 3.

d) Procedures for Submitting Electronic Documents to the Board or the Agency in Lieu of Paper Documents.

1) The Board or the Agency may, but is not required to, establish procedural rules for the electronic submission of documents. The Board or the Agency must establish any such procedural rules under the Administrative Procedure Act [5 ILCS 100/5].

2) The Board or the Agency may accept electronic documents under this Section only as provided in subsection (a)(2)(B).

BOARD NOTE: Subsection (d) is derived from 40 CFR 3.2(b) and subpart D of 40 CFR 3.

e) Effects of Submitting an Electronic Document in Lieu of a Paper Document

1) If a person who submits a document as an electronic document fails to comply with the requirements of this Section, that person is subject to the penalties prescribed for failure to comply with the requirement that the electronic document was intended to satisfy.

2) If a document submitted as an electronic document to satisfy a reporting requirement bears an electronic signature, the electronic signature legally binds, obligates, and makes the signer responsible to the same extent as the signer's handwritten signature would on a paper document submitted to satisfy the same reporting requirement.

3) Proof that a particular signature device was used to create an electronic signature will suffice to establish that the individual uniquely entitled to use the device did so with the intent to sign the electronic document and give it effect.

4) Nothing in this Section limits the use of electronic documents or information derived from electronic documents as evidence in enforcement or other proceedings.

BOARD NOTE: Subsection (e) is derived from 40 CFR 3.4 and 3.2000(c).

f) Public Document Subject to State Laws. Any electronic document filed with the Board is a public document. The document, its submission, its retention by the Board, and its availability for public inspection and copying are subject to various State laws, including~~, but not limited to,~~ the following:

1) The Administrative Procedure Act [5 ILCS 100];

2) The Freedom of Information Act [5 ILCS 140];

3) The State Records Act [5 ILCS 160];

4) The Electronic Commerce Security Act [5 ILCS 175];

5) The Environmental Protection Act;

6) Regulations relating to public access to Board records (2 Ill. Adm. Code 2175); and

7) Board procedural rules relating to protection of trade secrets and confidential information (35 Ill. Adm. Code 130).

g) Nothing in this Section or in any provisions adopted under subsection (d)(1) will create any right or privilege to submit any document as an electronic document.

BOARD NOTE: Subsection (g) is derived from 40 CFR 3.2(c).

BOARD NOTE: Derived from 40 CFR 3 and 142.10(g).

(Source: Amended at _____, effective _____)

Section 611.111 Relief Equivalent to SDWA Section 1415(a) Variances

This Section is intended to describe how the Board grants State relief equivalent to that available from USEPA under section 1415(a)(1)(A) and (a)(1)(B) of the SDWA (42 USC 300g-4(a)(1)(A) and (a)(1)(B)). SDWA section 1415 variances do not require ultimate compliance within five years in every situation. Variances under Sections 35 through 38 ~~37~~ of the Act do require compliance within five years in every case. Consequently, a PWS may have the option of seeking State regulatory relief equivalent to a SDWA section 1415 variance through one of three procedural mechanisms: a variance under Sections 35 through 38 ~~37~~ of the Act and Subpart B of 35 Ill. Adm. Code 104; a site-specific rule under Sections 27 and 28 of the Act and 35 Ill. Adm. Code 102; or an adjusted standard under Section 28.1 of the Act and Subpart D of 35 Ill. Adm. Code 104.

a) The Board will grant a PWS a variance, a site-specific rule, or an adjusted standard from an MCL or a treatment technique under this Section.

1) The PWS must file a petition under 35 Ill. Adm. Code 102 or 104, as applicable.

2) If a State requirement does not have a federal counterpart, the Board may grant relief from the State requirements without following this Section.

b) Relief from an MCL

1) As part of the justification for relief from an MCL under this Section, the PWS must demonstrate the following:

A) Because of characteristics of the raw water sources and alternative sources that are reasonably available to the system, the PWS cannot meet the MCL;

B) The PWS will install or has installed the best available technology (BAT) (as identified in Subpart F), treatment technique, or other means that the Agency finds available. BAT may vary depending on the following:

i) The number of persons served by the system;

ii) Physical conditions related to engineering feasibility; and

iii) Costs of compliance; and

C) The variance will not result in an unreasonable risk to health.

2) In any order granting relief under this subsection (b), the Board will prescribe a schedule for the following:

A) Compliance, including increments of progress, by the PWS, with each MCL with respect to which the relief was granted; and

B) Implementation by the PWS of each additional control measure for each MCL with respect to which the relief is granted, during the period ending on the date compliance with such requirement is required.

3) Schedule of Compliance for Relief from an MCL

A) A schedule of compliance will require compliance with each MCL with respect to which the relief was granted as expeditiously as practicable.

B) If the Board prescribes a schedule requiring compliance with an MCL for which the relief is granted later than five years from the date of issuance of the relief, the Board will do the following:

i) Document its rationale for the extended compliance schedule;

ii) Discuss the rationale for the extended compliance schedule in the required public notice and opportunity for public hearing; and

iii) Provide the shortest practicable time schedule feasible under the circumstances.

c) Relief from a Treatment Technique Requirement

1) As part of the justification for relief from a treatment technique requirement under this Section, the PWS must demonstrate that the treatment technique is not necessary to protect the health of persons served because of the nature of the raw water source.

2) The Board may prescribe monitoring and other requirements as a condition for relief from a treatment technique requirement.

d) The Board will hold at least one public hearing. In addition the Board will accept comments as appropriate under 35 Ill. Adm. Code 102 or 104.

e) The Board will not grant relief from any of the following:

1) From the MCLs for total coliforms and E. coli. The Board can no longer grant relief from the total coliform MCL.

BOARD NOTE: As provided in Section 611.131(c)(1) and 40 CFR 142.304(a), a small system variance is not available for rules that address microbial contaminants, which include Subparts B, R, S, X, Z, and AA.

2) From any of the treatment technique requirements of Subpart B.

3) From the residual disinfectant concentration (RDC) requirements of Sections 611.241(c) and 611.242(b).

f) The Agency must promptly send USEPA the opinion and order of the Board granting relief under this Section. The Board may reconsider and modify a grant of relief, or relief conditions, if USEPA notifies the Board of a finding under section 1415 of the SDWA (42 USC 300g-4).

g) In addition to the requirements of this Section, the provisions of Section 611.130 or 611.131 may apply to relief granted under this Section.

BOARD NOTE: Derived from 40 CFR 141.4, from section 1415(a)(1)(A) and (a)(1)(B) of the SDWA (42 USC 300g-4(a)(1)(A) and (a)(1)(B)) and from the Guidance Manual for Filtration and Disinfection (91), incorporated by reference in Section 611.102 and available from USEPA, NSCEP. USEPA has established a procedure at 40 CFR 142.23 to review and potentially modify or nullify state determinations granting relief from NPDWRs if USEPA finds that the state has abused its discretion or failed to prescribe required schedules for compliance in a substantial number of instances.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 611.276 Recycle Provisions

a) Applicability. A Subpart B system supplier that employs conventional filtration or direct filtration treatment and that recycles spent filter backwash water, thickener supernatant, or liquids from dewatering processes must meet the requirements in subsections (b) through (d).

b) Reporting. A supplier must notify the Agency in writing if the supplier recycles spent filter backwash water, thickener supernatant, or liquids from dewatering processes. This notification must include, at a minimum, the information specified in subsections (b)(1) and (b)(2), as follows:

1) A plant schematic showing the origin of all flows that are recycled (including~~, but not limited to,~~ spent filter backwash water, thickener supernatant, and liquids from dewatering processes), the hydraulic conveyance used to transport them, and the location where they are re-introduced back into the treatment plant.

2) Typical recycle flow in gallons per minute (gpm), the highest observed plant flow experienced in the previous year (gpm), design flow for the treatment plant (gpm), and Agency-approved operating capacity for the plant if the Agency has made such a determination.

c) Treatment Technique Requirement. Any supplier that recycles spent filter backwash water, thickener supernatant, or liquids from dewatering processes must return these flows through the processes of the supplier's existing conventional or direct filtration system, as defined in Section 611.101, or at an alternative location approved by a permit issued by the Agency.

d) Recordkeeping. The supplier must collect and retain on file recycle flow information specified in subsections (d)(1) through (d)(6) for review and evaluation by the Agency, as follows:

1) A copy of the recycle notification and information submitted to the State under subsection (b).

2) A list of all recycle flows and the frequency with which they are returned.

3) The average and maximum backwash flow rate through the filters and the average and maximum duration of the filter backwash process in minutes.

4) The typical filter run length and a written summary of how filter run length is determined.

5) The type of treatment provided for the recycle flow.

6) Data on the physical dimensions of the equalization or treatment units, typical and maximum hydraulic loading rates, type of treatment chemicals used and average dose and frequency of use, and frequency at which solids are removed, if applicable.

BOARD NOTE: Derived from 40 CFR 141.76.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 611.591 Violation of a State MCL <u>(Repealed)</u>

~~This Section applies to old MCLs that are marked as "additional State requirements" at Section 611.300, and for which no specific monitoring, reporting, or public notice requirements are specified below. If the result of analysis under this Part indicates that the level of any contaminant exceeds the old MCL, the CWS supplier shall do the following:~~

~~a) Report to the Agency within seven days, and initiate three additional analyses at the same sampling point within one month;~~

~~b) Notify the Agency and give public notice as specified in Subpart T of this Part, when the average of four analyses, rounded to the same number of significant figures as the old MCL for the contaminant in question, exceeds the old MCL; and~~

~~c) Monitor, after public notification, at a frequency designated by the Agency, and continue monitoring until the old MCL has not been exceeded in two consecutive samples, or until a monitoring schedule as a condition of a variance or enforcement action becomes effective.~~

~~BOARD NOTE: This is an additional State requirement.~~

(Source: Repealed at _____, effective _____)

Section 611.805 Reporting and Recordkeeping for GWS Suppliers

a) Reporting. In addition to the requirements of Section 611.840, a GWS supplier regulated under this Subpart S must provide the following information to the Agency:

1) A GWS supplier conducting compliance monitoring under Section 611.803(b) must notify the Agency any time the supplier fails to meet any Agency-specified requirements including~~, but not limited to~~, minimum residual disinfectant concentration, membrane operating criteria or membrane integrity, and alternative treatment operating criteria, if operation in accordance with the criteria or requirements is not restored within four hours. The GWS supplier must notify the Agency as soon as possible, but in no case later than the end of the next business day.

2) After completing any corrective action under Section 611.803(a), a GWS supplier must notify the Agency within 30 days after completion of the corrective action.

3) If a GWS supplier subject to the requirements of Section 611.802(a) does not conduct source water monitoring under Section 611.802(a)(5)(B), the supplier must provide documentation to the Agency within 30 days after the total coliform-positive sample that it met the Agency criteria.

b) Recordkeeping. In addition to the requirements of Section 611.860, a GWS supplier regulated under this Subpart S must maintain the following information in its records:

1) Documentation of corrective actions. Documentation must be kept for a period of not less than ten years.

2) Documentation of notice to the public as required under Section 611.803(a)(7). Documentation must be kept for a period of not less than three years.

3) Records of decisions under Section 611.802(a)(5)(B) and records of invalidation of fecal indicator-positive groundwater source samples under Section 611.802(d). Documentation must be kept for a period of not less than five years.

4) For a consecutive system supplier, documentation of notification to the wholesale systems of total coliform-positive samples that are not invalidated under Section 611.1053. Documentation must be kept for a period of not less than five years.

5) For a supplier, including a wholesale system supplier, that is required to perform compliance monitoring under Section 611.803(b), the following information:

A) Records of the supplier-specified, Agency-approved minimum disinfectant residual. Documentation must be kept for a period of not less than ten years;

B) Records of the lowest daily residual disinfectant concentration and records of the date and duration of any failure to maintain the Agency-prescribed minimum residual disinfectant concentration for a period of more than four hours. Documentation must be kept for a period of not less than five years; and

C) Records of supplier-specified, Agency-approved compliance requirements for membrane filtration and of parameters specified by the supplier for Agency-approved alternative treatment and records of the date and duration of any failure to meet the membrane operating, membrane integrity, or alternative treatment operating requirements for more than four hours. Documentation must be kept for a period of not less than five years.

BOARD NOTE: Derived from 40 CFR 141.405.

(Source: Amended at _____, effective _____)

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

PART 615
EXISTING ACTIVITIES IN A SETBACK ZONE OR REGULATED RECHARGE AREA

SUBPART A: GENERAL

Section

SUBPART B: GROUNDWATER MONITORING REQUIREMENTS

Section

SUBPART C: GENERAL CLOSURE AND POST-CLOSURE REQUIREMENTS

Section

SUBPART D: ON-SITE LANDFILLS

Section

SUBPART E: ON-SITE LAND TREATMENT UNITS

SUBPART F: ON-SITE SURFACE IMPOUNDMENTS

SUBPART G: ON-SITE WASTE PILES

SUBPART H: UNDERGROUND STORAGE TANKS

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Section
615.621 Applicability
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Section
615.701 Applicability
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SUBPART L: DE-ICING AGENT STORAGE AND HANDLING UNITS

Section
615.721 Applicability
615.722 Groundwater Monitoring
615.723 Design and ~~ad~~ Operating Requirements
615.724 Closure

AUTHORITY: Implementing and authorized by Sections 5, 14.4, 21, 22, and 27 of the Environmental Protection Act [415 ILCS 5/5, 14.4, 21, 22, and 27].

SOURCE: Adopted in R89-5 at 16 Ill. Reg. 1538, effective January 10, 1992; amended in R92-20 at 17 Ill. Reg. 1871, effective January 28, 1993; amended in R96-18 at 21 Ill. Reg., 6503, effective May 8, 1997; amended in R18-26 at 45 Ill. Reg._____, effective_____.

SUBPART A: GENERAL

Section 615.101 Purpose

This Part ~~prescribes~~ specifies the requirements and standards for the protection of groundwater for certain types of existing facilities or units located wholly or partially within a setback zone regulated by the Act or within a regulated recharge area ~~as delineated~~ underpursuant to Section 17.4 of the Act and 35 Ill. Adm. Code 617.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 615.102 Definitions

"Above-ground storage tank" means a storage tank that is not an underground storage tank.

"Act" means the Environmental Protection Act [415 ILCS 5].

"Agency" means the Illinois Environmental Protection Agency.

"Board" means the Illinois Pollution Control Board.

"Certification" means a statement of professional opinion based upon knowledge and belief.

"Community water supply" means *a public water supply which serves or is intended to serve at least 15 service connections used by residents or regularly serves at least 25 residents*. [415 ILCS 5/3.145] ~~"COMMUNITY WATER SUPPLY" MEANS A PUBLIC SUPPLY WHICH SERVES OR IS INTENDED TO SERVE AT LEAST 15 SERVICE CONNECTIONS USED BY RESIDENTS OR REGULARLY SERVES AT LEAST 25 RESIDENTS. (Section 3.05 of the Act)~~

"Compliance point" means any point in groundwater designated at 35 Ill. Adm. Code 620.Subpart B as a Class I through III groundwater at which a contaminant released from the unit could pass underneath the unit boundary. There may be more than one compliance point for a particular unit.

"Commencement of construction" means that *all necessary federal, State and local approvals have been obtained, and work at the site has been initiated and proceeds in a reasonably continuous manner to completion*. [415 ILCS 5/3.350]. ~~ALL NECESSARY FEDERAL, STATE, AND LOCAL APPROVALS HAVE BEEN OBTAINED, AND WORK AT THE SITE HAS BEEN INITIATED AND PROCEEDS IN A REASONABLY CONTINUOUS MANNER TO COMPLETION. (Section 3.58 of the Act)~~

"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.

"Containerized" means being in a container.

"Contaminant" means *any solid, liquid, or gaseous matter, any odor, or any form of energy, from whatever source*. [415 ILCS 5/3.165]. ~~CONTAMINANT" IS ANY SOLID, LIQUID, OR GASEOUS MATTER, ANY ODOR, OR ANY FORM OF ENERGY, FROM WHATEVER SOURCE. (Section 3.06 of the Act)~~

"Contamination" or "contaminate", *when used in connection with groundwater, means water pollution of such groundwater*. [415 ILCS 5/3.170] ~~" CONTAMINATION" OR "CONTAMINATE", WHEN USED IN CONNECTION WITH GROUNDWATER, MEANS WATER POLLUTION OF SUCH GROUNDWATER. (Section 3.63 of the Act)~~

"Date of first applicability" means the effective date of this Part for any unit located within a minimum setback zone, except that:

If a unit is first incorporated into any setback zone by an ordinance or regulation that establishes a maximum setback zone, the date of first applicability is the effective date of this Part or the effective date of the ordinance or regulation that establishes the maximum setback zone, whichever is later; or

If a unit is located in a part of a regulated recharge area that was not previously part of a setback zone, the date of first applicability is the effective date of the regulation that establishes the regulated recharge area.

"De-Icing agent" means a chemical used for de-icing, including but not limited to sodium chloride and calcium chloride. Sand, ashes, or other abrasive materials that do not alter the freezing point of water are not de-icing agents.

"Detection" means the identification of a contaminant in a sample at a value equal to or greater than the:

"Method Detection Limit" or "MDL", means the minimum concentration of a substance that can be measured as reported with 99 percent confidence that the true value is greater than zero, pursuant to 40 CFR 136, appendix B, ~~which means the minimum concentration of a substance that can be measured as reported with 99 percent confidence that the true value is greater than zero pursuant to 56 Fed. Reg. 3526-3597;~~ incorporated by reference at Section 615.103; or

"Method Quantitation Limit" or "MQL", which means the minimum concentration of a substance that can be measured and reported pursuant to "Test Methods for Evaluating Solid Wastes, Physical/ Chemical Methods", incorporated by reference at Section 615.103.

"Dike" means an embankment or ridge of either natural or manmade materials used to prevent the movement of liquids, sludges, solids, or other materials.

"Discharge" means the accidental or intentional spilling, leaking, pumping, pouring, emitting, emptying or dumping of any material onto or on any land or water.

"Disposal" means *the discharge, deposit, injection, dumping, spilling, leaking or placing of any waste or hazardous waste into or on any land or water or into any well so that such waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.* [415 ILCS 5/3.185]~~"DISPOSAL" MEANS THE DISCHARGE, DEPOSIT, INJECTION, DUMPING, SPILLAGE, LEAKING OR PLACING OF ANY WASTE OR HAZARDOUS WASTE INTO OR ON ANY LAND OR WATER OR INTO ANY WELL SO THAT SUCH WASTE OR HAZARDOUS WASTE OR ANY CONSTITUENT THEREOF MAY~~

~~ENTER THE ENVIRONMENT OR BE EMITTED INTO THE AIR OR DISCHARGED INTO ANY WATERS, INCLUDING GROUNDWATERS. (Section 3.08 of the Act)~~

"Existing unit" means a unit that was in operation or for which there is commencement of construction on or before the date of first applicability, except that a unit is not an existing unit if the unit:

Expands laterally beyond the currently permitted boundary, or the unit boundary if the unit is not permitted, in existence after the date of first applicability; or

Is part of a facility that undergoes major reconstruction after the date of first applicability; or

Reopens at any time after having submitted a certification of closure to the Agency.

"Facility" means all contiguous land and structures, other appurtenances and improvements on the land used for the treating, storing, handling, or disposal of any material which causes that unit to be regulated under this Part. A facility may consist of one or more units.

"Freeboard" means the vertical distance between the top of a tank or dike and the surface of the material contained therein.

"Free liquids" means liquids which readily separate from the solid portion of a waste under ambient temperature and pressure. To demonstrate the absence or presence of free liquids in either a containerized or a bulk waste, the following test must be used: Method 9095 (Paint Filter Liquids Test) as described in "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods" ~~(EPA Publication No. SW-846)~~, incorporated by reference at Section 615.103.

"Groundwater" means *underground water which occurs within the saturated zone and geologic materials where the fluid pressure in the pore space is equal to or greater than atmospheric pressure.* [415 ILCS 5/3.210]~~"GROUNDWATER" MEANS UNDERGROUND WATER WHICH OCCURS WITHIN THE SATURATED ZONE AND GEOLOGIC MATERIALS WHERE THE FLUID PRESSURE IN THE PORE SPACE IS EQUAL TO OR GREATER THAN ATMOSPHERIC PRESSURE. (Section 3.64 of the Act)~~

"Groundwater standards" means the water quality standards for groundwater adopted by the Board under Section 8 of the Illinois Groundwater Protection Act [415 ILCS 55] and found at 35 Ill. Adm. Code 620.

"Hazardous waste" means *a waste, or combination of wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious, irreversible, or incapacitating reversible, illness; or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or*

disposed of, or otherwise managed, and which has been identified, by characteristics or listing, as hazardous pursuant to Section 3001 of the Resource Conservation and Recovery Act of 1976, P.L. 94-580, or pursuant to Board regulations.[415 ILCS 5/3.220]~~"HAZARDOUS WASTE" MEANS A WASTE, OR COMBINATION OF WASTES, WHICH BECAUSE OF ITS QUANTITY, CONCENTRATION, OR PHYSICAL, CHEMICAL, OR INFECTIOUS CHARACTERISTICS MAY CAUSE OR SIGNIFICANTLY CONTRIBUTE TO AN INCREASE IN MORTALITY OR AN INCREASE IN SERIOUS, IRREVERSIBLE, OR INCAPACITATING REVERSIBLE, ILLNESS; OR POSE A SUBSTANTIAL PRESENT OR POTENTIAL HAZARD TO HUMAN HEALTH OR THE ENVIRONMENT WHEN IMPROPERLY TREATED, STORED, TRANSPORTED, OR DISPOSED OF, OR OTHERWISE MANAGED, AND WHICH HAS BEEN IDENTIFIED, BY CHARACTERISTICS OR LISTING, AS HAZARDOUS PURSUANT 35 Ill. Adm. Code 721. (Section 3.15 of the Act)~~

"Incompatible material" means a material which may:

Cause corrosion or decay of containment materials (e.g., container inner liners or tank walls); or

When commingled with another material, produces heat or pressure, fire, explosion, violent reaction, toxic dusts, mists, fumes or gases, or flammable fumes or gases.

"Landfill" means a unit or part of a facility in or on which waste is placed and accumulated over time for disposal, and which is not a land application unit, a surface impoundment or an underground injection well.

"Landscape waste" means *all accumulations of grass or shrubbery cuttings, leaves, tree limbs and other materials accumulated as the result of the care of lawns, shrubbery, vines and trees*. [415 ILCS 5/3.270]~~"LANDSCAPE WASTE" MEANS ALL ACCUMULATIONS OF GRASS OR SHRUBBERY CUTTINGS, LEAVES, TREE LIMBS AND OTHER MATERIALS ACCUMULATED AS THE RESULT OF THE CARE OF LAWNS, SHRUBBERY, VINES AND TREES. (Section 3.20 of the Act)~~

"Land application unit" means an area where wastes are agronomically spread over or disked into land or otherwise applied so as to become incorporated into the soil surface.

"Land treatment" means the application of waste onto or incorporation of waste into the soil surface. For the purposes of this Part a land application unit is a land treatment unit.

"Leachate" means any liquid, including suspended components in the liquid, that has percolated through or drained from a material.

"Licensed water well contractor" means a person licensed under the Water Well and Pump Installation Contractor's License Act [225 ILCS 345].

"Liner" means a continuous layer of natural or manmade materials beneath or on the side of a surface impoundment, landfill, landfill cell, waste pile, or storage pile which restricts the downward or lateral escape of waste, waste constituents, leachate or stored materials.

"Major reconstruction" means commencement of construction at a facility where the fixed capital cost of the new components constructed within a 2-year period exceeds 50% of the fixed capital cost of a comparable entirely new facility. New components do not include any new components necessary for compliance with this Part.

"New unit" means a unit that is not an existing unit.

"Non-community water supply" means *a public water supply that is not a community water supply.* [415 ILCS 5/3.145]~~"NON-COMMUNITY WATER SUPPLY" MEANS A PUBLIC WATER SUPPLY THAT IS NOT A COMMUNITY WATER SUPPLY. (Section 3.05 of the Act)~~

"Non-special waste" means a waste that is not a special waste.

"Off-site" means not on-site.

"On-site", "on the site", or "on the same site" means the same or geographically contiguous property which may be divided by public or private right of way, provided the entrance and exit between the properties is at a crossroads intersection and access is by crossing as opposed to going along the right of way. Noncontiguous properties owned by the same person but connected by a right of way which he controls and to which the public does not have access is also considered on site property.

"Operator" means the person responsible for the operation of a site, facility or unit.

"Owner" means the person who owns a site, facility or unit or part of a site, facility or unit, or who owns the land on which the site, facility or unit is located.

"Pesticide" means *any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest or any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant.* [415 ILCS 5/3.320] ~~"PESTICIDE" MEANS ANY SUBSTANCE OR MIXTURE OF SUBSTANCES INTENDED FOR PREVENTING, DESTROYING, REPELLING, OR MITIGATING ANY PEST OR ANY SUBSTANCE OR MIXTURE OF SUBSTANCES INTENDED FOR USE AS A PLANT REGULATOR, DEFOLIANT OR DESICCANT. (Section 3.71 of the Act)~~

"Pile" means any noncontainerized accumulation of solid, non-flowing material that is used for treatment, storage or disposal.

"Potable" means *generally fit for human consumption in accordance with accepted water supply principles and practices*. [415 ILCS 5/3.340]~~"POTABLE" MEANS GENERALLY~~

~~FIT FOR HUMAN CONSUMPTION IN ACCORDANCE WITH ACCEPTED WATER SUPPLY PRINCIPLES AND PRACTICES. (Section 3.65 of the Act)~~

"Practical Quantitation Limit" or "PQL" means the lowest concentration or level that can be reliably measured within specified limits of precision and accuracy during routine laboratory operating conditions in compliance ~~accordance~~ with "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," ~~EPA Publication SW-846~~, incorporated by reference at Section 615.103.

"Public water supply" means *all mains, pipes and structures through which water is obtained and distributed to the public, including wells and well structures, intakes and cribs, pumping stations, treatment plants, reservoirs, storage tanks and appurtenances, collectively or severally, actually used or intended for use for the purpose of furnishing water for drinking or general domestic use and which serve at least 15 service connections or which regularly serve at least 25 persons at least 60 days per year. A public water supply is either a "community water supply" or a "non-community water supply".* [415 ILCS 5/3.365] ~~"PUBLIC WATER SUPPLY" MEANS ALL MAINS, PIPES AND STRUCTURES THROUGH WHICH WATER IS OBTAINED AND DISTRIBUTED TO THE PUBLIC, INCLUDING WELLS AND WELL STRUCTURES, INTAKES AND CRIBS, PUMPING STATIONS, TREATMENT PLANTS, RESERVOIRS, STORAGE TANKS AND APPURTENANCES, COLLECTIVELY OR SEVERALLY, ACTUALLY USED OR INTENDED FOR USE FOR THE PURPOSE OF FURNISHING WATER FOR DRINKING OR GENERAL DOMESTIC USE AND WHICH SERVE AT LEAST 15 SERVICE CONNECTIONS OR WHICH REGULARLY SERVE AT LEAST 25 PERSONS AT LEAST 60 DAYS PER YEAR. A PUBLIC WATER SUPPLY IS EITHER A "COMMUNITY WATER SUPPLY" OR A "NON-COMMUNITY WATER SUPPLY". (Section 3.28 of the Act)~~

"Reactive material" means a material which meets one or more of the following criteria:

It is normally unstable and readily undergoes violent change without detonating;

It reacts violently with water;

It forms potentially explosive mixtures with water;

When mixed with water, it generates toxic gases, vapors, or fumes in a quantity sufficient to present a danger to human health or the environment;

It is capable of detonation or explosive reaction if it is subject to a strong initiating source, or if heated under confinement;

It is readily capable of detonation or explosive decomposition or reaction at standard temperature and pressure; or

It is a forbidden explosive as defined in 49 CFR 173 incorporated by reference at Section 615.103, or a Class A explosive as defined in 49 CFR 173.53 or a Class B explosive as defined in 49 CFR 173.88.

"Registered land surveyor" means a person registered under the Illinois Professional Land Surveyors Act of 1989 [225 ILCS 330].

"Registered professional engineer" means a person registered under the Professional Engineering Practice Act of 1989 [225 ILCS 325].

"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 5/3.390]~~"REGULATED RECHARGE AREA" MEANS A COMPACT GEOGRAPHIC AREA, AS DETERMINED BY THE BOARD pursuant to Section 17.4 of the Act, THE GEOLOGY OF WHICH RENDERS A POTABLE RESOURCE GROUNDWATER PARTICULARLY SUSCEPTIBLE TO CONTAMINATION. (Section 3.67 of the Act)~~

"Road oil" means slow-curing asphaltic oils which show no separation on standing and which are used for road construction, maintenance or repair.

"Runoff" means any rainwater, leachate or other liquid that drains over land from any part of a facility.

"Run-on" means any rainwater, leachate or other liquid that drains over land onto any part of a facility.

"Secondary containment structure" means any structure or basin intended to contain spills and prevent runoff or leaching from piles, containers, or tanks and related piping.

"Setback zone" means *a geographic area, designated pursuant to this 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 5/3.450] ~~"SETBACK ZONE" MEANS A GEOGRAPHIC AREA, DESIGNATED PURSUANT TO THIS 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. (Section 3.61 of the Act)~~

"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 this Act or regulations thereunder.* [415 ILCS 5/3.460. ~~"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 THIS ACT OR REGULATIONS THEREUNDER. (Section 3.43 of the Act)~~

"Sludge" means *any solid, semi-solid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility or any other such waste having similar characteristics and effects.* [415 ILCS 5/3.465] ~~"SLUDGE" MEANS ANY SOLID, SEMI-SOLID, OR LIQUID WASTE GENERATED FROM A MUNICIPAL, COMMERCIAL, OR INDUSTRIAL WASTEWATER TREATMENT PLANT, WATER SUPPLY TREATMENT PLANT, OR AIR POLLUTION CONTROL FACILITY OR ANY OTHER SUCH WASTE HAVING SIMILAR CHARACTERISTICS AND EFFECTS. (Section 3.44 of the Act)~~

"Special waste" means *any industrial process waste, pollution control waste or hazardous waste except as determined pursuant to* Section 22.9 of the Act ~~"SPECIAL WASTE" MEANS ANY INDUSTRIAL PROCESS WASTE, POLLUTION CONTROL WASTE OR HAZARDOUS WASTE, EXCEPT AS DETERMINED PURSUANT TO SECTION 22.9 OF the Act~~ and 35 Ill. Adm. Code 808. ~~(Section 3.45 of the Act)~~

"Storage" ~~"STORAGE"~~ means the holding or containment of a material, either on a temporary basis or for a period of years, in such manner as not to constitute disposal of such material.

"Surface impoundment" means a natural topographical depression, man made excavation, or diked area that is designed to hold liquid wastes or wastes containing free liquids.

"Surface water" means all waters that are open to the atmosphere.

"Tank" means a stationary device, designed to contain an accumulation of material which is constructed of non-earthen materials (e.g., wood, concrete, steel, plastic) which provide structural support. The term "tank" does not include areas used to accumulate materials prior to pumping to tanks or containers (i.e., sump pits) or associated piping. The term "tank" does not include vehicles used to transport material.

"Treatment" means any method, technique or process, including neutralization, designed to change the physical, chemical or biological character or composition of any material so as to neutralize such material, or so as to recover energy or material resources from the material or so as to render such material nonhazardous or less hazardous, safer to transport, store or dispose of, or amenable for recovery, amenable for storage or reduced in volume.

"Underground storage tank" means a storage tank as defined at 35 Ill. Adm. Code 731.101(f).

"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 5/3.465] ~~"UNIT" MEANS ANY~~

~~DEVICE, MECHANISM, EQUIPMENT, OR AREA (EXCLUSIVE OF LAND UTILIZED ONLY FOR AGRICULTURAL PRODUCTION). (Section 3.62 of the Act)~~

"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:* [415 ILCS 5/3.535]

> Industrial dischargers with NPDES permits issued pursuant to 35 Ill. Adm. Code 309;
>
> Source, spent nuclear or by-product materials as defined by the atomic energy act of 1954;
>
> Any solid or dissolved material from any material subject to 62 Ill. Adm. Code 1700 through 1850.

~~"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:~~

> ~~INDUSTRIAL DISCHARGES WITH NPDES PERMITS ISSUED PURSUANT TO 35 ILL. ADM. CODE 309;~~
>
> ~~SOURCE, SPENT NUCLEAR, OR BY-PRODUCT MATERIALS AS DEFINED BY THE ATOMIC ENERGY ACT OF 1954 (42 U.S.C. 2014);~~
>
> ~~ANY SOLID OR DISSOLVED MATERIAL FROM ANY MATERIAL SUBJECT TO 62 ILL. ADM. CODE 1700 THROUGH 1850. (Section 3.53 of the Act)~~

"Waste pile" means a pile consisting of waste that has a total volume greater than 10 cubic yards or within which the waste remains for more than 90 days.

"Waters" means *all accumulations of water, surface and underground, natural, and artificial, public and private, or parts thereof, which are wholly or partially within, flow through, or border upon this State*. [415 ILCS 5/3.550] ~~"WATERS" MEANS ALL~~

~~ACCUMULATIONS OF WATER, SURFACE AND UNDERGROUND, NATURAL AND ARTIFICIAL, PUBLIC AND PRIVATE, OR PARTS THEREOF, WHICH ARE WHOLLY OR PARTLY WITHIN, FLOW THROUGH, OR BORDER UPON THIS STATE. (Section 3.56 of the Act)~~

"Well" means *a bored, drilled or driven shaft, or dug hole, the depth of which is greater than the largest surface dimension*. [415 ILCS 5/3.555] ~~"WELL" MEANS A BORED, DRILLED OR DRIVEN SHAFT, OR DUG HOLE, THE DEPTH OF WHICH IS GREATER THAN THE LARGEST SURFACE DIMENSION. (Section 3.57 of the Act)~~

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 615.103 Incorporations by Reference

a) The Board incorporates the following material by reference:

CFR (Code of Federal Regulations). Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (202) 783-3238.~~GPO. Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20401, (202)783-3238:~~

Method Detection Limit Definition, appendix B to Part 136, 40 CFR 136 (2017).

49 CFR 173 (2017).

~~National Primary Drinking Water Regulations, Final Rule, 56 Fed. Reg. 3526-3597 (January 30, 1991). Shippers-General Requirements for Shipments and Packagings, 49 CFR 173 (1990)~~

NTIS. National Technical Information Service, 5285 Port Royal Road, Springfield VA 22161, (703) 605-6000~~(703)487-4600~~

"Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods", EPA Publication No. SW-846, as amended by Updates I, II, IIA, IIB, III, IIIA, and IIIB I, (Doc. No. 55-001-00000-1) (available on line).~~PB 89-148076).~~

b) This Section incorporates no later amendments or editions.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 615.104 Prohibitions

A ~~No~~ person must not ~~shall~~ cause or allow the construction or operation of any facility or unit in violation of the Act or regulations adopted by the Board thereunder, including ~~but not limited to~~ this Part.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 615.105 General Exceptions

a) This Part does not apply to any facility or unit, or to the owner or operator of any facility or unit:

1) For which the owner or operator obtains certification of minimal hazard under ~~pursuant to~~ Section 14.5 of the Act; or

2) For which alternate requirements are imposed in an adjusted standard proceeding or as part of a site-specific rulemaking, under ~~pursuant to~~ Title VII of the Act; or

3) For which alternate requirements are imposed in a regulated recharge area proceeding under ~~pursuant to~~ Section 17.4 of the Act; or

4) That is *located on the same site as a non-community water system well and for which the owner is the same for both the*~~LOCATED ON THE SAME SITE AS A NON-COMMUNITY WATER SYSTEM WELL AND FOR WHICH THE OWNER IS THE SAME FOR BOTH THE~~ facility or unit *and the well*~~AND THE WELL~~. (Section 14.4(b) of the Act); or

5) That is located *within a regulated recharge area as delineated*~~WITHIN A REGULATED RECHARGE AREA AS DELINEATED~~ in 35 Ill. Adm. Code 617, *provided that*~~PROVIDED THAT~~:

A) *The boundary of the lateral area of influence of a community water supply well located within the regulated recharge area* ~~THE BOUNDARY OF THE LATERAL AREA OF INFLUENCE OF A COMMUNITY WATER SUPPLY WELL LOCATED WITHIN THE REGULATED RECHARGE AREA~~ does not *include such* ~~INCLUDE SUCH~~ facility or unit *therein*~~THEREIN~~*;*

B) *The distance from the wellhead of the community water supply to the*~~THE DISTANCE FROM THE WELLHEAD OF THE COMMUNITY WATER SUPPLY TO THE~~ facility or unit *exceeds 2500 feet; and*

C) *The community water supply well was*~~THE COMMUNITY WATER SUPPLY WELL WAS~~ not *in existence prior to January*

1, 1988~~N EXISTENCE PRIOR TO JANUARY 1, 1988~~. [415 ILCS 5/14.4(b)] ~~(Section 14.4(b) of the Act)~~; or

6) For which the owner or operator of the facility for storage and related handling of pesticides or fertilizers for the purpose of commercial application or at a central location for the purpose of distribution to retail sales outlets that has filed a written notice of intent under ~~pursuant to~~ Section 14.6 of the Act *with the Department of Agriculture by January 1, 1993, or within 6 months after the date on which a maximum setback zone is established or a regulated recharge area regulation is adopted that affects such a facility*~~WITH THE DEPARTMENT OF AGRICULTURE BY JANUARY 1, 1993, OR WITHIN 6 MONTHS AFTER THE DATE ON WHICH A MAXIMUM SETBACK ZONE IS ESTABLISHED OR A REGULATED RECHARGE AREA REGULATION IS ADOPTED THAT AFFECTS SUCH A FACILITY~~; or has filed a written certification of intent under ~~pursuant to~~ Section 14.6 of the Act *on the appropriate license or renewal application form submitted to the Department of Agriculture or other appropriate agency* ~~ON THE APPROPRIATE LICENSE OR RENEWAL APPLICATION FORM SUBMITTED TO THE DEPARTMENT OF AGRICULTURE OR OTHER APPROPRIATE AGENCY~~ [415 ILCS 5/14.6(a)]~~(Section 14.6(a) of the Act).~~ This exception does ~~shall~~ not apply to those facilities that are not in compliance with the program requirements of subsections 14.6(b) and 14.6(c) of the Act.

b) Nothing in this Section will ~~shall~~ limit the authority of the Board to impose requirements on any facility or unit within any portion of any setback zone or regulated recharge area under ~~pursuant to~~ the Act.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

SUBPART B: GROUNDWATER MONITORING REQUIREMENTS

Section 615.202 Compliance Period

The compliance period is the active life of the unit, including closure and post-closure care periods.

a) The active life begins when the unit first begins operation or one year after the date of first applicability, whichever occurs later, and ends when the post-closure care period ends.

b) The post-closure care period for units other than pesticide storage and handling units subject to Subpart I and fertilizer storage and handling units subject to Subpart J is five years after closure, except as provided at subsection (d) or Section 615.211(e).

c) The post-closure care period for pesticide storage and handling units subject to Subpart I and for fertilizer storage and handling units subject to Subpart J is three years after closure, except as provided at Section 615.211(e).

d) Despite subsections ~~Subsections~~ (a), (b) and (c) ~~notwithstanding~~, no post-closure care period is required if all waste, waste residues, contaminated containment system components and contaminated subsoils are removed or decontaminated at closure, and no ongoing corrective action is required under ~~pursuant to~~ Section 615.211.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 615.203 Compliance with Groundwater Standards

The owner or operator must~~shall~~ comply with the groundwater standards.

a) The term of compliance is the compliance period.

b) Compliance must~~shall~~ be measured at the compliance point, or compliance points if more than one such point exists.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 615.204 Groundwater Monitoring System

a) Except as provided otherwise in subsection (b) ~~of this Section~~, the groundwater monitoring system must consist of a sufficient number of wells, installed at appropriate locations and depths to yield groundwater samples, that:

1) Represent the quality of background water that has not been affected by contamination from the facility or unit; and

2) Represent the quality of groundwater at the compliance point or points.

b) If a potable water well or other water well can be used as a monitoring well under ~~pursuant to~~ this subsection, no additional monitoring wells are required under this Section. A potable water well or other water well may be used as a monitoring well if:

1) For a potable water well other than a community water supply well, a construction report has been filed with the Illinois Department of Public Health for such well, or such well has been located and constructed (or reconstructed) to meet the Illinois Water Well Construction Code [415 ILCS 30] and 35 Ill. Adm. Code 920;

2) For a potable water supply well that was constructed prior to August 20, 1965, the enactment of the Illinois Water Well Construction Code [415 ILCS 30], and meets all of the following criteria:

A) Construction must be done in a manner that will enable the collection of groundwater samples that represent in situ groundwater conditions;

B) Casings and screens must be made from durable material resistant to expected chemical or physical degradation that do not interfere with the quality of groundwater samples being collected; and

C) The annular space opposite the screened section of the well (i.e., the space between the bore hole and well screen) must be filled with gravel or sand if necessary to collect groundwater samples. The annular space above and below the well screen must be sealed to prevent migration of water from adjacent formations and the surface to the sampled depth.

3~~2~~) For a water well other than a potable water well (e.g., a livestock watering well or an irrigation well), the owner or operator of the unit seeking to use the well as a monitoring well certifies to the Agency that a construction report has been filed with the Illinois Department of Public Health or the Illinois Department of Mines and Minerals for such well, or that such well has been located and constructed (or reconstructed) to meet the Illinois Water Well Construction Code [415 ILCS 30] and 35 Ill. Adm. Code 920; and

4~~3~~) The unit contains solely non-special waste if the unit is a surface impoundment.

c) If a facility contains more than one unit, separate groundwater monitoring systems are not required for each unit, provided that provisions for sampling the groundwater will enable detection and measurement of contaminants that have entered the groundwater from all units.

d) All monitoring wells must meet the following requirements:

1) Construction must be done in a manner that will enable the collection of groundwater samples;

2) Casings and screens must be made from durable material that is resistant to expected chemical or physical degradation and that does not interfere with the quality of groundwater samples being collected; and

3) The annular space opposite the screened section of the well (i.e., the space between the bore hole and well screen) must be filled with gravel or sand if necessary to collect groundwater samples. The annular space above and below the well screen must be sealed to prevent migration of water from overlying adjacent formations and the surface to the sampled depth.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 615.205 Groundwater Monitoring Program

The owner or operator must~~shall~~ develop a groundwater monitoring program that consists of:

a) Consistent sampling and analysis procedures that are designed to ensure monitoring results that provide a reliable indication of groundwater quality below the unit. At a minimum the program must include procedures and techniques for:

1) Sample collection;

2) Sample preservation and shipment;

3) Analytical procedures; and

4) Chain of custody control.

b) Sampling and analytical methods that are appropriate for groundwater monitoring and that allow for detection and quantification of contaminants specified in this Subpart, and that are consistent with the sampling and analytical methods specified in 35 Ill. Adm. Code 620.

c) A determination of the groundwater head elevation each time groundwater is sampled. A determination of the groundwater head elevation is not required for samples taken from a potable well used as a monitoring well under~~pursuant to~~ Section 615.204(b).

d) A determination at least annually of the groundwater flow rate and direction.

e) If the owner or operator determines that the groundwater monitoring program no longer satisfies the requirements of this Section, the owner or operator must~~shall~~, within 90 days, make appropriate changes to the program and must~~shall~~ notify the Agency of the ~~such~~ changes when submitting the groundwater monitoring reports under Section 615.208.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 615.206 Contaminants to be Monitored

a) The owner or operator must~~shall~~ monitor for all parameters that meet the following criteria, except as provided in subsections (b) and (c):

1) Material containing such parameter is stored, disposed of, or otherwise handled at the site; and

2) There is a groundwater standard for such parameter.

b) The owner or operator of a unit subject to Subpart I for the storage and handling of pesticides must~~shall~~ monitor for five specific pesticides or five groups of chemically-similar pesticides stored or handled at the unit that are the most likely to enter into the groundwater from the unit and that are the most toxic. The owner or operator must~~shall~~ choose the five specific pesticides or five groups based upon the following criteria:

1) The volume of material stored or handled at the unit;

2) The leachability characteristics of the pesticides stored or handled at the unit;

3) The toxicity characteristics of the pesticides stored or handled at the unit;

4) The history of spillage of the pesticides stored or handled at the unit; and

5) Any groundwater standards for the pesticides stored or handled at the unit.

c) The owner or operator of a unit subject to Subpart J for the storage and handling of fertilizers must~~shall~~ monitor for pH, specific conductance, total organic carbon, nitrates as nitrogen, and ammonia nitrogen.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 615.207 Sampling Frequency

a) The owner or operator must~~shall~~ determine whether groundwater standards have been exceeded at each monitoring well at least quarterly during the compliance period, except as provided otherwise in subsections (b), (c) or Section 615.209(b).

b) The owner or operator of a unit subject to Subpart I for the storage and handling of pesticides or Subpart J for the storage and handling of fertilizer may substitute the quarterly determination of subsection (a) with a determination at least semi-annually if ~~provided that~~ all of the following conditions are met:

1) The unit is in compliance with the containment requirements of 8 Ill. Adm. Code 255;

2) There have been no detections within the preceding two years in any of the monitoring wells of any contaminant stored or handled at the facility or of any contaminant attributable to operation of the unit; and

3) No reportable agrichemical spills, as defined in ~~pursuant to~~ 8 Ill. Adm. Code 255, have occurred at the facility within the previous two years.

c) The owner or operator of a unit subject to Subpart K for the storage and handling of road oils or Subpart L for the storage and handling of de-icing agents must~~shall~~ determine whether groundwater standards have been exceeded at each monitoring well at least annually during the compliance period, except as provided at Section 615.209(b).

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 615.208 Reporting

The owner or operator must~~shall~~ submit results of all monitoring required under~~pursuant to~~ this Subpart to the Agency within 60 days after completion of sampling.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 615.209 Non-Compliance Response Program

If monitoring results collected under~~pursuant to~~ Sections 615.206 and 615.207 show that a groundwater standard has been exceeded, the owner or operator must~~shall~~:

a) Notify the Agency of this finding when submitting the groundwater monitoring results required under~~pursuant to~~ Section 615.208. The notification must indicate which groundwater standards have been exceeded.

b) Resample the groundwater within 3 days in all monitoring wells where a groundwater standard has been exceeded and redetermine the presence and concentration of each parameter required under~~pursuant to~~ Section 615.206, except that:

1) If the unit is subject to Subpart I for the storage and related handling of pesticides, resample the groundwater within 3 days in all monitoring wells where a groundwater standard has been exceeded and determine the presence and concentration in each such sample of each pesticide previously and presently stored or handled at the unit.

2) If the unit is subject to Subpart J for the storage and related handling of fertilizers, monitor monthly for the parameters set forth in Section 615.206(c) until the groundwater standard is no longer exceeded.

c) Submit the results of sampling required under subsection (b) when submitting the groundwater results required underpursuant to Section 615.208.

d) Prepare an engineering feasibility plan for a corrective action program designed to achieve the requirements of Section 615.211. This plan mustshall be submitted to the Agency in writing within 120 days after the date on which the sample results are submitted to the Agency underpursuant to subsection (c), unless:

1) None of the parameters identified under subsection (b) exceed the groundwater standards; or

2) The owner or operator makes a demonstration underpursuant to Section 615.210.

e) Begin the corrective action program specified in subsection (d) within 120 days after the date on which the sample results are submitted to the Agency underpursuant to subsection (c), unless:

1) None of the parameters identified under subsection (b) exceed the groundwater standards; or

2) The owner or operator makes a demonstration underpursuant to Section 615.210.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 615.210 Alternate Non-Compliance Response Program

If the groundwater sampling required underpursuant to Section 615.207 shows that a groundwater standard has been exceeded, it is presumed that contamination from the facility or unit that is being monitored is responsible for the standard being exceeded. An owner or operator may overcome that presumption by making a demonstration that a source other than the facility or unit that is being monitored caused the exceedence or that the exceedence resulted from error in sampling, analysis or evaluation. In making the such demonstration, the owner or operator mustshall:

a) Notify the Agency that the owner or operator intends to make a demonstration under this Section when submitting the groundwater monitoring results required underpursuant to Section 615.208.

b) Submit a report to the Agency that demonstrates that a source other than a facility or unit for which he is the owner or operator caused the groundwater standard to be exceeded, or that the groundwater standard was exceeded due to an error in sampling, analysis or evaluation. Such report must be included with the next submission of groundwater monitoring results required underpursuant to Section 615.208; and

c) Continue to monitor in compliance~~accordance~~ with the groundwater monitoring program established under~~pursuant to~~ Sections 615.205, 615.206, and 615.207.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 615.211 Corrective Action Program

An owner or operator required to conduct a corrective action program under~~pursuant to~~ this Subpart must~~shall~~:

a) Begin corrective action within 120 days after the date on which the sample results are submitted to the Agency under~~pursuant to~~ Section 615.209(c).

b) Take corrective action that results in compliance with the groundwater standards at the compliance point or points.

c) Establish and implement a groundwater monitoring program to demonstrate the effectiveness of the corrective action program.

d) Take corrective action that maintains compliance with the groundwater standards:

1) At all compliance points; and

2) Beyond the unit boundary, where necessary to protect human health and the environment, unless the owner or operator demonstrates to the Agency that, despite the owner's or operator's best efforts, the owner or operator was unable to obtain the necessary permission to undertake such action. The owner or operator is not relieved of responsibility to clean up a release that has migrated beyond the unit boundary where off-site access is denied.

e) Continue corrective action measures during the compliance period to the extent necessary to ensure that the groundwater standard is not exceeded at the compliance point or points. If the owner or operator is still conducting corrective action at the end of the compliance period, the owner or operator must~~shall~~ continue that corrective action for as long as necessary to achieve compliance with the groundwater standards. The owner or operator may terminate corrective action measures taken beyond the compliance period if the owner or operator can demonstrate, based on data from the groundwater monitoring program under subsection (c), that the groundwater standards have not been exceeded for a period of three consecutive years.

f) Report in writing to the Agency on the effectiveness of the corrective action program. The owner or operator must~~shall~~ submit these reports semi-annually.

g) If the owner or operator determines that the corrective action program no longer satisfies the requirements of this Section, the owner or operator must~~shall~~, within 90 days, make any appropriate changes to the program.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 615.302 Closure Performance Standard

The owner or operator must~~shall~~ close the unit in a manner that:

a) Controls, minimizes or eliminates, to the extent necessary to protect human health and the environment, post-closure escape of waste, waste constituents, leachate, contaminated runoff or waste decomposition products to soils, groundwaters, surface waters, and the atmosphere;

b) Minimizes the need for maintenance during and beyond the post-closure care period; and

c) Complies with the closure requirements of 35 Ill. Adm. Code: Subtitles C and G.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 615.303 Certification of Closure

Within 60 days after ~~completion of~~ the closure is complete, the owner or operator must~~shall~~ submit to the Agency, by registered or certified mail, a certification that the unit has been closed in compliance~~accordance~~ with the closure requirements. The certification must be signed by the owner or operator and by an independent registered professional engineer. Documentation supporting the independent registered professional engineer's certification must be furnished to the Agency upon request.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 615.304 Survey Plat

a) Before~~No later than~~ the submission of the certification of closure of each unit, the owner or operator must~~shall~~ submit to any local zoning authority, or authority with jurisdiction over local land use, and to the Agency, and record with land titles, a survey plat indicating the location and dimensions of any waste disposal units, and any pesticide or fertilizer storage and handling units, with respect to permanently surveyed benchmarks. This plat must be prepared and certified by a registered land surveyor.

b) For pesticide storage and handling units or for fertilizer storage and handling units, records or reports required under any other state or Federal regulatory

program and which contain the information required above may be used to satisfy this reporting requirement.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 615.305 Post-Closure Notice for Waste Disposal Units

Within ~~No later than~~ 60 days after certification of closure of the unit, the owner or operator of a unit subject to Subpart D or F must~~shall~~ submit to the Agency, to the County Recorder and to any local zoning authority or authority with jurisdiction over local land use, a record of the type, location and quantity of wastes disposed of within each cell or other area of the unit.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 615.306 Certification of Completion of Post-Closure Care

Within ~~No later than~~ 60 days after completion of the established post-closure care period, the owner or operator must~~shall~~ submit to the Agency, by registered or certified mail, a certification that the post-closure care period for the unit was performed in compliance~~accordance~~ with the specifications in the approved post-closure plan. The certification must be signed by the owner or operator and an independent registered professional engineer. Documentation supporting the independent registered professional engineer's certification must be furnished to the Agency upon request.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

SUBPART D: ON-SITE LANDFILLS

Section 615.401 Applicability

This Subpart applies to existing landfill units that are located wholly or partially within a setback zone or regulated recharge area and that contain special waste or other waste generated on-site, except that this Subpart does not apply to any existing landfill unit that:

a) Contains solely one or more of the following: hazardous waste, livestock waste, landscape waste, or construction and demolition debris; or

b) Is exempt from this Part under~~pursuant to~~ Section 615.105.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 615.402 Required Closure of Units Located Within Minimum Setback Zones

A ~~No~~ person must not~~shall~~ cause or allow the operation within a minimum setback zone of any landfill unit commencing two years after the effective date of this Part. Closure must~~shall~~ be completed three years after the effective date of this Part.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 615.403 Required Closure of Units Located Within Maximum Setback Zones

A ~~No~~ person must not~~shall~~ cause or allow the operation within a maximum setback zone of any landfill unit at which special waste is disposed, commencing two years after the effective date of the ordinance or regulation that establishes the maximum setback zone. Closure must~~shall~~ be completed within three years after the effective date of the ordinance or regulation that establishes the maximum setback zone.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 615.404 Required Closure of Units Located Within Regulated Recharge Areas

A ~~No~~ person must not ~~shall~~ cause or allow the operation within a regulated recharge area of any landfill unit that contains special waste and for which the distance from the wellhead of the community water supply well to any part of the landfill unit is 2500 feet or less. This provision becomes effective four years after the date on which the Board establishes the regulated recharge area. Closure must~~shall~~ be completed within five years after the date on which the Board establishes the regulated recharge area.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

SUBPART E: ON-SITE LAND TREATMENT UNITS

Section 615.421 Applicability

This Subpart applies to existing land treatment units that are located wholly or partially within a setback zone or regulated recharge area and that treat or dispose of special waste or other waste generated on-site, except that this Subpart does not apply to any existing land treatment unit that:

a) Contains solely one or more of the following: hazardous waste, livestock waste, landscape waste, or construction and demolition debris; or

b) Is exempt from this Part under~~pursuant to~~ Section 615.105.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 615.422 Required Closure of Units Located Within Minimum Setback Zones

A ~~No~~ person must not ~~shall~~ cause or allow the operation within a minimum setback zone of any land treatment unit commencing two years after the effective date of this Part. Closure must~~shall~~ be completed within three years after the effective date of this Part.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 615.423 Required Closure of Units Located Within Maximum Setback Zones

A ~~No~~ person must not ~~shall~~ cause or allow the operation within a maximum setback zone of any land treatment unit at which special waste is treated or disposed, commencing two years after the effective date of the ordinance or regulation that establishes the maximum setback zone. Closure must~~shall~~ be completed within three years after the effective date of the ordinance or regulation that establishes the maximum setback zone.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 615.424 Land Treatment of Sludges in Maximum Setback Zones

Nothing in this Subpart prohibits ~~shall prohibit~~ land treatment within a maximum setback zone of sludge resulting from the treatment of domestic wastewater or of sludge resulting from the treatment of water to produce potable water, if such activities are conducted in compliance~~accordance~~ with the Act and 35 Ill. Adm. Code: Subtitle C.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 615.425 Closure and Post-Closure Care

The owner or operator must~~shall~~ comply with the requirements of Sections 615.302 and 615.303.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

SUBPART F: ON-SITE SURFACE IMPOUNDMENTS

Section 615.441 Applicability

This Subpart applies to existing surface impoundment units that are located wholly or partially within a setback zone or regulated recharge area and that contain special waste or other waste generated on-site, except that this Subpart does not apply to any existing surface impoundment unit that:

a) Contains solely one or more of the following: hazardous waste, livestock waste, landscape waste, or construction and demolition debris; or

b) Is exempt from this Part under~~pursuant to~~ Section 615.105.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 615.442 Required Closure of Units Located Within Minimum Setback Zones

A ~~No~~ person must not ~~shall~~ cause or allow the operation within a minimum setback zone of any surface impoundment unit commencing two years after the effective date of this Part. Closure must~~shall~~ be completed within three years after the effective date of this Part.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 615.443 Required Closure of Units Located Within Maximum Setback Zones

A ~~No~~ person must not ~~shall~~ cause or allow the operation within a maximum setback zone of any surface impoundment unit at which special waste is stored, treated or disposed, commencing two years after the effective date of the ordinance or regulation that establishes the maximum setback zone. Closure must~~shall~~ be completed within three years after the effective date of the ordinance or regulation that establishes the maximum setback zone.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 615.444 Groundwater Monitoring

The owner or operator of an existing on-site surface impoundment must~~shall~~ comply with the requirements of Subpart B.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 615.445 Inspection Requirements

During operation, ~~While~~ a surface impoundment ~~is in operation, it~~ must be inspected weekly and after storms to detect evidence of any of the following:

a) Deterioration, malfunctions or improper operation of overtopping control systems;

b) Sudden drops in the level of the impoundment's contents;

c) Severe erosion or other signs of deterioration in dikes or other containment devices; or

d) A leaking dike.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 615.446 Operating Requirements

a) A ~~No~~ person must not ~~shall~~ cause or allow incompatible materials to be placed in the same surface impoundment unit.

b) A surface impoundment unit must be removed from service in compliance~~accordance~~ with subsection (c) when:

1) The level of liquids in the unit suddenly drops and the drop is not known to be caused by changes in the flows into or out of the unit; or

2) The dike leaks.

c) When a surface impoundment unit must be removed from service as required by subsection (b), the owner or operator must~~shall~~:

1) Shut off the flow or stop the addition of wastes into the impoundment unit;

2) Contain any surface leakage that has occurred or is occurring;

3) Stop the leak;

4) Take any other necessary steps to stop or prevent catastrophic failure;

5) If a leak cannot be stopped by any other means, empty the impoundment unit; and

6) Notify the Agency of the removal from service and corrective actions that were taken, such notice to be given within 10 days after the removal from service.

d) No surface impoundment unit that has been removed from service in compliance~~accordance~~ with the requirements of this Section may be restored to service unless the portion of the unit that failed has been repaired.

e) A surface impoundment unit that has been removed from service in compliance~~accordance~~ with the requirements of this Section and that is not being repaired must be closed in compliance~~accordance~~ with the provisions of Section 615.447.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Subpart 615.447 Closure and Post-Closure Care

a) If closure is to be by removal, the owner or operator must~~shall~~ remove all waste, all waste residues, contaminated containment system components (liners, etc.), contaminated subsoils and structures and equipment contaminated with waste and leachate; and, if disposed of in the State of Illinois, dispose of them at a disposal site permitted by the Agency under the Act.

b) If closure is not to be by removal, the owner or operator must~~shall~~ comply with the requirements of Subpart C and must~~shall~~:

1) Eliminate free liquids by removing liquid wastes or solidifying the remaining wastes and waste residues.

2) Stabilize remaining wastes to a bearing capacity sufficient to support final cover.

3) Cover the surface impoundment unit with a final cover consisting of at least a 2-foot thick layer of compacted clay with a permeability of no more than $1x10^{-7}$ centimeters per second and designed and constructed to:

A) Provide long-term minimization of the migration of liquids through the closed impoundment unit;

B) Function with minimum maintenance;

C) Promote drainage and minimize erosion or abrasion of the final cover; and

D) Accommodate settling and subsidence so that the cover's integrity is maintained.

c) If some waste residues or contaminated materials are left in place at final closure, the owner or operator must~~shall~~ comply with the requirements of Subpart C and must~~shall~~:

1) Maintain the integrity and effectiveness of the final cover, including making repairs to the cap as necessary to correct the effects of settling, subsidence, erosion or other events;

2) Maintain and monitor the groundwater monitoring system; and

3) Prevent run-on and run-off from eroding or otherwise damaging the final cover.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

SUBPART G: ON-SITE WASTE PILES

Section 615.461 Applicability

This Subpart applies to existing waste piles that are located wholly or partially within a setback zone or regulated recharge area and that contain special waste or other waste generated on-site, except that this Subpart does not apply to any existing waste pile that:

a) Contains solely one or more of the following: hazardous waste, livestock waste, landscape waste, or construction and demolition debris;

b) Consists of sludge resulting from the treatment of wastewater from a Publicly Owned Treatment Works (POTW) and the sludge pile is situated on an underdrained pavement and operated in compliance~~accordance~~ with the Act, 35 Ill. Adm. Code: Subtitle C and 35 Ill. Adm. Code: Subtitle G; or

c) Is exempt from this Part under~~pursuant to~~ Section 615.105.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 615.462 Required Closure

A waste pile is deemed to be a landfill and thereby subject to the closure requirements of Subpart D unless the operator can demonstrate to the Agency that the wastes are not accumulated over time for disposal. At the minimum, such demonstration must~~shall~~ include photographs, records, or other observable or discernable information, maintained on a yearly basis, that show that within the preceding year the waste has been removed for utilization or disposed elsewhere.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 615.463 Design and Operating Requirements

This section applies six months after the date of firs applicability to ~~For~~ a waste pile not subject to Section 615.462,

a) The owner or operator must~~shall~~ not cause or allow:

1) Disposal or storage in the waste pile of liquids or materials containing free liquids; or

2) Migration and runoff of leachate into adjacent soil, surface water, or groundwater.

b) The waste pile must comply with the following standards:

1) The waste pile must be under an impermeable membrane or cover that provides protection from precipitation;

2) The waste pile must be protected from surface water run-on; and

3) The waste pile must be designed and operated to control wind dispersal of waste by a means other than wetting.

~~c) This Section becomes applicable six months after the date of first applicability.~~

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 615.464 Closure

The owner or operator must~~shall~~ accomplish closure by removing and disposing of all wastes and containment system components (liners, etc). If disposed of in the State of Illinois, the waste and containment system components must be disposed of at a disposal site permitted by the Agency under the Act.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

SUBPART H: UNDERGROUND STORAGE TANKS

Section 615.501 Applicability

This Subpart applies to existing underground storage tanks that are located wholly or partially within a setback zone or regulated recharge area and that contain special waste, except that this Subpart does not apply to any existing underground storage tank that:

a) Under~~pursuant to~~ 35 Ill. Adm. Code 731.110(a) must meet the requirements set forth in 35 Ill. Adm. Code 731, unless such a tank is excluded from those requirements under~~pursuant to~~ 35 Ill. Adm. Code 731.110(b); or

b) Must have interim status or a RCRA permit under 35 Ill. Adm. Code: Subtitle G; or

c) Is exempt from this Part under~~pursuant to~~ Section 615.105.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 615.502 Design and Operating Requirements

Owners and operators of existing underground storage tanks that store special waste must~~shall~~ meet the requirements set forth in 35 Ill. Adm. Code 731. Such requirements must be met even if the tanks are excluded from coverage under 35 Ill. Adm. Code 731 by 35 Ill. Adm. Code 731.110(b). The exclusions set forth in 35 Ill. Adm. Code 731.110(b) do not apply to any underground storage tank which stores special waste.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

SUBPART I: PESTICIDE STORAGE AND HANDLING UNITS

Section 615.601 Applicability

This Subpart applies to any existing unit for the storage and handling of pesticides that is located wholly or partially within a setback zone or regulated recharge area and that:

a) Is operated for the purpose of commercial application; or

b) Stores or accumulates pesticides prior to distribution to retail sales outlets, including but not limited to a unit that is a warehouse or bulk terminal.

c) Despite subsections ~~Subsections~~ (a) and (b) ~~notwithstanding~~, this Subpart does not apply to any unit exempt under~~pursuant to~~ Section 615.105.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 615.602 Groundwater Monitoring

The owner or operator must~~shall~~ comply with the requirements of Subpart B.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 615.603 Design and Operating Requirements

The owner or operator must~~shall~~:

a) Maintain a written record inventorying all pesticides stored or handled at the unit.

b) At least weekly when pesticides are being stored, inspect storage containers, tanks, vents, valves, and appurtenances for leaks or deterioration caused by corrosion or other factors. If a leak or deterioration is found in any of these devices, the owner or operator must immediately repair or replace the device. The owner or operator must~~shall~~ maintain a written record of all inspections conducted under this Section and of all maintenance relating to leaks and deterioration of these devices.

c) Store all containers containing pesticides within a pesticide secondary containment structure, if such containers are stored outside of a roofed structure or enclosed warehouse. For the purpose of this subsection a pesticide secondary containment structure is a structure that complies with the design standards set forth in 8 Ill. Adm. Code 255.

d) Maintain all written records required under this Section at the site. The owner or operator must~~shall~~ provide any such record to the Agency upon request.

(Board Note: Owners or operators of facilities or units subject to this Part may also be subject to regulations under 8 Ill. Adm. Code 255.).

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 615.604 Closure and Post-Closure Care

The owner or operator mustshall comply with the requirements of Subpart C.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

SUBPART J: FERTILIZER STORAGE AND HANDLING UNITS

Section 615.621 Applicability

This Subpart applies to any existing unit for the storage and handling of fertilizers that is located wholly or partially within a setback zone or regulated recharge area and that:

a) Is operated for the purpose of commercial application; or

b) Stores or accumulates fertilizers prior to distribution to retail sales outlets, including but not limited to a unit that is a warehouse or bulk terminal.

c) Despite subsections Subsections (a) and (b) notwithstanding, this Subpart does not apply to any unit exempt underpursuant to Section 615.105.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 615.622 Groundwater Monitoring

The owner or operator mustshall comply with the requirements of Subpart B.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 615.623 Design and Operating Requirements

The owner or operator mustshall:

a) Maintain a written record inventorying all fertilizers stored or handled at the unit.

b) At least weekly when fertilizers are being stored, inspect storage containers, tanks, vents, valves, and appurtenances for leaks or deterioration caused by corrosion or other factors. If a leak or deterioration is found in any of these devices, the owner or operator mustshall immediately repair or replace the device. The owner or operator mustshall maintain a written record of all inspections conducted under this Section and of all maintenance relating to leaks and deterioration of these devices.

c) Store all containers containing fertilizers (except anhydrous ammonia) within a fertilizer secondary containment structure, if such containers are stored outside of

a roofed structure or enclosed warehouse. For the purpose of this subsection, a fertilizer secondary containment structure is a structure that complies with the design standards set forth in 8 Ill. Adm. Code 255.

d) Maintain all written records required under this Section at the site. The owner or operator mustshall provide any such record to the Agency upon request.

(Board Note: Owners or operators of facilities or units subject to this Part may also be subject to regulations under 8 Ill. Adm. Code 255)

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 615.624 Closure and Post-Closure Care

The owner or operator mustshall comply with the requirements of Subpart C.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

SUBPART K: ROAD OIL STORAGE AND HANDLING UNITS

Section 615.702 Required Closure of Units Located Within Minimum Setback Zones

a) A No person must not shall cause or allow the operation within a minimum setback zone of any road oil storage and handling unit.

b) Subsection (a) is effective two years after the effective date of this Part. Closure must be completed within three years after the effective date of this Part.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 615.703 Groundwater Monitoring

The owner or operator mustshall comply with the requirements of Subpart B.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 615.704 Design and Operating Requirements for Above-Ground Storage Tanks

a) The owner or operator mustshall not cause or allow:

1) Materials to be placed in a tank if such materials could cause the tank to rupture, leak, corrode, or otherwise fail.

2) Uncovered tanks to be placed or operated so as to maintain less than 60 centimeters (2 feet) of freeboard unless:

A) The tank is equipped with a containment structure (e.g., dike or trench), a drainage control system, or a diversion structure (e.g., standby tank); and

B) Such containment structure, drainage control system, or diversion structure has a capacity that equals or exceeds the volume of the top 60 centimeters (2 feet) of the tank.

3) Material to be continuously fed into a tank, unless the tank is equipped with a means to stop this inflow (e.g., a feed cutoff system or a bypass system to a standby tank).

4) Incompatible materials to be placed in the same tank.

5) Material to be placed in a tank that previously held an incompatible material unless the incompatible material has been washed from the tank.

6) Ignitable or reactive material to be placed in a tank unless:

A) The material is stored or treated in such a way that it is protected from any material or conditions that may cause it to ignite or react; or

B) The tank is used solely for emergencies.

b) The owner or operator must~~shall~~ provide and maintain primary containment for the tank such that:

1) The tank has a minimum shell thickness that ensures that the tank will not fail (i.e., collapse, rupture, etc.).

2) The tank is compatible with the material to be placed in the tank or the tank is lined with a substance that is compatible with the material to be placed in the tank.

c) The owner or operator must~~shall~~ provide and maintain secondary containment for the tank that:

1) Is capable of containing the volume of the largest tank or 10% of the total volume for all tanks, whichever is greater;

2) Is constructed of material capable of containing a spill until cleanup occurs (e.g., concrete or clay). The base of the secondary containment area must be capable of minimizing vertical migration of a spill until cleanup occurs (e.g., concrete or clay);

3) Has cover (e.g., crushed rock or vegetative growth) on earthen embankments sufficient to prevent erosion; and

4) Isolates the tank from storm water drains and from combined storm water drains and sewer drains.

d) If incompatible materials are handled at the site, secondary containment sufficient to isolate the units containing the incompatible materials must be provided.

e) The owner or operator of a tank must ~~shall also~~:

1) Test above-ground tanks and associated piping every five years for structural integrity.

2) Remove uncontaminated storm water runoff from the secondary containment area immediately after a precipitation event.

3) Handle contaminated storm water runoff in compliance~~accordance~~ with 35 Ill. Adm. Code 302.Subpart A.

4) Provide a method for obtaining a sample from each tank.

5) Install, maintain, and operate a material level indicator on each tank.

6) When not in use, lock all gauges and valves that are used to inspect levels in the tank. All such devices must be located within the containment structure.

f) This Section becomes applicable two years after the date of first applicability.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 615.722 Groundwater Monitoring

The owner or operator must~~shall~~ comply with the requirements of Subpart B.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 615.723 Design and Operating Requirements

a) Indoor facilities must comply with the following standards beginning two years after the date of first applicability:

1) The base of the facility must be constructed of materials capable of containing de-icing agents (i.e., bituminous or concrete pad).

2) The roof and walls of the facility must be constructed of materials capable of protecting the storage pile from precipitation and capable of preventing dissolved de-icing agents from entering into the adjacent soil, surface water, or groundwater. The walls of the facility must be constructed of materials compatible with the de-icing agents to be placed in the facility. Run-off from the roof must be diverted away from the loading pad.

3) All areas surrounding the storage pile, including ~~but not limited to~~ the loading pad, must be routinely inspected to determine whether any release of de-icing agents has occurred. Such areas must~~shall~~ be cleaned as necessary. Spilled de-icing agents must be placed back under the protective covering of the indoor storage pile. The storage pile must be reshaped as often as necessary to prevent leaching.

4) The integrity of the facility and loading pad must be maintained.

5) All areas surrounding the storage facility must be inspected daily to determine whether any release of de-icing agents has occurred. Spilled de-icing agents must be placed back into the storage facility.

b) Outdoor facilities or units must comply with the following standards beginning two years after the date of first applicability:

1) An impermeable membrane or cover must be placed over all storage piles to protect the piles from precipitation and surface water run-on. The membrane or cover must prevent run-off and leachate from being generated by the outdoor storage piles. The piles must be formed in a conical shape, covered and stored on a paved pad capable of preventing leachate from entering adjacent soil, surface water, or groundwater.

2) Surface drainage must be directed to prevent flow through the base of the storage piles. De-icing agents must not be stored where drainage may enter into water supplies, farm lands or streams.

3) All areas surrounding the storage piles must be cleaned and must be inspected daily to determine whether any release of de-icing agents has occurred. Spilled de-icing agents must be placed back under the protective covering of the outdoor storage piles. The storage piles must be reshaped as often as necessary to prevent leaching.

4) The storage piles must be designed and operated to control wind dispersal of the product by means other than wetting.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

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

PART 616
NEW ACTIVITIES IN A SETBACK ZONE OR REGULATED RECHARGE AREA

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SUBPART B: GROUNDWATER MONITORING REQUIREMENTS

Section

SUBPART C: GENERAL CLOSURE AND POST-CLOSURE REQUIREMENTS

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616.724 Design and Operating Requirements for Indoor Storage Facilities
616.725 Closure

AUTHORITY: Implementing Sections 5, 14.4, 21, and 22, and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/5, 14.4, 21, 22, 27].

SOURCE: Adopted in R89-5 at 16 Ill. Reg. 1592, effective January 10, 1992; amended in R89-14(C) at 16 Ill. Reg. 14676, effective September 11, 1992; amended in R92-20 at 17 Ill. Reg. 1878, effective January 28, 1993; amended in R96-18 at 21 Ill. Reg.6543, effective May 8, 1997; amended in R18-26 at 45 Ill. Reg._____, effective_____.

SUBPART A: GENERAL

Section 616.101 Purpose

This Part specifies the ~~prescribes~~ requirements and standards for the protection of groundwater for certain types of new facilities or units located wholly or partially within a setback zone regulated by the Act or within a regulated recharge area ~~as delineated~~ underpursuant to ~~to~~ Section 17.4 of the Illinois Environmental Protection Act (Act) [415 ILCS 5/17.4].

(Source: Amended at 45 Ill. Reg._____, effective _____)

Section 616.102 Definitions

Except as stated in this Section, and 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, the Act, or the Illinois Groundwater Protection Act [415 ILCS 55].

~~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~~.

~~(Section 3.59 of the Act)~~

~~"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~~.

~~(Section 3.58 of the Act)~~

~~"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.

(Section 3.60 of the Act)

"POTENTIAL PRIMARY SOURCE" MEANS ANY UNIT AT A FACILITY OR SITE NOT CURRENTLY SUBJECT TO A REMOVAL OR REMEDIAL ACTION WHICH:

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.

(Section 3.59 of the Act)

"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~~.

~~(Section 3.58 of the Act)~~

~~"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, WHICH~~:

~~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~~ [225 ILCS 225]

~~(Section 3.60 of the Act)~~

(Source: Amended at 45 Ill. Reg._____, effective _____)

Section 616.104 Exceptions to Prohibitions

Section 14.2 of the Act sets forth the process to obtain a waiver or exception from the setback requirements Sections 616.402(a), 616.422(a), 616.442, 616.462(a), 616.602, 616.622, 616.702 or 616.722(a).

~~a) THE OWNER OF A NEW POTENTIAL PRIMARY SOURCE OR A POTENTIAL SECONDARY SOURCE MAY SECURE A WAIVER FROM THE prohibitions specified in Sections 616.402(a), 616.422(a), 616.442, 616.462(a), 616.602, 616.622, 616.702 or 616.722(a) against construction or operation within the setback zone FOR A POTABLE WATER SUPPLY WELL OTHER THAN A COMMUNITY WATER SUPPLY. A WRITTEN REQUEST FOR A WAIVER SHALL BE MADE TO THE OWNER OF THE WATER WELL AND THE AGENCY. SUCH REQUEST SHALL IDENTIFY THE NEW OR PROPOSED POTENTIAL SOURCE, SHALL GENERALLY DESCRIBE THE POSSIBLE EFFECT OF SUCH POTENTIAL SOURCE UPON THE WATER WELL AND ANY APPLICABLE TECHNOLOGY-BASED CONTROL WHICH WILL BE UTILIZED TO MINIMIZE THE POTENTIAL FOR CONTAMINATION, AND SHALL STATE WHETHER, AND UNDER WHAT CONDITIONS, THE REQUESTOR WILL PROVIDE AN ALTERNATIVE POTABLE WATER SUPPLY. WAIVER MAY BE GRANTED BY THE OWNER OF THE WATER WELL NO LESS THAN 90 DAYS AFTER RECEIPT UNLESS PRIOR TO SUCH TIME THE AGENCY NOTIFIES THE WELL OWNER THAT IT DOES NOT CONCUR WITH THE REQUEST. (Section 14.2(b) of the Act)~~

~~b) THE AGENCY SHALL NOT CONCUR WITH ANY SUCH REQUEST WHICH FAILS TO ACCURATELY DESCRIBE REASONABLY FORESEEABLE EFFECTS OF THE POTENTIAL SOURCE OR POTENTIAL ROUTE UPON THE WATER WELL OR ANY APPLICABLE TECHNOLOGY-BASED CONTROLS. SUCH NOTIFICATION BY THE AGENCY SHALL BE IN WRITING, AND SHALL INCLUDE A STATEMENT OF REASONS FOR THE NONCONCURRENCE. WAIVER OF THE MINIMUM SETBACK ZONE SHALL EXTINGUISH THE WATER WELL OWNER'S RIGHTS UNDER SECTION 6b OF THE ILLINOIS WATER WELL CONSTRUCTION CODE BUT SHALL NOT PRECLUDE ENFORCEMENT OF ANY LAW REGARDING WATER POLLUTION. IF THE OWNER OF THE WATER WELL HAS NOT GRANTED A WAIVER WITHIN 120 DAYS AFTER RECEIPT OF THE REQUEST OR THE AGENCY HAS NOTIFIED THE OWNER THAT IT DOES NOT CONCUR WITH THE REQUEST, THE OWNER OF A POTENTIAL SOURCE OR POTENTIAL ROUTE MAY FILE A PETITION FOR AN EXCEPTION WITH THE BOARD AND THE AGENCY PURSUANT TO subsection (b*) of this section*OF THIS SECTION. (Section 14.2(b) of the Act)~~

~~c) NO WAIVER UNDER THIS SECTION IS REQUIRED WHERE THE POTABLE WATER SUPPLY WELL IS PART OF A PRIVATE WATER~~

~~SYSTEM AS DEFINED IN THE ILLINOIS GROUNDWATER PROTECTION ACT, AND THE OWNER OF SUCH WELL WILL ALSO BE THE OWNER OF A NEW POTENTIAL SECONDARY SOURCE OR A POTENTIAL ROUTE. IN SUCH INSTANCES, A PROHIBITION OF 75 FEET SHALL APPLY AND THE OWNER SHALL NOTIFY THE AGENCY OF THE INTENDED ACTION SO THAT THE AGENCY MAY PROVIDE INFORMATION REGARDING THE POTENTIAL HAZARDS ASSOCIATED WITH LOCATION OF A POTENTIAL SECONDARY SOURCE OR POTENTIAL ROUTE IN CLOSE PROXIMITY TO A POTABLE WATER SUPPLY WELL. (Section 14.2(b) of the Act)~~

~~d) THE BOARD MAY GRANT AN EXCEPTION FROM THE SETBACK REQUIREMENTS OF THIS SECTION AND SECTION 14.3 TO THE OWNER OF A NEW POTENTIAL PRIMARY SOURCE OTHER THAN LANDFILLING OR LAND TREATING, OR A NEW POTENTIAL SECONDARY SOURCE. THE OWNER SEEKING AN EXCEPTION WITH RESPECT TO A COMMUNITY WATER SUPPLY WELL SHALL FILE A PETITION WITH THE BOARD AND THE AGENCY. THE OWNER SEEKING AN EXCEPTION WITH RESPECT TO A POTABLE WATER SUPPLY WELL SHALL FILE A PETITION WITH THE BOARD AND THE AGENCY, AND SET FORTH THEREIN THE CIRCUMSTANCES UNDER WHICH A WAIVER HAS BEEN SOUGHT BUT NOT OBTAINED PURSUANT TO subsection (a) OF THIS SECTION. A PETITION SHALL BE ACCOMPANIED BY PROOF THAT THE OWNER OF EACH POTABLE WATER SUPPLY WELL FOR WHICH SETBACK REQUIREMENTS WOULD BE AFFECTED BY THE REQUESTED EXCEPTION HAS BEEN NOTIFIED AND BEEN PROVIDED WITH A COPY OF THE PETITION. A PETITION SHALL SET FORTH SUCH FACTS AS MAY BE REQUIRED TO SUPPORT AN EXCEPTION, INCLUDING A GENERAL DESCRIPTION OF THE POTENTIAL IMPACTS OF SUCH POTENTIAL SOURCE OR POTENTIAL ROUTE UPON GROUNDWATERS AND THE AFFECTED WATER WELL, AND AN EXPLANATION OF THE APPLICABLE TECHNOLOGY-BASED CONTROLS WHICH WILL BE UTILIZED TO MINIMIZE THE POTENTIAL FOR CONTAMINATION OF THE POTABLE WATER SUPPLY WELL. (Section 14.2(c) of the Act)~~

~~e) THE BOARD SHALL GRANT AN EXCEPTION, WHENEVER IT IS FOUND UPON PRESENTATION OF ADEQUATE PROOF, THAT COMPLIANCE WITH THE SETBACK REQUIREMENTS OF THIS SECTION WOULD POSE AN ARBITRARY AND UNREASONABLE HARDSHIP UPON THE PETITIONER, THAT THE PETITIONER WILL UTILIZE THE BEST AVAILABLE TECHNOLOGY CONTROLS ECONOMICALLY ACHIEVABLE TO MINIMIZE THE LIKELIHOOD OF CONTAMINATION OF THE POTABLE WATER SUPPLY WELL, THAT THE MAXIMUM FEASIBLE ALTERNATIVE SETBACK WILL BE UTILIZED, AND THAT THE LOCATION OF SUCH POTENTIAL SOURCE OR POTENTIAL ROUTE~~

~~WILL NOT CONSTITUTE A SIGNIFICANT HAZARD TO THE POTABLE WATER SUPPLY WELL. (Section 14.2(c) of the Act)~~

~~f) A DECISION MADE BY THE BOARD PURSUANT TO THIS SUBSECTION SHALL CONSTITUTE A FINAL DETERMINATION. (Section 14.2(c) of the Act)~~

~~g) THE GRANTING OF AN EXCEPTION BY THE BOARD SHALL NOT EXTINGUISH THE WATER WELL OWNER'S RIGHTS UNDER SECTION 6b OF THE ILLINOIS WATER WELL CONSTRUCTION CODE IN INSTANCES WHERE THE OWNER HAS ELECTED NOT TO PROVIDE A WAIVER PURSUANT TO subsection (a) *of this section*. (Section 14.2(c) of the Act)~~

(Source: Amended at 45 Ill. Reg._____, effective _____)

Section 616.105 General Exceptions

a) This Part does not apply to any facility or unit, or to the owner or operator of any facility or unit, for which:

1) The owner or operator obtains certification of minimal hazard under~~pursuant to~~ Section 14.5 of the Act; or

2) Alternate requirements are imposed in an adjusted standard proceeding or in a site-specific rulemaking, under~~pursuant to~~ Title VII of the Act; or

3) Alternate requirements are imposed in a regulated recharge area proceeding under~~pursuant to~~ Section 17.4 of the Act; or

4) The owner or operator of the facility for storage and related handling of pesticides or fertilizers for the purpose of commercial application or at a central location for the purpose of distribution to retail sales outlets that has filed a written notice of intent under~~pursuant to~~ Section 14.6 of the Act with the Department of Agriculture by January 1, 1993, *or within 6 months after the date on which a maximum setback zone is established or a regulated recharge area regulation is adopted that affects such a facility*~~OR WITHIN 6 MONTHS AFTER THE DATE ON WHICH A MAXIMUM SETBACK ZONE IS ESTABLISHED OR A REGULATED RECHARGE AREA REGULATION IS ADOPTED THAT AFFECTS SUCH A FACILITY~~; or has filed a written certification of intent under~~pursuant to~~ Section 14.6 of the Act *on the appropriate license or renewal application form submitted to the Department of Agriculture or other appropriate agency.* [415 ILCS 5/14.6]~~ON THE APPROPRIATE LICENSE OR RENEWAL APPLICATION FORM SUBMITTED TO THE DEPARTMENT OF AGRICULTURE OR OTHER APPROPRIATE~~

~~AGENCY~~ ~~(Section 14.6(a) of the Act)~~. This exception will~~shall~~ not apply to those facilities that are not in compliance with the program requirements of Sections ~~subsections~~ 14.6(b) and 14.6(c) of the Act.

b) Nothing in this Section limits ~~shall limit~~ the authority of the Board to impose requirements on any facility or unit within any portion of any setback zone or regulated recharge area in any adjusted standard proceeding, site-specific rulemaking or a regulatory proceeding establishing the regulated recharge area.

(Source: Amended at 45 Ill. Reg._____, effective _____)

SUBPART B: GROUNDWATER MONITORING REQUIREMENTS

Section 616.202 Compliance Period

The compliance period is the active life of the unit, including closure and post-closure care periods.

a) The active life begins when the unit first begins operation or one year after the date of first applicability, whichever occurs later, and ends when the post-closure care period ends.

b) The post-closure care period for units other than pesticide storage and handling units subject to Subpart I and fertilizer storage and handling units subject to Subpart J is five years after closure, except as provided at Section 616.211(e).

c) The post-closure care period for pesticide storage and handling units subject to Subpart I and for fertilizer storage and handling units subject to Subpart J is three years after closure, except as provided at Section 616.211(e).

d) Despite subsections ~~Subsections~~ (a), (b), and (c) ~~notwithstanding~~, no post-closure care period is required if all waste, waste residues, contaminated containment system components and contaminated subsoils are removed or decontaminated at closure, and no ongoing corrective action is required under~~pursuant to~~ Section 616.211.

(Source: Amended at 45 Ill. Reg._____, effective _____)

Section 616.203 Compliance With Groundwater Standards

The owner or operator must~~shall~~ comply with the groundwater standards.

a) The term of compliance is the compliance period.

b) Compliance must~~shall~~ be measured at the compliance point, or compliance points if more than one such point exists.

(Source: Amended at 45 Ill. Reg._____, effective _____)

Section 616.205 Groundwater Monitoring Program

The owner or operator must~~shall~~ develop a groundwater monitoring program that consists of:

a) Consistent sampling and analysis procedures that are designed to ensure monitoring results that provide a reliable indication of groundwater quality below the unit. At a minimum the program must include procedures and techniques for:

1) Sample collection;

2) Sample preservation and shipment;

3) Analytical procedures; and

4) Chain of custody control.

b) Sampling and analytical methods that are appropriate for groundwater monitoring and that allow for detection and quantification of contaminants specified in this Subpart, and that are consistent with the sampling and analytical methods specified in 35 Ill. Adm. Code 620.

c) A determination of the groundwater head elevation each time groundwater is sampled.

d) A determination at least annually of the groundwater flow rate and direction.

e) If the owner or operator determines that the groundwater monitoring program no longer satisfies the requirements of this Section, the owner or operator must~~shall~~, within 90 days, make appropriate changes to the program. Conditions under which a groundwater monitoring program no longer satisfies the requirements of this Section include~~, but are not limited to~~:

1) A Maximum Allowable Result (MAR) is exceeded in any monitoring well that is being used as a background monitoring well or that the owner or operator has previously determined to be hydraulically upgradient from the facility; or

2) A redetermination of groundwater flow rate and direction conducted under~~pursuant to~~ subsection (d) shows that the existing monitoring system is not capable of assessing groundwater quality at the compliance points or points.

(Source: Amended at 45 Ill. Reg._____, effective _____)

Section 616.206 Reporting

The owner or operator mustshall submit results of all monitoring required underpursuant to this Subpart to the Agency within 60 days after completion of sampling is completed.

(Source: Amended at 45 Ill. Reg._____, effective _____)

Section 616.207 Determining Background Values and Maximum Allowable Results ("MARs")

a) The owner or operator mustshall, beginning no later than the beginning of operation of the unit and continuing for a period of at least one year, sample each monitoring well at least every two months and analyze each such sample according to the following program:

1) For a unit subject to Subpart E (land treatment units), Subpart F (surface impoundments), Subpart K (road oil storage and handling units), or Subpart L (de-icing agent storage and handling units), analysis mustshall be for pH, specific conductance, total organic carbon, total organic halogen, and any other parameter that meets the following criteria:

A) Material containing such parameter is stored, treated or disposed of at the unit; and

B) There is a groundwater standard for such parameter.

2) For a unit subject to Subpart I for the storage and handling of pesticides, analysis mustshall be for each pesticide stored or handled at the unit.

3) For a unit subject to Subpart J for the storage and handling of fertilizer, analysis mustshall be for pH, specific conductance, total organic carbon, nitrates as nitrogen, ammonia nitrogen and for any other parameter that meets the following criteria:

A) Material containing such parameter is stored or handled at the unit; and

B) There is a groundwater standard for such parameter.

b) The results obtained under subsection (a) mustshall be used to calculate the background mean, background standard deviation and the Maximum Allowable Result (hereinafter referred to as "MAR") for each parameter using the following procedures:

1) Results from all samples collected during the year must be used in the calculations unless the owner or operator demonstrates to the Agency that one or more of the results was due to error in sampling, analysis or evaluation.

2) All calculations must be based on a minimum of at least six sample measurements per parameter per well.

3) If any measured value is equal to or greater than its PQL, or if any measured value is greater than its corresponding groundwater standard, the actual measured value must be used calculating the mean and standard deviation.

4) If any measured value is less than its PQL and less than its corresponding groundwater standard, the PQL rather than the measured value is to be used in calculating the mean and standard deviation.

5) Except for pH, the MAR is the quantity equal to the measured mean value of the contaminant plus the product of the contaminant's standard deviation times the following constant:

Sample Size	Constant
6	2.10
7	2.03
8	1.97
9	1.93
10	1.90
11	1.88
12	1.85
13	1.84
14	1.82

6) For pH, the upper limit for the MAR is the quantity equal to the measured background mean pH plus the product of the calculated background standard deviation of the samples times the constant tabulated in subsection (b)~~(a)~~(5).

7) For pH, the lower limit of the MAR is the quantity equal to the measured background mean pH minus the product of the calculated background standard deviation of the samples times the constant tabulated in subsection (b)~~(a)~~(5).

(Source: Amended at 45 Ill. Reg._____, effective _____)

Section 616.208 Continued Sampling

Upon completion of the background sampling required underpursuant to Section 616.207, the owner or operator mustshall sample each monitoring well for the duration of the compliance period and analyze each sample, except as provided in Section 616.209, according to the following program:

a) For a unit subject to Subpart E (land treatment units) or Subpart F (surface impoundments), sampling mustshall be at least quarterly and analysis mustshall be for pH, specific conductance, total organic carbon, total organic halogen, and any other parameter that meets the following criteria:

1) Material containing such parameter is stored, treated or disposed of at the unit; and

2) The Board has adopted a groundwater standard for such parameter.

b) For a unit subject to Subpart I for the storage and handling of pesticides, sampling mustshall be at least quarterly, except as provided in subsection (d), and analysis mustshall be for five specific pesticides or five groups of chemically-similar pesticides stored or handled at the unit that are the most likely to enter into the groundwater from the unit and that are the most toxic. The owner or operator mustshall choose the five specific pesticides or five groups based upon the following criteria:

1) The volume of the pesticides stored or handled at the unit;

2) The leachability characteristics of the pesticides stored or handled at the unit;

3) The toxicity characteristics of the pesticides stored or handled at the unit;

4) The history of spillage of the pesticides stored or handled at the unit; and

5) Any groundwater standards for the pesticides stored or handled at the unit.

c) For a unit subject to Subpart J for the storage and handling of fertilizer, sampling mustshall be at least quarterly, except as provided in subsection (d), and analysis mustshall be for pH, total organic carbon, nitrates as nitrogen, ammonia nitrogen, and specific conductance.

d) Despite subsections Subsections (b) and (c) notwithstanding, for a unit subject to Subpart I for the storage and handling of pesticides or for a unit subject to Subpart J for the storage and handling of fertilizers, sampling mustshall be at least semi-annually if provided that all of the following conditions are met:

1) The unit is in compliance with the containment requirements of 8 Ill. Adm. Code 255;

2) There have been no detections within the preceding two years in any of the monitoring wells of any contaminant stored or handled at the facility or of any contaminant attributable to operation of the unit.~~; and~~

e) For a unit subject to Subpart K for the storage and handling of road oils or subject to Subpart L for the storage and handling of de-icing agents, sampling must~~shall~~ be annually and analysis must~~shall~~ be for pH, specific conductance, total organic carbon and total organic halogen.

(Source: Amended at 45 Ill. Reg._____, effective _____)

Section 616.209 Preventive Notification and Preventive Response

a) Preventive notification is required for each well in which:

1) A MAR is found to be exceeded (except for pH), or

2) There is a detection of any contaminant:

A) Required to be monitored under Section 616.207(a);

B) Listed under 35 Ill. Adm. Code 620.310(a)(3)(A) (except due to natural causes and except for pH);

C) Denoted as carcinogen under 35 Ill. Adm. Code 620.410(b); or

D) Subject to a standard under 35 Ill. Adm. Code 620.430 (except due to natural causes).

b) Whenever preventive notification is required under subsection (a), the owner or operator of the unit must~~shall~~ confirm the detection by resampling the monitoring well or wells. This resampling shall be analyzed for each parameter found to be present in the first sample and be performed within 30 days after the date on which the first sample analyses are received, but no later than 90 days after the results of the first sample are received.

c) If preventive notification is provided under subsection (a) ~~(b)~~ by the owner or operator and the applicable standard has not been exceeded, the Agency must~~shall~~ determine whether the levels for each parameter as set forth in 35 Ill. Adm. Code 620.310(a)(3)(A) are exceeded. If an exceedence is determined, the Agency must~~shall~~ notify the owner or operator in writing regarding such finding.

d) Within 60 days after receiving a notification from the Agency under subsection (c), ~~Upon receipt of a finding that an exceedence has occurred,~~ the owner or operator mustshall submit to the Agency ~~within 60 days~~ a report that includes~~, at a minimum, shall include~~ the degree and extent of contamination and the measures that are being taken to minimize or eliminate the~~this~~ contamination, in compliance~~accordance~~ with a prescribed schedule. The owner or operator may also provide a demonstration that:

1) The contamination is the result of contaminants remaining in groundwater from a prior release for which appropriate action was taken in compliance~~accordance~~ with the laws and regulations in existence at the time of the release;

2) The source of contamination is not due to the on-site release of contaminants; or

3) The detection resulted from error in sampling analysis or evaluation.

e) Based upon the report in subsection (d) as well as any other relevant information available to the Agency, the Agency mustshall provide a written response to the owner or operator that specifies either:

1) Concurrence with the preventive response being undertaken; or

2) Non-concurrence with the preventive response being undertaken and a description of the inadequacies of such action.

f) An owner or operator who receives a written response of concurrence underpursuant to subsection (e) mustshall provide periodic program reports to the Agency regarding the implementation of the preventive response.

g) An owner or operator who receives a written response of non-concurrence underpursuant to subsection (e) mustshall have within 30 days ~~to~~ correct the inadequacies and ~~to~~ resubmit the report to the Agency or to request a conference with the Agency. Within 30 days of ~~Upon~~ receipt of a written request for ~~such a~~ conference, the Agency mustshall schedule and hold the conference ~~within 30 days~~. Following the ~~a~~ conference, the Agency mustshall provide the owner or operator with a final determination regarding the adequacy of the preventive response.

h) An owner or operator mustshall be responsible for implementing adequate preventive response as determined underpursuant to this Section.

i) After completion of preventive response, the concentration of a contamination listed in 35 Ill. Adm. Code 620.310(a)(3)(A) in groundwater may exceed 50

percent of the applicable numerical standard in 35 Ill. Adm. Code 620.Subpart D only if the following conditions are met:

1) The exceedence has been minimized to the extent practicable;

2) Beneficial use, as appropriate for the class of groundwater, has been assured; and

3) Any threat to public health or the environment has been minimized.

j) This~~Nothing in this~~ Section does not ~~shall~~ in any way limit the authority of the State or the United States to require or perform any corrective action process.

(Source: Amended at 45 Ill. Reg._____, effective _____)

Section 616.210 Corrective Action Program

Whenever any applicable groundwater standard under 35 Ill. Adm. Code 620.Subpart D is exceeded, an owner or operator must~~shall~~ be required to undertake the following corrective action:

a) Notify the Agency of the need to undertake a corrective action program when submitting the groundwater monitoring results required under~~pursuant to~~ Section 616.206. The notification must indicate in which wells and for which parameters a groundwater standard was exceeded.

b) Continue to sample and analyze according to the provisions of Section 616.208(a), except that:

1) For all units subject to Subpart I for the storage and handling of pesticides, the frequency of all such sampling must~~shall~~ be quarterly until no measured values above the groundwater standard have been recorded for any parameter for two consecutive quarters.

2) For a unit subject to Subpart J for the storage and handling of fertilizers, sampling must~~shall~~ be quarterly for the parameters set forth in Section 616.207(a)(3) stored or handled at the unit until no measured values above the groundwater standard have been recorded for two consecutive quarters.

c) If sample values above any groundwater standard are confirmed under~~pursuant to~~ Section 616.209(b), the owner or operator must~~shall~~:

1) Submit to the Agency an engineering feasibility plan for a corrective action program designed to achieve the requirements of subsection (e) through (i)~~(j)~~.

A) Such feasibility plan mustshall be submitted to the Agency within 180 days after the date of the sample in which a groundwater standard was initially exceeded.

B) This requirement is waived if no groundwater standard is exceeded in any sample taken underpursuant to subsection (b) for two consecutive quarters.

d) Except as provided in subsection (c)(1)(B), the Agency mustshall provide a written response to the owner or operator based upon the engineering feasibility plan and any other relevant information that specifies either:

1) Concurrence with the feasibility plan for corrective action; or

2) Non-concurrence with the feasibility plan for corrective action and a description of the inadequacies of such plan.

e) An owner or operator who receives a written response of concurrence underpursuant to subsection (d) mustshall provide periodic progress reports to the Agency regarding the implementing of the corrective action preventive response.

f) An owner or operator who receives a written response of non-concurrence underpursuant to subsection (d) mustshall have within 30 days to correct the inadequacies and to resubmit the report to the Agency or to request a conference with the Agency. Within Upon receipt of a written request for such a conference, the Agency mustshall schedule and hold the conference within 30 days. Following the a conference, the Agency mustshall provide the owner or operator with a final determination regarding the adequacy of the corrective action.

g) An owner or operator mustshall be responsible for implementing adequate corrective action preventive response as determined underpursuant to this Section.

h) Except as provided in subsection (c)(1)(B), the owner or operator mustshall:

1) Begin the corrective action program specified in the engineering feasibility plan no later than the date of receipt of concurrence from the Agency.

2) Establish and implement a groundwater monitoring program to demonstrate the effectiveness of the corrective action program.

3) Take corrective action that results in compliance with the groundwater standards:

A) At all compliance points; and

B) Beyond the unit boundary, where necessary to protect human health and the environment, unless the owner or operator demonstrates to the Agency that, despite the owner's or operator's best efforts, the owner or operator was unable to obtain the necessary permission to undertake such action. The owner or operator is not relieved of responsibility to clean up a release that has migrated beyond the unit boundary where off-site access is denied.

4) Continue corrective action measures to the extent necessary to ensure that no groundwater standard is exceeded at the compliance point or points.

5) The owner or operator may terminate corrective action measures taken beyond the compliance period as identified at Section 616.202 if the owner or operator can demonstrate, based on data from the post-closure groundwater monitoring program under subsection (h)(2), that no groundwater standard has been exceeded for a period of three consecutive years.

6) Report in writing to the Agency on the effectiveness of the corrective action program. The owner or operator mustshall submit these reports semi-annually.

7) If the owner or operator determines that the corrective action program no longer satisfies the requirements of this Section, the owner or operator mustshall, within 90 days, make any appropriate changes to the program.

i) Subsections (b), (c) and (f) do not apply if the owner or operator makes an alternative corrective action demonstration underpursuant to Section 616.211.

(Source: Amended at 45 Ill. Reg._____, effective _____)

Section 616.211 Alternative Corrective Action Demonstration

If a corrective action program is required underpursuant to Section 616.210, it is presumed that contamination from the facility or unit that is being monitored is responsible for the groundwater standard being exceeded. An owner or operator may overcome that presumption by making a demonstration that a source other than the facility or unit that is being monitored caused the groundwater standard to be exceeded, or that the cause of the groundwater standard being exceeded is due to error in sampling, analysis or evaluation.

a) In making such demonstration the owner or operator mustshall:

1) Notify the Agency that the owner or operator intends to make a demonstration under this Section when submitting the groundwater monitoring results underpursuant to Section 616.206; and

2) Submit a report to the Agency that demonstrates that a source other than a facility or unit for which he is the owner or operator caused the groundwater standard to be exceeded, or that the groundwater standard was exceeded due to an error in sampling, analysis or evaluation. Such report must be included with the next submission of groundwater monitoring results required underpursuant to Section 616.206.; and

b) The Agency mustshall provide a written response to the owner or operator, based upon the written demonstration and any other relevant information, that specifies either:

1) Concurrence with the written demonstration for alternative corrective action with requirements to continue to monitor in complianceaccordance with the groundwater monitoring program established underpursuant to Sections 616.205 and 616.210; or

2) Non-concurrence with the written demonstration for alternative corrective action and a description of the inadequacies of such demonstration.

c) An owner or operator who receives a written response of non-concurrence underpursuant to subsection (b)(c) mustshall have within 30 days to so respond to the Agency in writing or to request a conference with the Agency. Within 30 days of Upon receipt of a written request for such a conference, the Agency mustshall schedule and hold the conference within 30 days. Following the a conference, the Agency mustshall provide the owner or operator with a final determination regarding the adequacy of the alternative corrective action.

d) The owner or operator mustshall begin the corrective action program in complianceaccordance with the requirements of Section 616.210(f).

(Source: Amended at 45 Ill. Reg._____, effective _____)

SUBPART C: GENERAL CLOSURE AND POST-CLOSURE REQUIREMENTS

Section 616.302 Closure Performance Standard

The owner or operator mustshall close the unit in a manner that:

a) Controls, minimizes or eliminates, to the extent necessary to protect human health and the environment, post-closure escape of waste, waste constituents, leachate, contaminated runoff or waste decomposition products to soils, groundwaters, surface waters, or the atmosphere;

b) Minimizes the need for maintenance during and beyond the post-closure care period; and

c) Complies with the closure requirements of 35 Ill. Adm. Code: Subtitles C and G.

(Source: Amended at 45 Ill. Reg._____, effective _____)

Section 616.303 Certification of Closure

Within 60 days after ~~completion of~~ the closure of each unit is completed, the owner or operator mustshall submit to the Agency, by registered or certified mail, a certification that the unit has been closed in complianceaccordance with the closure requirements. The certification must be signed by the owner or operator and by an independent registered professional engineer. Documentation supporting the independent registered professional engineer's certification must be furnished to the Agency upon request.

(Source: Amended at 45 Ill. Reg._____, effective _____)

Section 616.304 Survey Plat

a) Before ~~No later than~~ the submission of the certification of closure of each unit, the owner or operator mustshall submit to any local zoning authority, or authority with jurisdiction over local land use, and to the Agency, and record with land titles, a survey plat indicating the location and dimensions of any waste disposal units, and any pesticide or fertilizer storage and handling units, with respect to permanently surveyed benchmarks. This plat must be prepared and certified by a registered land surveyor.

b) For pesticide storage and handling units or for fertilizer storage and handling units, records or reports required under any other state or Federal regulatory program and which contain the information required above may be used to satisfy this reporting requirement.

(Source: Amended at 45 Ill. Reg._____, effective _____)

Section 616.305 Post-Closure Notice for Waste Disposal Units

Within~~No later than~~ 60 days after certification of closure of the unit, the owner or operator of a unit subject to Subparts D, E, or F mustshall submit to the Agency, to the County Recorder and to any local zoning authority or authority with jurisdiction over local land use, a record of the type, location and quantity of wastes disposed of within each cell or other area of the unit.

(Source: Amended at 45 Ill. Reg._____, effective _____)

Section 616.306 Certification of Completion of Post-closure Care

Within ~~No later than~~ 60 days after completion of the established post-closure care period, the owner or operator must~~shall~~ submit to the Agency, by registered or certified mail, a certification that the post-closure care period for the unit was performed in compliance~~accordance~~ with the specifications in the approved post-closure plan. The certification must be signed by the owner or operator and an independent registered professional engineer. Documentation supporting the independent registered professional engineer's certification must be furnished to the Agency upon request.

(Source: Amended at 45 Ill. Reg._____, effective _____)

SUBPART D: ON-SITE LANDFILLS

Section 616.401 Applicability

This Subpart applies to new landfill units which are located wholly or partially within a setback zone or regulated recharge area and that contain special waste or other waste generated on-site, except that this Subpart does not apply to any new landfill unit that:

a) Contains solely one or more of the following: hazardous waste, livestock waste, landscape waste, or construction and demolition debris; or

b) Is exempt from this Part under~~pursuant to~~ Section 616.105.

(Source: Amended at 45 Ill. Reg._____, effective _____)

Section 616.402 Prohibitions

a) Under~~pursuant to~~ Sections 14.2(a), 14.2(c) and 14.3(e) of the Act, a person must not ~~no person shall~~ cause or allow the construction or operation of any landfill unit that is:

1) Located wholly or partially within a minimum setback zone and that is either a new potential primary source or a new potential secondary source, except as specified in Sections 616.104~~(a) and (b)~~; or

2) Located wholly or partially within a maximum setback zone and that is a new potential primary source, except as specified in Section 616.104~~(b)~~.

b) A person must not ~~No person shall~~ cause or allow the disposal of special waste in a new on-site landfill unit within a regulated recharge area if the distance from the wellhead of the community water supply well to the landfill unit is 2500 feet or less, except as provided at Section 616.105.

(Source: Amended at 45 Ill. Reg._____, effective _____)

SUBPART E: ON-SITE LAND TREATMENT UNITS

Section 616.421 Applicability

This Subpart applies to new land treatment units that are located wholly or partially within a setback zone or regulated recharge area and that treat or dispose of special waste or other waste generated on-site, except that this Subpart does not apply to any new land treatment unit that:

a) Contains solely one or more of the following: hazardous waste, livestock waste, landscape waste, or construction and demolition debris; or

b) Is exempt from this Part underpursuant to Section 616.105.

(Source: Amended at 45 Ill. Reg._____, effective _____)

Section 616.422 Prohibitions

a) Underpursuant to Sections 14.2(a), 14.2(c) and 14.3(e) of the Act, a person must not no person shall cause or allow the construction or operation of any land treatment unit that is:

1) Located wholly or partially within a minimum setback zone and that is either a new potential primary source or a new potential secondary source, except as specified in Sections 616.104(a) and (b); or

2) Located wholly or partially within a maximum setback zone and that is a new potential primary source, except as specified in Section 616.104(b).

b) Nothing in this Section mustshall prohibit land treatment within a maximum setback zone regulated by the Act of sludge resulting from the treatment of domestic wastewater or of sludge resulting from the treatment of water to produce potable water, if such activities are conducted in complianceaccordance with the Act and 35 Ill. Adm. Code: Subtitle C.

(Source: Amended at 45 Ill. Reg._____, effective _____)

Section 616.423 Groundwater Monitoring

The owner or operator mustshall comply with the requirements of Subpart B.

(Source: Amended at 45 Ill. Reg._____, effective _____)

Section 616.424 Design and Operating Requirements

The owner or operator mustshall design and operate the land treatment site in complianceaccordance with 35 Ill. Adm. Code: Subtitle C and 35 Ill. Adm. Code: Subtitle G.

(Source: Amended at 44 Ill. Reg._____, effective _____)

Section 616.425 Closure and Post-Closure Care

The owner or operator mustshall comply with the requirements of Subpart C.

(Source: Amended at 45 Ill. Reg._____, effective _____)

SUBPART F: ON-SITE SURFACE IMPOUNDMENTS

Section 616.441 Applicability

This Subpart applies to new surface impoundment units that are located wholly or partially within a setback zone or regulated recharge area and that contain special waste or other waste generated on-site, except that this Subpart does not apply to any new surface impoundment unit that:

a) Contains solely one or more of the following: hazardous waste, livestock waste, landscape waste, or construction and demolition debris; or

b) Is exempt from this Part underpursuant to Section 616.105.

(Source: Amended at 45 Ill. Reg._____, effective _____)

Section 616.442 Prohibitions

Underpursuant to Sections 14.2(a), 14.2(c) and 14.3(e) of the Act, a person must not no person shall cause or allow the construction or operation of any surface impoundment unit that is:

a) Located wholly or partially within a minimum setback zone and that is either a new potential primary source or a new potential secondary source, except as specified in Sections 616.104(a) and (b); or

b) Located wholly or partially within a maximum setback zone and that is a new potential primary source, except as specified in Section 616.104(b).

(Source: Amended at 45 Ill. Reg._____, effective _____)

Section 616.443 Groundwater Monitoring

The owner or operator mustshall comply with the requirements of Subpart B.

(Source: Amended at 45 Ill. Reg._____, effective _____)

Section 616.444 Design Requirements

a) The owner or operator of a surface impoundment mustshall install two or more liners and a leachate collection system between such liners. The requirement for the installation of two or more liners in this subsection may be satisfied by the installation of a top liner designed, operated, and constructed of materials to prevent the migration of any constituent into such liner during the period such facility remains in operation (including any post-closure monitoring period), and a lower liner designed, operated and constructed to prevent the migration of any constituent through such liner during such period. For the purpose of the preceding sentence, a lower liner is consideredshall be deemed to satisfy such requirement if it is constructed of at least a 5-foot thick layer of recompacted clay or other natural material with a permeability of no more than 1 X $10^{(-7)}$(-7) centimeter per second.

b) A surface impoundment must be designed, constructed, maintained and operated to prevent overtopping resulting from normal or abnormal operations; overfilling; wind and wave action; rainfall; run-on; malfunctions of level controllers, alarms and other equipment; and human error.

c) A surface impoundment must have dikes that are designed, constructed and maintained with sufficient structural integrity to prevent massive failure of the dikes. In ensuring structural integrity, it must not be presumed that the liner system will function without leakage during the active life of the surface impoundment.

d) The owner or operator mustshall maintain the following items:

1) Records describing the contents of the impoundment; and

2) A map showing the exact location and dimensions of the impoundment, including depth with respect to permanently surveyed benchmarks.

(Source: Amended at 45 Ill. Reg._____, effective _____)

Section 616.445 Inspection Requirements

a) During construction and installation, liners must be inspected for uniformity, damage and imperfections (e.g., holes, cracks, thin spots or foreign materials). Immediately after construction or installation:

1) Synthetic liners and covers must be inspected to ensure tight seams and joints and the absence of tears, punctures and blisters; and

2) Soil-based and admixed liners and covers must be inspected for imperfections including lenses, cracks, channels, root holes or other

structural non-uniformities that may cause an increase in the permeability of that liner or cover.

b) During operation, ~~While~~ a surface impoundment ~~is in operation,~~ it must be inspected weekly and after storms to detect evidence of any of the following:

1) Deterioration, malfunctions or improper operation of overtopping control systems;

2) Sudden drops in the level of the impoundment's contents;

3) Severe erosion or other signs of deterioration in dikes or other containment devices; or

4) A leaking dike.

(Source: Added at 45 Ill. Reg. _____, effective _____)

Section 616.446 Operating Requirements

a) A person must not ~~No person shall~~ cause or allow incompatible materials to be placed in the same surface impoundment unit.

b) A surface impoundment unit must be removed from service in compliance~~accordance~~ with subsection (c) when:

1) The level of liquids in the unit suddenly drops and the drop is not known to be caused by changes in the flows into or out of the unit; or

2) The dike leaks.

c) When a surface impoundment unit is ~~must be~~ removed from service as required by subsection (b), the owner or operator must~~shall~~:

1) Shut off the flow or stop the addition of wastes into the impoundment unit;

2) Contain any surface leakage that has occurred or is occurring;

3) Stop the leak;

4) Take any other necessary steps to stop or prevent catastrophic failure;

5) If a leak cannot be stopped by any other means, empty the impoundment unit; and

6) Notify the Agency of the removal from service and corrective actions that were taken~~, such notice to be given~~ within 10 days after the removal from service.

d) A ~~No~~ surface impoundment unit that has been removed from service in compliance ~~accordance~~ with the requirements of this Section may be restored to service only if ~~unless~~ the portion of the unit that failed has been repaired.

e) A surface impoundment unit that has been removed from service in compliance~~accordance~~ with the requirements of this Section and that is not being repaired must be closed in compliance~~accordance~~ with the provisions of Section 616.447.

(Source: Amended at 45 Ill. Reg._____, effective _____)

Section 616.447 Closure and Post-Closure Care

a) If closure is to be by removal, the owner or operator must~~shall~~ remove all waste, all waste residues, contaminated containment system components (liners, etc.), contaminated subsoils and structures and equipment contaminated with waste and leachate; and, if disposed of in the State of Illinois, dispose of them at a disposal site permitted by the Agency under the Act.

b) If closure is not to be by removal, the owner or operator must~~shall~~ comply with the requirements of Subpart C and must~~shall~~:

1) Eliminate free liquids by removing liquid wastes or solidifying the remaining wastes and waste residues.

2) Stabilize remaining wastes to a bearing capacity sufficient to support final cover.

3) Cover the surface impoundment unit with a final cover designed and constructed to:

A) Provide long-term minimization of the migration of liquids through the closed impoundment unit;

B) Function with minimum maintenance;

C) Promote drainage and minimize erosion or abrasion of the final cover;

D) Accommodate settling and subsidence so that the cover's integrity is maintained; and

E) Have a permeability less than or equal to the permeability of any bottom liner system.

c) If some waste residues or contaminated materials are left in place at final closure, the owner or operator must~~shall~~ comply with the requirements of Subpart C ~~and shall~~ for a period of 5 years after closure:

1) Maintain the integrity and effectiveness of the final cover, including making repairs to the cap as necessary to correct the effects of settling, subsidence, erosion or other events;

2) Maintain and monitor the groundwater monitoring system; and

3) Prevent run-on and run-off from eroding or otherwise damaging the final cover.

(Source: Amended at 45 Ill. Reg._____, effective _____)

SUBPART G: ON-SITE WASTE PILES

Section 616.461 Applicability

This Subpart applies to new waste piles that are located wholly or partially within a setback zone or regulated recharge area and that contain special waste or other waste generated on-site, except that this Subpart does not apply to any new waste pile that:

a) Contains solely one or more of the following: hazardous waste, livestock waste, landscape waste, or construction and demolition debris; or

b) Consists of sludge resulting from the treatment of domestic wastewater from a POTW and the sludge pile is situated on an underdrained pavement and operated in compliance~~accordance~~ with the Act, 35 Ill. Adm. Code: Subtitle C and 35 Ill. Adm. Code: Subtitle G; or

c) Is exempt from this Part under~~pursuant to~~ Section 616.105.

(Source: Amended at 45 Ill. Reg._____, effective _____)

Section 616.462 Prohibitions

a) Under~~Pursuant to~~ Sections 14.2(a), 14.2(c) and 14.3(e) of the Act, a person must not ~~no person shall~~ cause or allow the construction or operation of any waste pile that is:

1) Located wholly or partially within a minimum setback zone and that is either a new potential primary source or a new potential secondary source, except as specified in Sections 616.104(a) and (b); or

2) Located wholly or partially within a maximum setback zone and that is a new potential primary source, except as specified in Section 616.104(b).

b) A person must not ~~No person shall~~ cause or allow the disposal of special waste in a new waste pile within a regulated recharge area if the distance from the wellhead of the community water supply well to the waste pile is 2500 feet or less, except as provided at Section 616.105

c) Nothing in this Section prohibits~~shall prohibit~~ a waste pile, within a maximum setback zone regulated by the Act, of sludge resulting from the treatment of domestic wastewater or of sludge resulting from the treatment of water to produce potable water, if such activities are conducted in compliance~~accordance~~ with the Act, 35 Ill. Adm. Code: Subtitle C, Subtitle F, and Subtitle G.

(Source: Amended at 45 Ill. Reg._____, effective _____)

Section 616.463 Design and Operating Requirements

a) A person must not ~~No person shall~~ cause or allow:

1) Disposal or storage in the waste pile of liquids or materials containing free liquids; or

2) Migration and runoff of leachate into adjacent soil, surface water, or groundwater.

b) A waste pile must comply with the following standards:

1) The waste pile must be under an impermeable membrane or cover that provides protection from precipitation;

2) The waste pile must be protected from surface water run-on; and

3) The waste pile must be designed and operated to control wind dispersal of waste by a means other than wetting.

(Source: Amended at 45 Ill. Reg._____, effective _____)

Section 616.464 Closure

The owner or operator must~~shall~~ accomplish closure by removing and disposing of all wastes and containment system components (liners, etc). If disposed of in the State of Illinois, the waste and

containment system components must be disposed of at a disposal site permitted by the Agency under the Act.

(Source: Amended at 45 Ill. Reg._____, effective _____)

SUBPART H: UNDERGROUND STORAGE TANKS

Section 616.501 Applicability

This Subpart applies to new underground storage tanks that are located wholly or partially within a setback zone or regulated recharge area and that contain special waste, except that this Subpart does not apply to any new underground storage tank that:

a) Under~~Pursuant to~~ 35 Ill. Adm. Code 731.110(a) must meet the requirements ~~set forth~~ in 35 Ill. Adm. Code 731, unless such a tank is excluded from those requirements under~~pursuant to~~ 35 Ill. Adm. Code 731.110(b); or

b) Must have interim status or a RCRA permit under 35 Ill. Adm. Code: Subtitle G; or

c) Is exempt from this Part under~~pursuant to~~ Section 616.105.

(Source: Amended at 45 Ill. Reg._____, effective _____)

Section 616.502 Design and Operating Requirements

Owners and operators of new underground storage tanks that store special waste must~~shall~~ meet the requirements ~~set forth~~ in 35 Ill. Adm. Code 731. Such requirements must be met even if the tanks are excluded from coverage under ~~35 Ill. Adm. Code 731 by~~ 35 Ill. Adm. Code 731.110(b). The exclusions ~~set forth~~ in 35 Ill. Adm. Code 731.110(b) does ~~shall~~ not apply to any underground storage tank that stores special waste.

(Source: Amended at 45 Ill. Reg._____, effective _____)

SUBPART I: PESTICIDE STORAGE AND HANDLING UNITS

Section 616.601 Applicability

a) This Subpart applies to any new unit for the storage and handling of pesticides that is located wholly or partially within a setback zone or regulated recharge area and that:

1) Is operated for the purpose of commercial application; or

2) Stores or accumulates pesticides prior to distribution to retail sales outlets, including but not limited to a unit that is a warehouse or bulk terminal.

b) Despite subsections ~~Subsections~~ (a)(1) and (a)(2) ~~notwithstanding~~, this Subpart does not apply to any unit exempt under~~pursuant to~~ Section 616.105.

(Source: Amended at 45 Ill. Reg._____, effective _____)

Section 616.602 Prohibitions

Under~~Pursuant to~~ Sections 14.2(a), 14.2(c) and 14.3(e) of the Act, a person must not ~~no person shall~~ cause or allow the construction or operation of any unit for the storage and handling of pesticides that is:

a) Located wholly or partially within a minimum setback zone and that is either a new potential primary source or a new potential secondary source, except as specified in Section 616.104(a) and (b); or

b) Located wholly or partially within a maximum setback zone and that is a new potential primary source, except as specified in Section 616.104(b).

(Source: Amended at 45 Ill. Reg._____, effective _____)

Section 616.603 Groundwater Monitoring

The owner or operator must~~shall~~ comply with the requirements of Subpart B.

(Source: Amended at 45 Ill. Reg._____, effective _____)

Section 616.604 Design and Operating Requirements

The owner or operator must~~shall~~:

a) Maintain a written record inventorying all pesticides stored or handled at the unit.

b) At least weekly when pesticides are being stored, inspect storage containers, tanks, vents, valves, and appurtenances for leaks or deterioration caused by corrosion or other factors. If a leak or deterioration is found in any of these devices, the owner or operator must immediately repair or replace the device. The owner or operator must~~shall~~ maintain a written record of all inspections conducted under this Section and of all maintenance relating to leaks and deterioration of these devices.

c) Store all containers containing pesticides within a pesticide secondary containment structure, if such containers are stored outside of a roofed structure or enclosed warehouse. For the purpose of this subsection, a pesticide secondary containment structure is a structure that complies with the design standards set forth in 8 Ill. Adm. Code 255.

d) Maintain all written records required under this Section at the site. The owner or operator mustshall provide any such record to the Agency upon request.

(Board Note: Owners or operators of facilities or units subject to this Part may also be subject to regulations under 8 Ill. Adm. Code 255.)

(Source: Amended at 45 Ill. Reg._____, effective _____)

Section 616.605 Closure and Post-Closure Care

The owner or operator mustshall comply with the requirements of Subpart C.

(Source: Amended at 45 Ill. Reg._____, effective _____)

SUBPART J: FERTILIZER STORAGE AND HANDLING UNITS

Section 616.621 Applicability

This Subpart applies to any new unit for the storage and handling of fertilizers that is located wholly or partially within a setback zone or regulated recharge area and that:

a) Is operated for the purpose of commercial application; or

b) Stores or accumulates fertilizers prior to distribution to retail sales outlets, including but not limited to a unit that is a warehouse or bulk terminal.

c) Despite subsections Subsections (a) and (b) notwithstanding, this Subpart does shall not apply to any unit exempt underpursuant to Section 616.105.

(Source: Amended at 45 Ill. Reg._____, effective _____)

Section 616.622 Prohibitions

UnderPursuant to Sections 14.2(a), 14.2(c) and 14.3(e) of the Act, a person must not no person shall cause or allow the construction or operation of any unit for the storage and handling of fertilizers that is:

a) Located wholly or partially within a minimum setback zone and that is either a new potential primary source or a new potential secondary source, except as specified in Sections 616.104(a) and (b); or

b) Located wholly or partially within a maximum setback zone and that is a new potential primary source, except as specified in Section 616.104(b).

(Source: Amended at 45 Ill. Reg._____, effective _____)

Section 616.623 Groundwater Monitoring

The owner or operator must~~shall~~ comply with the requirements of Subpart B.

(Source: Amended at 45 Ill. Reg._____, effective _____)

Section 616.624 Design and Operating Requirements

The owner or operator must~~shall~~:

a) Maintain a written record inventorying all fertilizers stored or handled at the unit.

b) At least weekly when fertilizers are being stored, inspect storage containers, tanks, vents, valves, and appurtenances for leaks or deterioration caused by corrosion or other factors. If a leak or deterioration is found in any of these devices, the owner or operator must~~shall~~ immediately repair or replace the device. The owner or operator must~~shall~~ maintain a written record of all inspections conducted under this Section and of all maintenance relating to leaks and deterioration of these devices.

c) Store all containers containing fertilizers (except anhydrous ammonia) within a fertilizer secondary containment structure, if such containers are stored outside of a roofed structure or enclosed warehouse. For the purpose of this subsection, a fertilizer secondary containment structure is a structure that complies with the design standards set forth in 8 Ill. Adm. Code 255.

d) Maintain all written records required under this Section at the site. The owner or operator must~~shall~~ provide any such record to the Agency upon request.

(Board Note: Owners or operators of facilities or units subject to this Part may also be subject to regulations under 8 Ill. Adm. Code 255.)

(Source: Amended at 45 Ill. Reg._____, effective _____)

Section 616.625 Closure and Post-Closure Care

The owner or operator must~~shall~~ comply with the requirements of Subpart C.

(Source: Amended at 45 Ill. Reg._____, effective _____)

SUBPART K: ROAD OIL STORAGE AND HANDLING UNITS

Section 616.702 Prohibitions

UnderPursuant to Sections 14.2(a), 14.2(c) and 14.3(e) of the Act, a person must not no person shall cause or allow the construction or operation of any unit for the storage and handling of road oils that is:

a) Located wholly or partially within a minimum setback zone and that is either a new potential primary source or a new potential secondary source, except as specified in Sections 616.104(a) and (b); or

b) Located wholly or partially within a maximum setback zone and that is a new potential primary source, except as specified in Section 616.104(b).

(Source: Amended at 45 Ill. Reg._____, effective _____)

Section 616.703 Groundwater Monitoring

The owner or operator mustshall comply with the requirements of Subpart B.

(Source: Amended at 45 Ill. Reg._____, effective _____)

Section 616.704 Design and Operating Requirements for Above-Ground Storage Tanks

a) The owner or operator of a tank mustshall not cause or allow:

1) Materials to be placed in a tank if such materials could cause the tank to rupture, leak, corrode, or otherwise fail.

2) Uncovered tanks to be placed or operated so as to maintain less than 60 centimeters (2 feet) of freeboard unless:

A) The tank is equipped with a containment structure (e.g., dike or trench), a drainage control system, or a diversion structure (e.g., standby tank); and

B) Such containment structure, drainage control system, or diversion structure has a capacity that equals or exceeds the volume of the top 60 centimeters (2 feet) of the tank.

3) Material to be continuously fed into a tank, unless the tank is equipped with a means to stop this inflow (e.g., a feed cutoff system or a bypass system to a standby tank).

4) Incompatible materials to be placed in the same tank.

5) Material to be placed in a tank that previously held an incompatible material unless the incompatible material has been washed from the tank.

6) Ignitable or reactive material to be placed in a tank unless:

A) The material is stored or treated in such a way that it is protected from any material or conditions that may cause it to ignite or react; or

B) The tank is used solely for emergencies.

b) The owner or operator must~~shall~~ provide and maintain primary containment for the tank such that:

1) The tank has a minimum shell thickness that ensures that the tank will not fail (i.e., collapse, rupture, etc.).

2) The tank is compatible with the material to be placed in the tank or the tank is lined with a substance that is compatible with the material to be placed in the tank.

c) The owner or operator must~~shall~~ provide and maintain secondary containment for the tank that:

1) Is capable of containing the volume of the largest tank or 10% of the total volume for all tanks, whichever is greater;

2) Is constructed of material capable of containing a spill until cleanup occurs (e.g., concrete or clay). The base of the secondary containment area must be capable of minimizing vertical migration of a spill until cleanup occurs (e.g., concrete or clay);

3) Has cover (e.g., crushed rock or vegetative growth) on earthen embankments sufficient to prevent erosion; and

4) Isolates the tank from storm water drains and from combined storm water drains and sanitary sewer drains.

d) If incompatible materials are handled at the site, secondary containment sufficient to isolate the units containing the incompatible materials must be provided.

e) The owner or operator of a tank must~~shall~~ also:

1) Test above-ground tanks and associated piping every five years for structural integrity.

2) Remove uncontaminated storm water run off from the secondary containment area immediately after a precipitation event.

3) Handle contaminated storm water run off in compliance~~accordance~~ with 35 Ill. Adm. Code 302.Subpart A.

4) Provide a method for obtaining a sample from each tank.

5) Install, maintain, and operate a material level indicator on each tank.

6) When not in use, lock all gauges and valves that are used to inspect levels in the tank. All such devices must be located within the containment structure.

(Source: Amended at 45 Ill. Reg._____, effective _____)

SUBPART L: DE-ICING AGENT STORAGE AND HANDLING UNITS

Section 616.722 Prohibitions

a) Under~~Pursuant to~~ Sections 14.2(a), 14.2(c) and (14.3(e) of the Act, a person must not ~~no person~~ ~~shall~~ cause or allow the construction or operation of any unit for the storage and handling of de-icing agents that is:

1) Located wholly or partially within a minimum setback zone and that is either a new potential primary source or a new potential secondary source, except as specified in Sections 616.104(a) and (b); or

2) Located wholly or partially within a maximum setback zone and that is a new potential primary source, except as specified in Section 616.104(b).

b) A person must not ~~No person~~ ~~shall~~ cause or allow the construction or operation within any setback zone of any outdoor facility for the storage and handling of de-icing agents, except as provided at Section 616.105.

(Source: Amended at 45 Ill. Reg._____, effective _____)

Section 616.723 Groundwater Monitoring

The owner or operator must~~shall~~ comply with the requirements of Subpart B.

(Source: Amended at 45 Ill. Reg._____, effective _____)

Section 616.724 Design and Operating Requirements for Indoor Storage Facilities

a) The base of the facility must be constructed of materials capable of containing de-icing agents (i.e., bituminous or concrete pad).

b) The roof and walls of the facility must be constructed of materials capable of protecting the storage pile from precipitation and capable of preventing dissolved de-icing agents from entering into the adjacent soil, surface water, or groundwater. The walls of the facility must be constructed of materials compatible with the de-icing agents to be placed in the facility. Run-off from the roof must be diverted away from the loading pad.

c) The loading pad of the facility must be constructed of materials capable of containing a spill (i.e., concrete or bituminous pad). The borders of the loading pad must be curbed to prevent dry or dissolved de-icing agents from migrating from the loading pad into the adjacent soils, surface water, or groundwater. The loading pad must be covered by a roof of sufficient size to provide the pad and de-icing agents with protection from precipitation to prevent run-off or dissolved de-icing agents from entering into the adjacent soil, surface water, or groundwater.

d) All areas surrounding the storage pile, including but not limited to the loading pad, must be routinely inspected to determine whether any release of de-icing agents has occurred. Such areas must~~shall~~ be cleaned as necessary. Spilled de-icing agents must be placed back under the protective covering of the indoor storage pile. The storage pile must be reshaped as often as necessary to prevent leaching.

e) The integrity of the facility and loading pad must be maintained.

f) All areas surrounding the storage facility must be inspected daily to determine whether any release of de-icing agents has occurred. Spilled de-icing agents must be placed back into the storage facility.

(Source: Amended at 45 Ill. Reg._____, effective _____)

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

PART 617
REGULATED RECHARGE AREAS

SUBPART A: GENERAL

Section

SUBPART B: PLEASANT VALLEY PUBLIC WATER DISTRICT REGULATED

RECHARGE AREA

Section

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 September1, 2001; amended in R18-26 at 45 Ill. Reg._____, effective_____.

NOTE: Italicization denotes statutory language.
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SUBPART A: GENERAL

Section 617.101 Purpose

This Part establishes the general requirements and standards for regulated recharge areas as 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 45 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 willshall 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:

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 5/3.285~~3.85~~]

"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 must~~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 5/3.345~~3.59~~]

"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 5/3.350~~3.580~~]

"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 5/3.355~~3.60~~]; 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 must~~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 5/3.345~~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 5/3.350~~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

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 5/3.355~~3.60~~]

"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 5/3.390~~3.67~~]

"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 5/3.450~~3.61~~]

"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 5/3.460~~3.43~~]

"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 5/3.515~~3.62~~]

"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 3.135 ~~3.94~~* (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 5/3.535~~3.53~~]

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 617.110 Incorporation by Reference

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

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).

b) This Part incorporates no later amendments or editions.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 617.120 Prohibitions

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

1) low level radioactive waste sites;

2) class V injection wells;

3) municipal solid waste landfills; or

4) special or hazardous waste landfills.

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

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

2) a facility, site, or unit that expands laterally beyond the currently permitted boundary or, if the potential primary source is not permitted, the boundary

in existence as of the effective date of any Subpart of this Part that creates a delineated regulated recharge area in which that facility is located;

3) a unit or site that is part of a facility that undergoes major reconstruction, which is considered ~~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; or

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

(Source: Amended at 45 Ill. Reg. _____, effective _____)

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 measures;

4) a description of any management systems that will be utilized to prevent environmental contamination; and

5) an analysis of the potential environmental impacts that could occur due to the operation of the facility and any mitigating measures that will be implemented.

d) Within 7 days after filing the suitability assessment, the owner or operator must:

1) notify all adjacent property owners of the filing; and

2) publish a public notice regarding the filing of the assessment in a newspaper whose circulation covers the affected area.

e) Within 45 days after the filing of an assessment, any person may:

1) request copies of the assessment from the Agency; and

2) request that a public hearing be held at a location in the vicinity of the proposed facility.

f) The Agency must hold the public hearing within ~~in a timely manner, but no more than~~ 45 days after ~~receipt of~~ the written response is received underpursuant to subsection (e)(2)~~ of this Section~~.

g) The Agency must provide 21 days public notice prior to a public hearing.

h) Within 90 days after the filing of an assessment or within 120 days after a hearing, the Agency must issue a written statement with one of the following determinations:

1) the assessment demonstrates the potential environmental impacts that a facility would have within the recharge area and includes the appropriate measures to protect against possible contamination;

2) the assessment does not demonstrate the potential environmental impacts that a facility would have within the recharge area and does not include the appropriate measures to protect against possible contamination; or

3) the assessment must be modified to address any impacts that the facility will have on the groundwater within the area.

i) Within 30 days after receiving the Agency's written statement under subsections (h)(1) or (h)(2), the ~~The~~ owner or operator of the facility may~~, within 30 days,~~ respond to the ~~a~~ statement ~~issued by the Agency pursuant to subsection (h)(2) or (h)(3) of this Section~~.

j) Within ~~Not later than~~ 30 days after receipt of a response from the owner or operator of the facility, the Agency must issue a final statement regarding the assessment under~~pursuant to~~ subsection (i)~~ of this Section~~. If no response is received by the Agency within the 30 day period, no further action is necessary and the statement stands as initially issued.

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

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

(Source: Amended at 45 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 when those activities are located wholly or partially within 2,500 feet of the wellheads and are located or take place within a regulated recharge area:

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

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

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

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

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

(Source: Added at 45 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 45 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 5/3.365~~3.28~~, 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 45 Ill. Reg. _____ effective _____)

SUBPART B: PLEASANT VALLEY PUBLIC WATER DISTRICT REGULATED RECHARGE AREA

Section 617.205 Applicability

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

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

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

3) existing and new potential primary sources of groundwater contamination, existing and new potential secondary sources of groundwater contamination, existing and new potential tertiary sources of groundwater contamination, and existing and new potential routes of groundwater contamination.

b) This~~Nothing in this~~ Subpart has no impacts on the application of State or Federal laws or regulations (35 Ill. Adm. Code 615, 35 Ill. Adm. Code 616, Sections 106 and 107 of the Comprehensive Environmental Response, Compensation and Liability Act (42 USC 9601, et seq.); Sections 3004 and 3008 of the Resource Conservation and Recovery Act (42 USC 6901, et seq.); Sections 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. Code 724, 725, 730, 731, 733, 740, 742, 750, 811 and 814)~~)~~ to activities addressed in those Parts or Sections that occur within the boundaries of the regulated recharge area set out in this Part.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 617.210 Registration of Potential Sources and Routes of Groundwater Contamination

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

a) Within 30 days before construction begins ~~no later than 30 days prior to commencement of construction~~ for new potential routes or primary, secondary or tertiary sources of groundwater contamination; or

b) Within~~no later than~~ 90 days after the registration meeting described in Section 617.215 ~~of this Subpart~~.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

~~**Section 617.215 Recharge Area Registration Meeting**~~

~~The Agency must hold an informational and registration meeting for the owners or operators of potential sources and routes of groundwater contamination that are located within the boundaries of the regulated recharge area.~~

~~a) Within 30 days after September 1, 2001, the Agency, with the cooperation of the Pleasant Valley Water District, must conduct a door-to-door canvass to notify the owners or operators of all known potentially impacted facilities of the date, time, and place of the informational and registration meeting.~~

~~b) At the meeting, the Agency will provide:~~

~~1) information concerning the applicability of this Subpart;~~

~~2) an explanation of and information concerning any other related regulations; and~~

~~3) an opportunity for the owner or operator to register the facility.~~

~~c) The Agency will sponsor the meeting within 90 days after September 1, 2001, at a location within the Pleasant Valley Public Water District.~~

~~d) The Agency must provide copies of each registration to the Pleasant Valley Public Water District.~~

(Source: Repealed at 45 Ill. Reg. _____, effective _____)

Section 617.220 Management Systems for Potential Sources

a) The owner or operator of any potential tertiary source of groundwater contamination located wholly or partially within the regulated recharge area must

develop and implement a chemical substances management system that~~, at a minimum,~~ must include the following:

1) a brief description of the manner in which the on-site chemical substances are stored and used;

2) a potential release assessment and the response procedures to be followed by the facility for notifying local emergency response agencies;

3) management measures that are employed to reduce the potential for releases; and

4) ~~suitable~~ training as provided by the Agency under~~pursuant to~~ Section 617.225 ~~of this Subpart~~.

b) The owner or operator of an existing potential tertiary source of groundwater contamination located wholly or partially within the regulated recharge area must:

1) Within 90 days after September 1, 2001, register for the training required under Section 617.225; and

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:

1) register for the training required under Section 617.225 30 days before construction <u>begins</u> ~~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 45 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~~, 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;

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 will be offered at least once, and may be offered more frequently, depending upon demand. The Agency or its designee must publish advance notice of the time, date, and location for each training program.

3) An individual must enroll with the Agency prior to the date for the next scheduled training program.

4) The Agency must provide the owner or operator of a potential tertiary source that participates in the chemical substances management training program with a certificate of completion.

b) The owner or operator of a potential tertiary source who receives a certificate of completion of a chemical substances management training program must post the certificate of completion at his place of business, and must provide a copy of such certificate to the Pleasant Valley Public Water District within 10 days after receipt of the certificate from the Agency.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

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

PART 618
MAXIMUM SETBACK ZONES

SUBPART A: GENERAL

Section

SUBPART B: ESTABLISHED MAXIMUM SETBACK ZONES

Section

AUTHORITY: Implementing Section 14.3 and authorized by Section 27 of the Illinois Environmental Protection Act [415 ILCS 5/14.3 and 27].

SOURCE: Adopted in R05-9 at 30 Ill. Reg. 10448, effective May 23, 2006; amended in R11-25 at 36 Ill. Reg. 10042, effective June 27, 2012; amended in R18-26 at 45 Ill. Reg._____, effective_____.

Section 618.105 Definitions

a) Unless specified otherwise, all terms will~~shall~~ have the meanings set forth in the Illinois Environmental Protection Act [415 ILCS 5], the Illinois Groundwater Protection Act [415 ILCS 55], and 35 Ill. Adm. Code 671.

b) For the purposes of this Part, the following definitions apply:

"Act" means the Illinois Environmental Protection Act [415 ILCS 5].

"Agency" means the Illinois Environmental Protection Agency.

"Board" means the Illinois Pollution Control Board.

"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].

"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 5/3.345].

"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 5/3.350].

"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*
> >
> > *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*
> >
> > *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 5/3.355]; but

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)]

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

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 5/3.345].

"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 5/3.350].

"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, which:*

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 5/3.355].

"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 5/3.450].

"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 5/3.460].

"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 5/3.515]

"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, ferti1izer, road oils, or de-icing agents falls within the unit boundary.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 618.110 Regulated Activities, Facilities or Units

All new or existing activities, facilities or units located wholly or partially in any maximum setback zone created by this Part will be subject to the groundwater rules ~~set forth~~ in Section 14.4 of the Act and any Board rules ~~regulations~~ promulgated under~~pursuant to~~ Section 14.4 of the Act, including~~, but not limited to,~~ 35 Ill. Adm. Code 615 and 616.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

SUBPART B: MARQUETTE HEIGHTS' MAXIMUM SETBACK ZONE

Section 618.200 Purpose

This Subpart describes ~~prescribes~~ maximum setback zones for individual community water supply wells in the interest of securing the public health, safety, and welfare; to preserve the quality and quantity of groundwater resources in order to assure a safe and adequate water supply for present and future generations; and to preserve groundwater resources currently in use and those aquifers having a potential for future use as a public water supply.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 618.205 Marquette Heights' Maximum Setback Zone

The Marquette Heights' maximum setback zone is established ~~as delineated~~ in Appendix A ~~of this Part~~.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 618.210 Fayette Water Company's Maximum Setback Zone

The Fayette Water Company's maximum setback zone is established as delineated in Appendix B ~~of this Part~~.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

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

PART 620
GROUNDWATER QUALITY

SUBPART A: GENERAL

SUBPART B: GROUNDWATER CLASSIFICATION

SUBPART C: NONDEGRADATION PROVISIONS FOR APPROPRIATE GROUNDWATERS

SUBPART D: GROUNDWATER QUALITY STANDARDS

SUBPART E: GROUNDWATER MONITORING AND ANALYTICAL PROCEDURES

SUBPART F: HEALTH ADVISORIES

AUTHORITY: Implementing and authorized by Section 8 of the Illinois Groundwater Protection Act [415 ILCS 55/8] and authorized by Section 27 of the Illinois Environmental Protection Act [415 ILCS 5/27].

SOURCE: Adopted in R89-14(B) at 15 Ill. Reg. 17614, effective November 25, 1991; amended in R89-14(C) at 16 Ill. Reg. 14667, effective September 11, 1992; amended in R93-27 at 18 Ill. Reg. 14084, effective August 24, 1994; amended in R96-18 at 21 Ill. Reg. 6518, effective May 8, 1997; amended in R97-11 at 21 Ill. Reg. 7869, effective July 1, 1997; amended in R01-14 at 26 Ill. Reg. 2662, effective February 5, 2002; amended in R08-18 at 36 Ill. Reg. 15206, effective October 5, 2012; amended in R08-18(B) at 37 Ill. Reg. 16529, effective October 7, 2013; amended in R18-26 at 45 Ill. Reg._____, effective_____.

SUBPART A: GENERAL

Section 620.105 Purpose

This Part specifies regulatory requirements for ~~prescribes~~ various aspects of groundwater quality, including method of classification of groundwaters, nondegradation provisions, standards for quality of groundwaters, and various procedures and protocols for the management and protection of groundwaters.

Section 620.110 Definitions

The definitions of the Environmental Protection Act [415 ILCS 5] and the Groundwater Protection Act [415 ILCS 55] apply to this Part. The following definitions also apply to this Part.

"Act" means the Environmental Protection Act [415 ILCS 5].

"Agency" means the Illinois Environmental Protection Agency.

"Aquifer" means *saturated (with groundwater) soils and geologic materials which are sufficiently permeable to readily yield economically useful quantities of water to wells, springs, or streams under ordinary hydraulic gradients.* [415 ILCS 55/3(b)]

"BETX" means the sum of the concentrations of benzene, ethylbenzene, toluene, and xylenes.

"Board" means the Illinois Pollution Control Board.

"Carcinogen" means *a contaminant that is classified as a Category A1 or A2 Carcinogen by the American Conference of Governmental Industrial Hygienists; or a Category 1 or 2A/2B carcinogen by the World Health Organization's International Agency for Research on Cancer; or a "Human carcinogen" or "Anticipated Human Carcinogen" by the United States Department of Health and Human Service National Toxicological Program; or a Category A or B1/B2 Carcinogen by the United States Environmental Protection Agency in Integrated Risk Information System or a Final Rule issued in a Federal Register notice by the USEPA.* [415 ILCS 5/58.2]

"Community water supply" means *a public supply which serves or is intended to serve at least 15 service connections used by residents or regularly serves at least 25 residents.* [415 ILCS 5/3.145]

"Contaminant" means *any solid, liquid, or gaseous matter, any odor, or any form of energy, from whatever source.* [415 ILCS 5/3.165]

"Corrective action process" means those procedures and practices that may be imposed by a regulatory agency when a determination has been made that contamination of groundwater has taken place, and are necessary to address a potential or existing violation of the standards set forth in Subpart D.

"Cumulative impact area" means the area, including the coal mine area permitted under the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720] and 62 Ill. Adm. Code 1700 through 1850, within which impacts

resulting from the proposed operation may interact with the impacts of all anticipated mining on surface water and groundwater systems.

"Department" means the Illinois Department of Natural Resources.

"Detection" means the identification of a contaminant in a sample at a value equal to or greater than the:

> "Method Detection Limit" or "MDL" means the minimum concentration of a substance that can be measured as reported with 99 percent confidence that the true value is greater than zero, underpursuant to 40 CFR 136, appendix B (2006), incorporated by reference at Section 620.125; or
>
> "Method Quantitation Limit" or "MQL" means the minimum concentration of a substance that can be measured and reported underpursuant to "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods", incorporated by reference at Section 620.125.

"Groundwater" means *underground water which occurs within the saturated zone and geologic materials where the fluid pressure in the pore space is equal to or greater than atmospheric pressure.* [415 ILCS 5/3.210]

"Hydrologic balance" means the relationship between the quality and quantity of water inflow to, water outflow from, and water storage in a hydrologic unit such as a drainage basin, aquifer, soil zone, lake, or reservoir. It encompasses the dynamic relationships among precipitation, runoff, evaporation, and changes in ground and surface water storage.

"IGPA" means the Illinois Groundwater Protection Act [415 ILCS 55].

"LOAEL" or "Lowest observable adverse effect level" means the lowest tested concentration of a chemical or substance that produces a statistically significant increase in frequency or severity of non-overt adverse effects between the exposed population and its appropriate control. LOAEL may be determined for a human population (LOAEL-H) or an animal population (LOAEL-A).

"Licensed Professional Engineer" or "LPE" means *a person, corporation, or partnership licensed under the laws of the State of Illinois to practice professional engineering.* [415 ILCS 5/57.2]

"Licensed Professional Geologist" or "LPG" means *an individual who is licensed under the* Professional Geologist Licensing Act *to engage in the practice of professional geology in Illinois.* [225 ILCS 745/15]

"NOAEL" or "No observable adverse effect level" means the highest tested concentration of a chemical or substance that does not produce a statistically significant increase in frequency or severity of non-overt adverse effects between the exposed population and its appropriate control. NOAEL may be determined for a human population (NOAEL-H) or an animal population (NOAEL-A).

"Non-community water supply" means *a public water supply that is not a community water supply.* [415 ILCS 5/3.145]

"Off-site" means not on-site.

"On-site" means on the same or geographically contiguous property that may be divided by public or private right-of-way, provided the entrance and exit between properties is at a crossroads intersection and access is by crossing as opposed to going along the right-of-way. Noncontiguous properties owned by the same person but connected by a right-of-way that he controls and that the public does not have access to is also considered on-site property.

"Operator" means the person responsible for the operation of a site, facility or unit.

"Owner" means the person who owns a site, facility or unit or part of a site, facility or unit, or who owns the land on which the site, facility or unit is located.

"Potable" means *generally fit for human consumption in accordance with accepted water supply principles and practices.* [415 ILCS 5/3.340]

"Potential primary source" means *any unit at a facility or site not currently subject to a removal or remedial action which:*

> *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 5/3.345]

"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. This term does not include closed loop heat pump wells using USP (U.S. Pharmacopeia) *food grade propylene glycol.* [415 ILCS 5/3.350]

"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, which:*

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 substance; 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 [225 ILCS 225]. [415 ILCS 5/3.355]

"Practical Quantitation Limit" or "PQL" means the lowest concentration or level that can be reliably measured within specified limits of precision and accuracy during routine laboratory operating conditions in compliance~~accordance~~ with "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods", EPA Publication No. SW-846, incorporated by reference at Section 620.125.

"Previously mined area" means land disturbed or affected by coal mining operations prior to February 1, 1983.
BOARD NOTE: February 1, 1983, is the effective date of the Illinois permanent program regulations implementing the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720] as codified in 62 Ill. Adm. Code 1700 through 1850.

"Property class" means the class assigned by a tax assessor to real property for purposes of real estate taxes.

BOARD NOTE: The property class (rural property, residential vacant land, residential with dwelling, commercial residence, commercial business, commercial office, or industrial) is identified on the property record card maintained by the tax assessor in compliance~~accordance~~ with the Illinois Real Property Appraisal Manual (February 1987), published by the Illinois Department of Revenue, Property Tax Administration Bureau.

"Public water supply" means *all mains, pipes and structures through which water is obtained and distributed to the public, including wells and well structures, intakes and cribs, pumping stations, treatment plants, reservoirs, storage tanks and appurtenances, collectively or severally, actually used or intended for use for the purpose of furnishing water for drinking or general domestic use and which serve at least 15 service connections or which regularly serve at least 25 persons at least 60 days per year. A public water supply is either a "community water supply" or a "non-community water supply".* [415 ILCS 5/3.365]

"Regulated entity" means a facility or unit regulated for groundwater protection by any State or federal agency.

"Regulatory agency" means the Illinois Environmental Protection Agency, Department of Public Health, Department of Agriculture, the Office of Mines and Minerals in the Department of Natural Resources, and the Office of State Fire Marshal.

"Regulated recharge area" means *a compact geographic area, as determined by the Board* pursuant to Section 17.4 of the Act, *the geology of which renders a potable resource groundwater particularly susceptible to contamination.* [415 ILCS 5/3.390]

"Resource groundwater" means *groundwater that is presently being, or in the future is capable of being, put to beneficial use by reason of being of suitable quality.* [415 ILCS 5/3.430]

"Saturated zone" means a subsurface zone in which all the interstices or voids are filled with water under pressure greater than that of the atmosphere.

"Setback zone" means *a geographic area, designated pursuant to this 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 5/3.450]

"Site" means *any location, place, tract of land and facilities, including but not limited to, buildings and improvements used for the purposes subject to regulation*

or control by the Act or regulations thereunder. [415 ILCS 5/3.460]

"Spring" means a natural surface discharge of an aquifer from rock or soil.

"Threshold dose" means the lowest dose of a chemical at which a specified measurable effect is observed and below which it is not observed.

"Treatment" means the technology, treatment techniques, or other procedures for compliance with 35 Ill. Adm. Code, Subtitle F.

"Unit" means *any device, mechanism, equipment, or area (exclusive of land utilized only for agricultural production).* [415 ILCS 5/3.515]

"USEPA" means the United States Environmental Protection Agency.

"Wellhead protection area" or "WHPA" means the surface and subsurface recharge area surrounding a community water supply well or well field, delineated outside of any applicable setback zones (underpursuant to Section 17.1 of the Act [415 ILCS 5/17.1]), and underpursuant to Illinois' Wellhead Protection Program, through which contaminants are reasonably likely to move toward such well or well field.

"Wellhead Protection Program" or "WHPP" means the wellhead protection program for the State of Illinois, approved by USEPA under 42 USC 300h-7. BOARD NOTE: Derived from 40 CFR 141.71(b) (2003). The wellhead protection program includes the "groundwater protection needs assessment" under Section 17.1 of the Act [415 ILCS 5/17.1] and 35 Ill. Adm. Code 615-617.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 620.115 Prohibition

A ~~No~~ person must notshall cause, threaten or allow a violation of the Act, the IGPA or regulations adopted by the Board ~~thereunder,~~ including ~~but not limited to~~ this Part.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 620.125 Incorporations by Reference

a) The Board incorporates the following material by reference:

ASTM International. 100 Barr Harbor Drive, PO Box C700, West Conshohocken, PA 19428-2959 (610) 832-9500.

"Standard Practice for Classification of Soils for Engineering Purposes (Unified Classification System)" ASTM D2487-17

~~ASTM D2487-06~~.

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

Method Detection Limit Definition, appendix B to Part 136, 40 CFR 136, appendix B (2006).

Control of Lead and Copper, general requirements, 40 CFR 141.80 (2006).

Maximum contaminant levels for organic contaminants, 40 CFR 141.61 (2006).

Maximum contaminant levels for inorganic contaminants, 40 CFR 141.62 (2006).

Maximum contaminant levels for radionuclides, 40 CFR 141.66 (2006).

GPO. Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20401 (202) 783-3238).

USEPA Guidelines for Carcinogenic Risk Assessment, EPA/630/P-03/001F, March 2005 ~~51 Fed. Reg. 33992-34003 (September 24, 1986)~~.

Illinois Environmental Protection Agency, 1020 North Grand Avenue East, P.O. Box 19276, Springfield, IL 62794-9276 (217) 785-4787.

"Guidance Document for Groundwater Protection Needs Assessments," Agency, Illinois State Water Survey, and Illinois State Geologic Survey Joint Report, January 1995.

"The Illinois Wellhead Protection Program Pursuant to Section 1428 of the Federal Safe Drinking Water Act," Agency, # 22480, October 1992.

NCRP. National Council on Radiation Protection, 7910 Woodmont Ave., Bethesda, MD (301) 657-2652.

"Maximum Permissible Body Burdens and Maximum Permissible Concentrations of Radionuclides in Air and in Water for Occupational Exposure", NCRP Report Number 22, June 5, 1959.

NTIS. National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161 (703) 605-6000.

"Methods for Chemical Analysis of Water and Wastes," March 1983, Doc. No. PB84-128677. EPA 600/4-79-020 (available online at http://nepis.epa.gov/).

"Methods for the Determination of Inorganic Substances in Environmental Samples," August 1993, PB94-120821 (referred to as "USEPA Environmental Inorganic Methods"). EPA 600/R-93-100 (available online at http://nepis.epa.gov/).

"Methods for the Determination of Metals in Environmental Samples," June 1991, Doc. No. PB91-231498. EPA 600/4-91-010 (available online at http://nepis.epa.gov/).
"Methods for the Determination of Metals in Environmental Samples − Supplement I," May 1994, Doc. No. PB95-125472. EPA 600/R-94-111 (available online at http://nepis.epa.gov/).

"Methods for the Determination of Organic Compounds in Drinking Water," Doc. No. PB91-231480. EPA/600/4-88/039 (December 1988 (revised July 1991)) (available online at http://nepis.epa.gov/).

"Methods for the Determination of Organic Compounds in Drinking Water, Supplement I," Doc. No. PB91-146027. EPA/600/4-90/020 (July 1990) (available online at http://nepis.epa.gov/).

"Methods for the Determination of Organic Compounds in Drinking Water, Supplement II," Doc. No. PB92-207703. EPA/600/R-92/129 (August 1992) (available online at http://nepis.epa.gov/).

"Methods for the Determination of Organic Compounds in Drinking Water, Supplement III," Doc. No. PB95-261616. EPA/600/R-95/131 (August 1995) (available online at http://nepis.epa.gov/).

"Methods for the Determination of Organic and Inorganic Compounds in Drinking Water" Volume I: EPA 815-R-00-014 (August 2000) (available online at http://nepis.epa.gov/).

"Prescribed Procedures for Measurement of Radioactivity in Drinking Water," Doc. No. PB80-224744. EPA 600/4-80-032, (August 1980) (available online at http://nepis.epa.gov/).

"Procedures for Radiochemical Analysis of Nuclear Reactor Aqueous Solutions," H.L. Krieger and S. Gold, Doc. No. PB222-154/7BA. EPA-R4-73-014, May 1973.

"Radiochemical Analytical Procedures for Analysis of Environmental Samples," March 1979, Doc. No. EMSL LV 053917.

"Radiochemistry Procedures Manual," Doc. No. PB-84-215581. EPA-520/5-84-006, December 1987.

"Practical Guide for Ground-Water Sampling", EPA Publication No. EPA/600/2-85/104 (September 1985), Doc. No. PB 86-137304.

"Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA Publication No. SW-846, as amended by Updates I, II, IIA, IIB, III, IIIA, ~~and~~ IIIB, IVA, IVB, and V (Doc. No. 955-001-00000-1) (available on line at https://www.epa.gov/hw-sw846-~~http://www.epa.gov/epaoswer/hazwaste/test/main.htm).~~

USGS. United States Geological Survey, 1961 Stout St., Denver, CO 80294 (303) 844-4169

"Techniques of Water Resources Investigations of the United States Geological Survey, Guidelines for Collection and Field Analysis of Ground-Water Samples for Selected Unstable Constituents", Book I, Chapter D2 (1976).

b) This Section incorporates no later editions or amendments.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

SUBPART B: GROUNDWATER CLASSIFICATION

Section 620.201 Groundwater Designations

All groundwaters of the State are designated as:

a) One of the following four classes of groundwater in compliance~~accordance~~ with Sections 620.210 through 620.240:

1) Class I: Potable Resource Groundwater;

2) Class II: General Resource Groundwater;
3) Class III: Special Resource Groundwater;

4) Class IV: Other Groundwater;

b) A groundwater management zone in compliance~~accordance~~ with Section 620.250; or

c) A groundwater management zone as defined in 35 Ill. Adm. Code 740.120 and established under 35 Ill. Adm. Code 740.530.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 620.210 Class I: Potable Resource Groundwater

Except as provided in Sections 620.230, 620.240, or 620.250, Potable Resource Groundwater is:

a) Groundwater located 10 feet or more below the land surface and within:

1) The minimum setback zone of a well which serves as a potable water supply and to the bottom of such well;

2) Unconsolidated sand, gravel or sand and gravel which is 5 feet or more in thickness and that contains 12 percent or less of fines (i.e., fines which pass through a No. 200 sieve tested according to ASTM Standard Practice D2487-06, incorporated by reference at Section 620.125);

3) Sandstone which is 10 feet or more in thickness, or fractured carbonate which is 15 feet or more in thickness; or

4) Any geologic material which is capable of a:

A) Sustained groundwater yield, from up to a 12 inch borehole, of 150 gallons per day or more from a thickness of 15 feet or less; or

B) Hydraulic conductivity of 1×10^{-4} cm/sec or greater using one of the following test methods or its equivalent:

i) Permeameter;

ii) Slug test; or

iii) Pump test.

b) Any groundwater which is determined by the Board under the ~~pursuant to~~ petition procedures set forth in Section 620.260, to be capable of potable use.

BOARD NOTE: Any portion of the thickness associated with the geologic materials as described in subsections 620.210(a)(2), (a)(3) or (a)(4) should be designated as Class I: Potable Resource Groundwater if located 10 feet or more below the land surface.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 620.220 Class II: General Resource Groundwater

Except as provided in Section 620.250, General Resource Groundwater is:

a) Groundwater which does not meet the provisions of Section 620.210 (Class I), Section 620.230 (Class III), or Section 620.240 (Class IV).

b) Groundwater which is found by the Board, under~~pursuant to~~ the petition procedures set forth in Section 620.260, to be capable of agricultural, industrial, recreational or other beneficial uses.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 620.230 Class III: Special Resource Groundwater

Except as provided in Section 620.250, Special Resource Groundwater is:

a) Groundwater that is determined by the Board, under~~pursuant to~~ the procedures set forth in Section 620.260, to be:

1) Demonstrably unique (e.g., irreplaceable sources of groundwater) and suitable for application of a water quality standard more stringent than the otherwise applicable water quality standard specified in Subpart D; or

2) Vital for a particularly sensitive ecological system.

b) Groundwater that contributes to a dedicated nature preserve that is listed by the Agency as set forth below:

1) A written request to list a dedicated nature preserve under this subsection must contain, at a minimum, the following information:

A) A general description of the site and the surrounding land use;

B) A topographic map or other map of suitable scale denoting the location of the dedicated nature preserve;

C) A general description of the existing groundwater quality at and surrounding the dedicated nature preserve;

D) A general geologic profile of the dedicated nature preserve based upon the most reasonably available information, including but not limited to geologic maps and subsurface groundwater flow directions; and

E) A description of the interrelationship between groundwater and the nature of the site.

2) Upon confirmation by the Agency of the technical adequacy of a written request, the Agency must~~shall~~ publish the proposed listing of the dedicated nature preserve in the Environmental Register for a 45-day public comment period. Within 60 days after the close of the public comment period, the Agency must~~shall~~ either publish a final listing of the dedicated nature preserve in the Environmental Register or provide a written response to the requestor specifying the reasons for not listing the dedicated nature preserve.

3) At least once annually, the Agency must~~shall~~ publish in the Environmental Register a complete listing of all dedicated nature preserves listed under this subsection.

4) For purposes of this Section the term "dedicated nature preserve" means a nature preserve that is dedicated under~~pursuant to~~ the Illinois Natural Areas Preservation Act [525 ILCS 30].

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 620.240 Class IV: Other Groundwater

Except as provided in Section 620.250, Other Groundwater is:

a) Groundwater within a zone of attenuation as provided in 35 Ill. Adm. Code 811 and 814;

b) Groundwater within a point of compliance as provided in 35 Ill. Adm. Code 724, but not to exceed a distance of 200 feet from a potential primary or secondary source.

c) Groundwater that naturally contains more than 10,000 mg/L of total dissolved solids;

d) Groundwater which has been designated by the Board as an exempt aquifer under~~pursuant to~~ 35 Ill. Adm. Code 730.104; or

e) Groundwater which underlies a potential primary or secondary source, in which contaminants may be present from a release, if the owner or operator of such source notifies the Agency in writing and the following conditions are met:

1) The outermost edge is the closest practicable distance from such source, but does not exceed:

A) A lateral distance of 25 feet from the edge of such potential source or the property boundary, whichever is less, and

B) A depth of 15 feet from the bottom of such potential source or the land surface, whichever is greater;

2) The source of any release of contaminants to groundwater has been controlled;

3) Migration of contaminants within the site resulting from a release to groundwater has been minimized;

4) Any on-site release of contaminants to groundwater has been managed to prevent migration off-site; and

5) No potable water well exists within the outermost edge as provided in subsection (e)(1).

f) Groundwater which underlies a coal mine refuse disposal area not contained within an area from which overburden has been removed, a coal combustion waste disposal area at a surface coal mine authorized under Section 21(s) of the Act, or an impoundment that contains sludge, slurry, or precipitated process material at a coal preparation plant, in which contaminants may be present, if such area or impoundment was placed into operation after February 1, 1983, if the owner and operator notifies the Agency in writing, and if the following conditions are met:

1) The outermost edge is the closest practicable distance, but does not exceed:

A) A lateral distance of 25 feet from the edge of such area or impoundment, or the property boundary, whichever is less; and

B) A depth of 15 feet from the bottom of such area or impoundment, or the land surface, whichever is greater;

2) The source of any release of contaminants to groundwater has been controlled;

3) Migration of contaminants within the site resulting from a release to groundwater has been minimized;

4) Any on-site release of contaminants to groundwater has been managed to prevent migration off-site; and

5) No potable water well exists within the outermost edge as provided in subsection (e)(1).

g) Groundwater within a previously mined area, unless monitoring demonstrates that the groundwater is capable of consistently meeting the standards of Sections 620.410 or 620.420. If such capability is determined, groundwater within the previously mined area must~~shall~~ not be Class IV.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 620.250 Groundwater Management Zone

a) Within any class of groundwater, a groundwater management zone may be established as a three dimensional region containing groundwater being managed to mitigate impairment caused by the release of contaminants from a site:

1) That is subject to a corrective action process approved by the Agency; or

2) For which the owner or operator undertakes an adequate corrective action in a timely and appropriate manner and provides a written confirmation to the Agency. Such confirmation must be provided in a form as prescribed by the Agency.

b) A groundwater management zone is established upon concurrence by the Agency that the conditions as specified in subsection (a) are met and groundwater management continues for a period of time consistent with the action described in that subsection.

c) A groundwater management zone expires upon the Agency's receipt of appropriate documentation which confirms the completion of the action taken under~~pursuant to~~ subsection (a) and which confirms the attainment of applicable standards as set forth in Subpart D. The Agency must~~shall~~ review the on-going adequacy of controls and continued management at the site if concentrations of chemical constituents, as specified in Section 620.450(a)(4)(B), remain in groundwater at the site following completion of such action. The review must take place no less often than every 5 years and the results must~~shall~~ be presented to the Agency in a written report.

d) Notwithstanding subsections (a) and (b) above, a groundwater management zone as defined in 35 Ill. Adm. Code 740.120 may be established in

complianceaccordance with the requirements of 35 Ill. Adm. Code 740.530 for sites undergoing remediation underpursuant to the Site Remediation Program. Such a groundwater management zone mustshall remain in effect until the requirements set forth at 35 Ill. Adm. Code 740.530(c) are met.

e) While the groundwater management zone established in complianceaccordance with 35 Ill. Adm. Code 740.530 is in effect, the otherwise applicable standards as specified in Subpart D of this Part mustshall not be applicable to the "contaminants of concern," as defined at 35 Ill. Adm. Code 740.120, for which groundwater remediation objectives have been approved in complianceaccordance with the procedures of 35 Ill. Adm. Code 740.

f) Notwithstanding subsection (c) above, the review requirements concerning the on-going adequacy of controls and continued management at the site mustshall not apply to groundwater within a three-dimensional region formerly encompassed by a groundwater management zone established in complianceaccordance with 35 Ill. Adm. Code 740.530 while a No Further Remediation Letter issued in complianceaccordance with the procedures of 35 Ill. Adm. Code 740 is in effect.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 620.260 Reclassification of Groundwater by Adjusted Standard

Any person may petition the Board to reclassify a groundwater in complianceaccordance with the procedures for adjusted standards specified in Section 28.1 of the Act and 35 Ill. Adm. Code 106.Subpart G. In any proceeding to reclassify specific groundwater by adjusted standard, in addition to the requirements of 35 Ill. Adm. Code 106.Subpart G, and Section 28.1(c) of the Act, the petition mustshall, at a minimum, contain information to allow the Board to determine:

a) The specific groundwater for which reclassification is requested, including but not limited to geographical extent of any aquifers, depth of groundwater, and rate and direction of groundwater flow and that the specific groundwater exhibits the characteristics of the requested class as set forth in Sections 620.210(b), 620.220(b), 620.230, or 620.240;

b) Whether the proposed change or use restriction is necessary for economic or social development, by providing information including, but not limited to, the impacts of the standards on the regional economy, social benefits such as loss of jobs or closing of facilities, and economic analysis contrasting the health and environmental benefits with costs likely to be incurred in meeting the standards would be beneficial or necessary;

c) Existing and anticipated uses of the specific groundwater;

d) Existing and anticipated quality of the specific groundwater;

e) Existing and anticipated contamination, if any, of the specific groundwater;

f) Technical feasibility and economic reasonableness of eliminating or reducing contamination of the specific groundwater or of maintaining existing water quality;

g) The anticipated time period over which contaminants will continue to affect the specific groundwater;

h) Existing and anticipated impact on any potable water supplies due to contamination;

i) Availability and cost of alternate water sources or of treatment for those users adversely affected;

j) Negative or positive effect on property values; and

k) For special resource groundwater, negative or positive effect on:

1) The quality of surface waters; and

2) Wetlands, natural areas, and the life contained therein, including endangered or threatened species of plant, fish or wildlife listed underpursuant to the Endangered Species Act, 16 U.S.C. 1531 et seq., or the Illinois Endangered Species Protection Act [415 ILCS 10].

(Source: Amended at 45 Ill. Reg. _____, effective _____)

SUBPART C: NONDEGRADATION PROVISIONS FOR APPROPRIATE GROUNDWATERS

Section 620.301 General Prohibition Against Use Impairment of Resource Groundwater

a) A person No person must not shall cause, threaten or allow the release of any contaminant to a resource groundwater such that:

1) Treatment or additional treatment is necessary to continue an existing use or to assure a potential use of such groundwater; or

2) An existing or potential use of such groundwater is precluded.

b) Nothing in this Section prevents shall prevent the establishment of a groundwater management zone underpursuant to Section 620.250 or a cumulative impact area within a permitted site.

c) Nothing in this Section limits ~~limit~~ underground injection underpursuant to a permit issued by the Agency under the Act or issued by the Department of Mines and Minerals under the Illinois Oil and Gas Act [225 ILCS 725].

d) Nothing in this Section limits ~~shall limit~~ the Board from promulgating nondegradation provisions applicable to particular types of facilities or activities which impact upon groundwater, including but not limited to landfills regulated underpursuant to 35 Ill. Adm. Code. Subtitle G.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 620.302 Applicability of Preventive Notification and Preventive Response Activities

a) Preventive notification and preventive response as specified in Sections 620.305 through 620.310 applies to:

1) Class I groundwater under Section 620.210(a)(1), (a)(2), or (a)(3) that is monitored by the persons listed in subsection (b); or

2) Class III groundwater that is monitored by the persons listed in subsection (b).

b) For purposes of subsection (a), the persons that conduct groundwater monitoring are:

1) An owner or operator of a regulated entity for which groundwater quality monitoring must be performed underpursuant to State or Federal law or regulation (e.g., section 106 and 107 of the Comprehensive Environmental Response, Compensation and Liability Act (42 USC 9601, et seq.); sections 3004 and 3008 of the Resource Conservation and Recovery Act (42 USC 6901, et seq.); sections 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. Code 724, 725, 730, 731, 750, 811 and 814);

2) An owner or operator of a public water supply well who conducts groundwater quality monitoring;

3) A State agency that is authorized to conduct, or is the recipient of, groundwater quality monitoring data (e.g., Illinois Environmental Protection Agency, Department of Public Health, Department of Agriculture, Office of State Fire Marshal or Department of Natural Resources); or

4) An owner or operator of a facility that conducts groundwater quality monitoring underpursuant to State or federal judicial or administrative

order.

c) If a contaminant exceeds a standard set forth in Section 620.410 or Section 620.430, the appropriate remedy is corrective action and Sections 620.305 and 620.310 do not apply.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 620.305 Preventive Notification Procedures

a) Under~~Pursuant to~~ groundwater quality monitoring as described in Section 620.302, a preventive notification must occur whenever a contaminant:

1) Listed under Section 620.310(a)(3)(A) is detected (except due to natural causes) in Class I groundwater; or

2) Denoted as a carcinogen under Section 620.410(b) is detected in Class I groundwater; or

3) Subject to a standard under Section 620.430 is detected (except due to natural causes) in Class III groundwater.

b) When a preventive notification is required for groundwater which is monitored by a regulated entity for the subject contaminant, the owner or operator of the site must~~shall~~ confirm the detection by resampling the monitoring well. This resampling must~~shall~~ be made within 30 days of the date on which the first sample analyses are received. The owner or operator must~~shall~~ provide a preventive notification to the appropriate regulatory agency of the results of the resampling analysis within 30 days of the date on which the sample analyses are received, but no later than 90 days after the results of the first samples were received.

c) When a preventive notification is required for groundwater which is monitored by a regulatory agency, such agency must~~shall~~ notify the owner or operator of the site where the detection has occurred. The owner or operator must~~shall~~ confirm the detection by resampling within 30 days of the date of the notice by the regulatory agency. The owner or operator must~~shall~~ provide preventive notification to the regulatory agency of the results of the resampling analysis within 30 days of the date on which the sample analyses are received, but no later than 90 days after the results of the first samples were received.

d) When a preventive notification of a confirmed detection has been provided by an owner or operator under~~pursuant to~~ this Section, additional detections of the same contaminant do not require further notice, provided that the groundwater quality conditions are substantially unchanged or that preventive response is underway for such contaminant.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 620.310 Preventive Response Activities

a) The following preventive assessment must be undertaken:

1) If a preventive notification under Section 620.305(c) is provided by a community water supply:

A) The Agency mustshall notify the owner or operator of any identified potential primary source, potential secondary source, potential route, or community water supply well that is located within 2,500 feet of the wellhead.

B) The owner or operator notified under subsection (a)(1)(A) mustshall, within 30 days after the date of issuance of such notice, sample each water well or monitoring well for the contaminant identified in the notice if the contaminant or material containing such contaminant is or has been stored, disposed of, or otherwise handled at the site. If a contaminant identified under Section 620.305(a) is detected, then the well must be resampled within 30 days of the date on which the first sample analyses are received. If a contaminant identified under Section 620.305(a) is detected by the resampling, preventive notification must be given as set forth in Section 620.305.

C) If the Agency receives analytical results under subsection (a)(1)(B) that show a contaminant identified under Section 620.305(a) has been detected, the Agency mustshall:

i) Conduct a well site survey underpursuant to 415 ILCS 5/17.1(d), if such a survey has not been previously conducted within the last 5 years; and

ii) Identify those sites or activities that represent a hazard to the continued availability of groundwaters for public use unless a groundwater protection needs assessment has been prepared underpursuant to 415 ILCS 5/17.1(d).

2) If a preventive notification is provided under Section 620.305(c) by a non-community water supply or for multiple private water supply wells, the Department of Public Health mustshall conduct a sanitary survey within 1,000 feet of the wellhead of a non-community water supply or within 500 feet of the wellheads for multiple private water supply wells.

3) If a preventive notification under Section 620.305(b) is provided by the owner or operator of a regulated entity and the applicable standard in Subpart D has not been exceeded:

A) The appropriate regulatory agency must~~shall~~ determine if any of the following occurs for Class I: Potable Resource Groundwater:

i) The levels set forth below are exceeded or are changed for pH:

Constituent	Criteria (mg/L)
Para-Dichlorobenzene	0.005
Ortho-Dichlorobenzene	0.01
Ethylbenzene	0.03
Methyl Tertiary-Butyl Ether (MTBE)	0.02
Phenols	0.001
Styrene	0.01
Toluene	0.04
Xylenes	0.02

ii) A statistically significant increase occurs above background (as determined under~~pursuant to~~ other regulatory procedures (e.g., 35 Ill. Adm. Code 616, 724, 725 or 811)) for arsenic, beryllium, cadmium, chromium, cyanide, lead, mercury, thallium, or vanadium (except due to natural causes); or for acenaphthene, acetone, aldicarb, anthracene, atrazine, benzoic acid, carbon disulfide, carbofuran, dalapon, 2-butanone (MEK), dicamba, dichlorodifluoromethane, 1,1-dichloroethane, diethyl phthalate, di-n-butyl phthalate, dinoseb, endrin, endothall, fluoranthene, fluorine, hexachlorocyclopentadiene, isopropylbenzene (cumene), lindane (gamma-hexachloro cyclohexane), 2,4-D,1,1 - dichloroethylene, cis-1,2-dichloroethylene, trans-1,2-dichloroethylene, MCPP (mecoprop), 2-methylnaphthalene, methoxychlor, 2-methylphenol, monochlorobenzene, naphthalene, picloram, pyrene, simazine, 2,4,5-TP (silvex), 1,2,4-trichlorobenzene, 1,1,2-trichloroethane, 1,1,1trichloroethane, and trichlorofluoromethane.

iii) For a chemical constituent of gasoline, diesel fuel, or heating fuel, the constituent exceeds the following:

Constituent	Criterion (mg/L)

BETX	0.095

iv) For pH, a statistically significant change occurs from background.

BOARD NOTE: Constituents that are carcinogens have not been listed in subsection (a)(3)(A) because the standard is set at the PQL and any exceedence thereof is a violation subject to corrective action.

B) The appropriate agency must~~shall~~ determine if, for Class III: Special Resource Groundwater, the levels as determined by the Board are exceeded.

C) The appropriate regulatory agency must~~shall~~ consider whether the owner or operator reasonably demonstrates that:

i) The contamination is a result of contaminants remaining in groundwater from a prior release for which appropriate action was taken in compliance~~accordance~~ with laws and regulations in existence at the time of the release;

ii) The source of contamination is not due to the on-site release of contaminants; or

iii) The detection resulted from error in sampling, analysis, or evaluation.

D) The appropriate regulatory agency must~~shall~~ consider actions necessary to minimize the degree and extent of contamination.

b) The appropriate regulatory agency must~~shall~~ determine whether a preventive response must be undertaken based on relevant factors including, but not limited to, the considerations in subsection (a)(3).

c) After completion of preventive response under~~pursuant to~~ authority of an appropriate regulatory agency, the concentration of a contaminant listed in subsection (a)(3)(A) in groundwater may exceed 50 percent of the applicable numerical standard in Subpart D only if the following conditions are met:

1) The exceedence has been minimized to the extent practicable;

2) Beneficial use, as appropriate for the class of groundwater, has been assured; and

3) Any threat to public health or the environment has been minimized.

d) Nothing in this Section limits ~~shall limit~~ the authority of the State or of the United States to require or perform any corrective action process.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 620.405 General Prohibitions Against Violations of Groundwater Quality Standards

A person must not ~~shall~~ cause, threaten or allow the release of any contaminant to groundwater so as to cause a groundwater quality standard set forth in this Subpart to be exceeded.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 620.410 Groundwater Quality Standards for Class I: Potable Resource Groundwater

a) Inorganic Chemical Constituents
Except due to natural causes or as provided in Section 620.450, concentrations of the following chemical constituents must not be exceeded in Class I groundwater:

Constituent	Units	Standard
Antimony	mg/L	0.006
Arsenic*	mg/L	0.010
Barium	mg/L	2.0
Beryllium	mg/L	0.004
Boron	mg/L	2.0
Cadmium	mg/L	0.005
Chloride	mg/L	200.0
Chromium	mg/L	0.1
Cobalt	mg/L	1.0
Copper	mg/L	0.65
Cyanide	mg/L	0.2
Fluoride	mg/L	4.0
Iron	mg/L	5.0
Lead	mg/L	0.0075
Manganese	mg/L	0.15
Mercury	mg/L	0.002
Nickel	mg/L	0.1
Nitrate as N	mg/L	10.0
Perchlorate	mg/L	0.0049
Radium-226	pCi/l	20.0
Radium-228	pCi/l	20.0
Selenium	mg/L	0.05
Silver	mg/L	0.05

Sulfate	mg/L	400.0
Thallium	mg/L	0.002
Total Dissolved Solids (TDS)	mg/L	1,200
Vanadium	mg/L	0.049
Zinc	mg/L	5.0

*Denotes a carcinogen.

b) Organic Chemical Constituents

Except due to natural causes or as provided in Section 620.450 or subsection (d), concentrations of the following organic chemical constituents must~~shall~~ not be exceeded in Class I groundwater:

Constituent	Standard (mg/L)
Acenaphthene	0.42
Acetone	6.3
Alachlor*	0.002
Aldicarb	0.003
Anthracene	2.1
Atrazine	0.003
Benzene*	0.005
Benzo(a)anthracene*	0.00013
Benzo(b)fluoranthene*	0.00018
Benzo(k)fluoranthene*	0.00017
Benzo(a)pyrene*	0.0002
Benzoic acid	28.0
2-Butanone (MEK)	4.2
Carbofuran	0.04
Carbon Disulfide	0.7
Carbon Tetrachloride*	0.005
Chlordane*	0.002
Chloroform*	0.07
Chrysene*	0.012
Dalapon	0.2
Dibenzo(a,h)anthracene*	0.0003
Dicamba	0.21
Dichlorodifluoromethane	1.4
1,1-Dichloroethane	1.4
Dichloromethane*	0.005
Di(2-ethylhexyl)phthalate*	0.006
Diethyl Phthalate	5.6
Di-n-butyl Phthalate	0.7
Dinoseb	0.007

Endothall	0.1
Endrin	0.002
Ethylene Dibromide*	0.00005
Fluoranthene	0.28
Fluorene	0.28
Heptachlor*	0.0004
Heptachlor Epoxide*	0.0002
Hexachlorocyclopentadiene	0.05
Indeno(1,2,3-cd)pyrene*	0.00043
Isopropylbenzene (Cumene)	0.7
Lindane (Gamma-Hexachlorocyclohexane)	0.0002
2,4-D	0.07
ortho-Dichlorobenzene	0.6
para-Dichlorobenzene	0.075
1,2-Dibromo-3-Chloropropane*	0.0002
1,2-Dichloroethane*	0.005
1,1-Dichloroethylene	0.007
cis-1,2-Dichloroethylene	0.07
trans-1,2-Dichloroethylene	0.1
1,2-Dichloropropane*	0.005
Ethylbenzene	0.7
MCPP (Mecoprop)	0.007
Methoxychlor	0.04
2-Methylnaphthalene	0.028
2-Methylphenol	0.35
Methyl Tertiary-Butyl Ether (MTBE)	0.07
Monochlorobenzene	0.1
Naphthalene	0.14
P-Dioxane*	0.0077
Pentachlorophenol*	0.001
Phenols	0.1
Picloram	0.5
Pyrene	0.21
Polychlorinated Biphenyls (PCBs) (as decachloro-biphenyl)*	0.0005
alpha-BHC (alpha-Benzene hexachloride)*	0.00011
Simazine	0.004
Styrene	0.1
2,4,5-TP (Silvex)	0.05
Tetrachloroethylene*	0.005
Toluene	1.0
Toxaphene*	0.003
1,1,1-Trichloroethane	0.2
1,1,2-Trichloroethane	0.005

1,2,4-Trichlorobenzene	0.07
Trichloroethylene*	0.005
Trichlorofluoromethane	2.1
Vinyl Chloride*	0.002
Xylenes	10.0

*Denotes a carcinogen.

c) Explosive Constituents

Concentrations of the following explosive constituents must not exceed the Class I groundwater standard:

Constituent	Standard (mg/L)
1,3-Dinitrobenzene	0.0007
2,4-Dinitrotoluene*	0.0001
2,6-Dinitrotoluene*	0.00031
HMX (High Melting Explosive, Octogen)	1.4
Nitrobenzene	0.014
RDX (Royal Demolition Explosive, Cyclonite)	0.084
1,3,5-Trinitrobenzene	0.84
2,4,6-Trinitrotoluene (TNT)	0.014

*Denotes a carcinogen.

d) Complex Organic Chemical Mixtures

Concentrations of the following chemical constituents of gasoline, diesel fuel, or heating fuel must not be exceeded in Class I groundwater:

Constituent	Standard (mg/L)
Benzene*	0.005
BETX	11.705

*Denotes a carcinogen.

e) pH

Except due to natural causes, a pH range of 6.5 - 9.0 units must not be exceeded in Class I groundwater.

f) Beta Particle and Photon Radioactivity

1) Except due to natural causes, the average annual concentration of beta particle and photon radioactivity from man-made radionuclides mustshall not exceed a dose equivalent to the total body organ greater than 4 mrem/year in Class I groundwater. If two or more radionuclides are present, the sum of their dose equivalent to the total body, or to any internal organ mustshall not exceed 4 mrem/year in Class I groundwater except due to natural causes.

2) Except for the radionuclides listed in subsection (f)(3), the concentration of man-made radionuclides causing 4 mrem total body or organ dose equivalent must be calculated on the basis of a 2 liter per day drinking water intake using the 168-hour data in complianceaccordance with the procedure set forth in NCRP Report Number 22, incorporated by reference at Section 620.125(a).

3) Except due to natural causes, the average annual concentration assumed to produce a total body or organ dose of 4 mrem/year of the following chemical constituents mustshall not be exceeded in Class I groundwater:

Constituent	Critical Organ	Standard (pCi/L)
Tritium	Total body	20,000.0
Strontium-90	Bone marrow	8.0

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 620.420 Groundwater Quality Standards for Class II: General Resource Groundwater

a) Inorganic Chemical Constituents

1) Except due to natural causes or as provided in Section 620.450 or subsection (a)(3) or (e) of this Section, concentrations of the following chemical constituents must not be exceeded in Class II groundwater:

Constituent	Standard (mg/L)
Antimony	0.024
Arsenic*	0.2
Barium	2.0
Beryllium	0.5
Cadmium	0.05
Chromium	1.0

Cobalt	1.0
Cyanide	0.6
Fluoride	4.0
Lead	0.1
Mercury	0.01
Nitrate as N	100.0
Perchlorate	0.0049
Thallium	0.02
Vanadium	0.1

*Denotes a carcinogen.

2) Except as provided in Section 620.450 or subsection (a)(3) or (e) ~~of this Section~~, concentrations of the following chemical constituents must not be exceeded in Class II groundwater:

Constituent	Standard (mg/L)
Boron	2.0
Chloride	200.0
Copper	0.65
Iron	5.0
Manganese	10.0
Nickel	2.0
Selenium	0.05
Total Dissolved Solids (TDS)	1,200.0
Sulfate	400.0
Zinc	10.0

3) The standard for any inorganic chemical constituent listed in subsection (a)(2) ~~of this Section~~, for barium, or for pH does not apply to groundwater within fill material or within the upper 10 feet of parent material under such fill material on a site not within the rural property class for which:

A) Prior to November 25, 1991, surficial characteristics have been altered by the placement of such fill material so as to impact the concentration of the parameters listed in subsection (a)(3) ~~of this Section~~, and any on-site groundwater monitoring of such parameters is available for review by the Agency.

B) On November 25, 1991, surficial characteristics are in the process of being altered by the placement of such fill material, that proceeds in a reasonably continuous manner to completion, so as to impact the concentration of the parameters listed in subsection

(a)(3) ~~of this Section~~, and any on-site groundwater monitoring of such parameters is available for review by the Agency.

4) For purposes of subsection (a)(3) ~~of this Section~~, the term "fill material" means clean earthen materials, slag, ash, clean demolition debris, or other similar materials.

b) Organic Chemical Constituents

1) Except due to natural causes or as provided in Section 620.450 or subsection (b)(2) or (e) ~~of this Section~~, concentrations of the following organic chemical constituents must not be exceeded in Class II groundwater:

Constituent	Standard (mg/L)
Acenaphthene	2.1
Acetone	6.3
Alachlor*	0.010
Aldicarb	0.015
Anthracene	10.5
Atrazine	0.015
Benzene*	0.025
Benzo(a)anthracene*	0.00065
Benzo(b)fluoranthene*	0.0009
Benzo(k)fluoranthene*	0.006
Benzo(a)pyrene*	0.002
Benzoic acid	28.0
2-Butanone (MEK)	4.2
Carbon Disulfide	3.5
Carbofuran	0.2
Carbon Tetrachloride*	0.025
Chlordane*	0.01
Chloroform*	0.35
Chrysene*	0.06
Dalapon	2.0
Dibenzo(a,h)anthracene*	0.0015
Dicamba	0.21
Dichlorodifluoromethane	7.0
1,1-Dichloroethane	7.0
Dichloromethane*	0.05
Di(2-ethylhexyl)phthalate*	0.06
Diethyl Phthalate	5.6
Di-n-butyl Phthalate	3.5
Dinoseb	0.07

Endothall	0.1
Endrin	0.01
Ethylene Dibromide*	0.0005
Fluoranthene	1.4
Fluorene	1.4
Heptachlor*	0.002
Heptachlor Epoxide*	0.001
Hexachlorocyclopentadiene	0.5
Indeno(1,2,3-cd)pyrene*	0.0022
Isopropylbenzene (Cumene)	3.5
Lindane (Gamma-Hexachloro cyclophexane)	0.001
2,4-D	0.35
Ortho-Dichlorobenze	1.5
Para-Dichlorobenzene	0.375
1,2-Dibromo-3-Chloropropane*	0.002
1,2-Dichloroethane*	0.025
1,1-Dichloroethylene	0.035
cis-1,2-Dichloroethylene	0.2
Trans-1,2-Dichloroethylene	0.5
1,2-Dichloropropane*	0.025
Ehylbenzene	1.0
MCPP (Mecoprop)	0.007
Methoxychlor	0.2
2-Methylnaphthalene	0.14
2-Methylphenol	0.35
Methyl Tertiary-Butyl Ether (MTBE)	0.07
Monochlorobenzene	0.5
Naphthalene	0.22
P-Dioxane*	0.0077
Pentachlorophenol*	0.005
Phenols	0.1
Picloram	5.0
Pyrene	1.05
Polychlorinated Biphenyls (PCBs) (as decachloro-biphenyl)*	0.0025
alpha-BHC (alpha-Benzene hexachloride)*	0.00055
Simazine	0.04
Styrene	0.5
2,4,5-TP	0.25
Tetrachloroethylene*	0.025
Toluene	2.5
Toxaphene*	0.015
1,1,1-Trichloroethane	1.0
1,2,4-Trichlorobenzene	0.7
1,1,2-Trichloroethane	0.05

Trichloroethylene*	0.025
Trichlorofluoromethane	10.5
Vinyl Chloride*	0.01
Xylenes	10.0

* Denotes a carcinogen.

2) The standards for pesticide chemical constituents listed in subsection (b)(1) ~~of this Section~~ do not apply to groundwater within 10 feet of the land surface, provided that the concentrations of such constituents result from the application of pesticides in a manner consistent with the requirements of the Federal Insecticide, Fungicide and Rodenticide Act (7 USC 136 et seq.) and the Illinois Pesticide Act [415 ILCS 60].

c) Explosive Constituents

Concentrations of the following explosive constituents must not exceed the Class II groundwater standard:

Constituent	Standard (mg/L)
1,3-Dinitrobenzene	0.0007
2,4-Dinitrotoluene*	0.0001
2,6-Dinitrotoluene*	0.00031
HMX (High Melting Explosive, Octogen)	1.4
Nitrobenzene	0.014
RDX (Royal Demolition Explosive, Cyclonite)	0.084
1,3,5-Trinitrobenzene	0.84
2,4,6-Trinitrotoluene (TNT)	0.014

*Denotes a carcinogen.

d) Complex Organic Chemical Mixtures

Concentrations of the following organic chemical constituents of gasoline, diesel fuel, or heating fuel must not be exceeded in Class II groundwater:

Constituent	Standard (mg/L)
Benzene*	0.025
BETX	13.525

*Denotes a carcinogen

e) pH

Except due to natural causes, a pH range of 6.5 - 9.0 units must not be exceeded in Class II groundwater that is within 5 feet of the land surface.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 620.430 Groundwater Quality Standards for Class III: Special Resource Groundwater

Concentrations of inorganic and organic chemical constituents must not exceed the standards set forth in Section 620.410, except for those chemical constituents for which the Board has adopted a standard under~~pursuant to~~ Section 620.260.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 620.450 Alternative Groundwater Quality Standards

a) Groundwater Quality Restoration Standards

1) Any chemical constituent in groundwater within a groundwater management zone is subject to this Section.

2) Except as provided in subsections (a)(3) or (a)(4), the standards as specified in Sections 620.410, 620.420, 620.430, and 620.440 apply to any chemical constituent in groundwater within a groundwater management zone.

3) Prior to completion of a corrective action described in Section 620.250(a), the standards as specified in Sections 620.410, 620.420, 620.430, and 620.440 are not applicable to such released chemical constituent, provided that the initiated action proceeds in a timely and appropriate manner.

4) After completion of a corrective action as described in Section 620.250(a), the standard for such released chemical constituent is:

A) The standard as set forth in Section 620.410, 620.420, 620.430, or 620.440, if the concentration as determined by groundwater monitoring of such constituent is less than or equal to the standard for the appropriate class set forth in those Sections; or

B) The concentration as determined by groundwater monitoring, if such concentration exceeds the standard for the appropriate class set forth in Section 620.410, 620.420, 620.430, or 620.440 for such

constituent, and:

i) To the extent practicable, the exceedence has been minimized and beneficial use, as appropriate for the class of groundwater, has been returned; and

ii) Any threat to public health or the environment has been minimized.

5) The Agency mustshall develop and maintain a listing of concentrations derived underpursuant to subsection (a)(4)(B). This list mustshall be made available to the public and be updated periodically, but no less frequently than semi-annually. This listing mustshall be published in the Environmental Register.

b) Coal Reclamation Groundwater Quality Standards

1) Any inorganic chemical constituent or pH in groundwater, within an underground coal mine, or within the cumulative impact area of groundwater for which the hydrologic balance has been disturbed from a permitted coal mine area underpursuant to the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720] and 62 Ill. Adm. Code 1700 through 1850, is subject to this Section.

2) Prior to completion of reclamation at a coal mine, the standards as specified in Sections 620.410(a) and (e), 620.420(a) and (e), 620.430 and 620.440 are not applicable to inorganic constituents and pH.

3) After completion of reclamation at a coal mine, the standards as specified in Sections 620.410(a) and (e), 620.420(a), 620.430, and 620.440 are applicable to inorganic constituents and pH, except:

A) The concentration of total dissolved solids (TDS) must not exceed:

i) The post-reclamation concentration or 3000 mg/L, whichever is less, for groundwater within the permitted area; or

ii) The post-reclamation concentration of TDS must not exceed the post-reclamation concentration or 5000 mg/L, whichever is less, for groundwater in underground coal mines and in permitted areas reclaimed after surface coal mining if the Illinois Department of Mines and Minerals and the Agency have determined that no significant resource groundwater existed prior to mining (62 Ill. Adm. Code 1780.21(f) and (g)); and

B) For chloride, iron, manganese and sulfate, the post-reclamation concentration within the permitted area must not be exceeded.

C) For pH, the post-reclamation concentration within the permitted area must not be exceeded within Class I: Potable Resource Groundwater as specified in Section 620.210(a)(4).

D) For 1,3-dinitrobenzene, 2,4-dinitrotoluene, 2,6-dinitrotoluene, HMX (high melting explosive, octogen), nitrobenzene, RDX (royal demolition explosive, cyclonite), 1,3,5-trinitrobenzene, and 2,4,6-trinitrotoluene (TNT), the post-reclamation concentration within the permitted area must not be exceeded.

4) A refuse disposal area (not contained within the area from which overburden has been removed) is subject to the inorganic chemical constituent and pH requirements of:

A) 35 Ill. Adm. Code 302.Subparts B and C, except due to natural causes, for such area that was placed into operation after February 1, 1983, and before the effective date of this Part, provided that the groundwater is a present or a potential source of water for public or food processing;

B) Section 620.440(c) for such area that was placed into operation prior to February 1, 1983, and has remained in continuous operation since that date; or

C) Subpart D ~~of this Part~~ for such area that is placed into operation on or after the effective date ~~of this Part~~.

5) For a refuse disposal area (not contained within the area from which overburden has been removed) that was placed into operation prior to February 1, 1983, and is modified after that date to include additional area, this Section applies to the area that meets the requirements of subsection (b)(4)(C) and the following applies to the additional area:

A) 35 Ill. Adm. Code 302.Subparts B and C, except due to natural causes, for such additional refuse disposal area that was placed into operation after February 1, 1983, and before the effective date ~~of this Part~~, provided that the groundwater is a present or a potential source of water for public or food processing; and

B) Subpart D for such additional area that was placed into operation on or after the effective date of this Part.

6) A coal preparation plant (not located in an area from which overburden has been removed) which contains slurry material, sludge or other precipitated process material, is subject to the inorganic chemical constituent and pH requirements of:

A) 35 Ill. Adm. Code 302.Subparts B and C, except due to natural causes, for such plant that was placed into operation after February 1, 1983 and before the effective date of this Part, provided that the groundwater is a present or a potential source of water for public or food processing;

B) Section 620.440(c) for such plant that was placed into operation prior to February 1, 1983, and has remained in continuous operation since that date; or

C) Subpart D for such plant that is placed into operation on or after the effective date of this Part.

7) For a coal preparation plant (not located in an area from which overburden has been removed) which contains slurry material, sludge or other precipitated process material, that was placed into operation prior to February 1, 1983, and is modified after that date to include additional area, this Section applies to the area that meets the requirements of subsection (b)(6)(C) and the following applies to the additional area:

A) 35 Ill. Adm. Code 302.Subparts B and C, except due to natural causes, for such additional area that was placed into operation after February 1, 1983, and before the effective date of this Part, provided that the groundwater is a present or a potential source of water for public or food processing; and

B) Subpart D for such additional area that was placed into operation on or after the effective date of this Part.

c) Groundwater Quality Standards for Certain Groundwater Subject to a No Further Remediation Letter under Part 740. While a No Further Remediation Letter is in effect for a region formerly encompassed by a groundwater management zone established under 35 Ill. Adm. Code 740.530, the groundwater quality standards for "contaminants of concern", as defined in 35 Ill. Adm. Code 740.120, within such area must~~shall~~ be the groundwater objectives achieved as documented in the approved Remedial Action Completion Report.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

SUBPART E: GROUNDWATER MONITORING AND ANALYTICAL PROCEDURES

Section 620.505 Compliance Determination

a) Compliance with standards at a site is to be determined as follows:

1) For a structure (e.g., buildings), at the closest practical distance beyond the outermost edge for the structure.

2) For groundwater that underlies a potential primary or secondary source, the outermost edge as specified in Section 620.240(e)(1).

3) For groundwater that underlies a coal mine refuse disposal area, a coal combustion waste disposal area, or an impoundment that contains sludge, slurry, or precipitated process material at a coal preparation plant, the outermost edge as specified in Section 620.240(f)(1) or location of monitoring wells in existence as of the effective date of this Part on a permitted site.

4) For a groundwater management zone, as specified in a corrective action process.

5) For groundwater, any point where monitoring is conducted using a water well, or a monitoring well that meets one of the following conditions:

A) For a potable water supply well if geologic logs exist for this well or geologic logs in the immediate 1,000-foot area of this well are representative of the hydrogeologic materials encountered by this well as determined by a licensed professional geologist or a licensed professional engineer or a WHPA has been delineated outside of an applicable setback zone of a community water well or well field in compliance~~accordance~~ with the "Guidance Document for Groundwater Protection Needs Assessments," incorporated by reference at Section 620.125, and "The Illinois Wellhead Protection Program," incorporated by reference at Section 620.125.

B) For a potable water supply well other than a community water supply well, a construction report has been filed with the Department of Public Health for such potable well, or such well has been located and constructed (or reconstructed) to meet the Illinois Water Well Construction Code [415 ILCS 30] and 77 Ill. Adm. Code 920.

C) For a potable water supply well that was constructed prior to August 20, 1965, the enactment of the Illinois Water Well Construction Code [415 ILCS 30], and meets all of the following criteria:

i) Construction must be done in a manner that will enable the collection of groundwater samples that represent in situ groundwater conditions;

ii) Casings and screens must be made from durable material resistant to expected chemical or physical degradation that do not interfere with the quality of groundwater samples being collected; and

iii) The annular space opposite the screened section of the well (i.e., the space between the bore hole and well screen) must be filled with gravel or sand if necessary to collect groundwater samples. The annular space above and below the well screen must be sealed to prevent migration of water from adjacent formations and the surface to the sampled depth.

D) For a community water supply well, such well has been permitted by the Agency, or has been constructed in compliance~~accordance~~ with 35 Ill. Adm. Code 602.115.

E) For a water well other than a potable water supply well (e.g., a livestock watering well or an irrigation well), a construction report has been filed with the Department of Public Health or the Office of Mines and Minerals in the Department of Natural Resources for such well, or such well has been located and constructed (or reconstructed) to meet the Illinois Water Well Construction Code [415 ILCS 30] and 35 Ill. Adm. Code 920.

F) For a monitoring well, such well meets the following requirements:

i) Construction must be done in a manner that will enable the collection of groundwater samples;

ii) Casings and screens must be made from durable material resistant to expected chemical or physical degradation that do not interfere with the quality of groundwater samples being collected; and

iii) The annular space opposite the screened section of the well (i.e., the space between the bore hole and well screen) must be filled with gravel or sand if necessary to collect groundwater samples. The annular space above and below the well screen must be sealed to prevent migration of water from adjacent formations and the surface to the

sampled depth.

6) Monitoring must~~shall~~ not be conducted for compliance determinations under~~pursuant to~~ subsection (a) ~~of this Section~~:

A) For a water well that is:

i) Less than 15 feet in total depth from the land surface,

ii) bored or dug,

iii) constructed of permeable materials (e.g., cement, tile, stone or brick), and

iv) 36 inches or more in diameter.

B) For a water well with water quality problems due to damaged well construction materials or poorly-designed well construction;

C) For a water well in a basement or pit; or

D) For water well water from a holding tank.

b) For a spring, compliance with this Subpart must~~shall~~ be determined at the point of emergence.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 620.510 Monitoring and Analytical Requirements

a) Representative Samples

A representative sample must~~shall~~ be taken from locations as specified in Section 620.505.

b) Sampling and Analytical Procedures

1) Samples must be collected in compliance~~accordance~~ with the procedures set forth in the documents pertaining to groundwater monitoring and analysis "Methods for Chemical Analysis of Water and Wastes," "Methods for the Determination of Inorganic Substances in Environmental Samples," "Methods for the Determination of Metals in Environmental Samples," "Methods for the Determination of Organic Compounds in Drinking Water," "Methods for the Determination or Organic Compounds in Drinking Water, Supplement I," "Methods for the Determination of Organic Compounds in Drinking Water, Supplement II," "Methods for the

Determination of Organic Compounds in Drinking Water, Supplement III," "Methods for the Determination of Organic and Inorganic Compounds in Drinking Water," "Prescribed Procedures for Measurement of Radioactivity in Drinking Water," "Procedures for Radiochemical Analysis of Nuclear Reactor Aqueous Solutions," "Radiochemical Analytical Procedures for Analysis of Environmental Samples," "Radiochemistry Procedures Manual," "Practical Guide for Ground Water Sampling," "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods" (SW-846), 40 CFR 136, appendix B, 40 CFR 141.80, 40 CFR 141.61, and 40 CFR 141.62, "Techniques of Water Resources Investigations of the United States Geological Survey, Guidelines for Collection and Field Analysis of Ground Water Samples for Selected Unstable Constituents," "Practical Guide for Ground-Water Sampling," "Techniques of Water Resources Investigations of the United States Geological Survey, Guidelines for Collection and Field Analysis of Ground-Water Samples for Selected Unstable Constituents," incorporated by reference at Section 620.125 or other procedures adopted by the appropriate regulatory agency.

2) Groundwater elevation in a groundwater monitoring well must be determined and recorded when necessary to determine the gradient.

3) The analytical methodology used for the analysis of constituents in Subparts C and D must be consistent with both of the following:

A) The methodology must have a PQL at or below the preventive response levels of Subpart C or groundwater standard set forth in Subpart D, whichever is applicable; and

B) "Methods for Chemical Analysis of Water and Wastes," "Methods for the Determination of Inorganic Substances in Environmental Samples," "Methods for the Determination of Metals in Environmental Samples," "Methods for the Determination of Organic Compounds in Drinking Water," "Methods for the Determination of Organic Compounds in Drinking Water, Supplement I," "Methods for the Determination of Organic Compounds in Drinking Water, Supplement II," "Methods for the Determination of Organic Compounds in Drinking Water, Supplement III," "Methods for the Determination of Organic and Inorganic Compounds in Drinking Water," "Prescribed Procedures for Measurement of Radioactivity in Drinking Water," "Procedures for Radiochemical Analysis of Nuclear Reactor Aqueous Solutions," "Radiochemical Analytical Procedures for Analysis of Environmental Samples," "Radiochemistry Procedures Manual," "Practical Guide for Ground Water Sampling," "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods" (SW-846),

40 CFR 136, appendix B, 40 CFR 141.80, 40 CFR 141.61, and 40 CFR 141.62, "Techniques of Water Resources Investigations of the United States Geological Survey, Guidelines for Collection and Field Analysis of Ground Water Samples for Selected Unstable Constituents," "Practical Guide for Ground-Water Sampling", "Techniques of Water Resources Investigations of the United States Geological Survey, Guidelines for Collection and Field Analysis of Ground-Water Samples for Selected Unstable Constituents", incorporated by reference at Section 620.125.

c) Reporting Requirements

At a minimum, groundwater monitoring analytical results must include information, procedures and techniques for:

1) Sample collection (including but not limited to name of sample collector, time and date of the sample, method of collection, and identification of the monitoring location);

2) Sample preservation and shipment (including but not limited to field quality control);

3) Analytical procedures (including but not limited to the method detection limits and the PQLs); and

4) Chain of custody control.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

SUBPART F: HEALTH ADVISORIES

Section 620.605 Issuance of a Health Advisory

a) The Agency must~~shall~~ issue a Health Advisory for a chemical substance if all of the following conditions are met:

1) A community water supply well is sampled and a substance is detected and confirmed by resampling;

2) There is no standard under Section 620.410 for such chemical substance; and

3) The chemical substance is toxic or harmful to human health according to the procedures of Appendix A, B, or C.

b) The Health Advisory must contain a general description of the characteristics of

the chemical substance, the potential adverse health effects, and a guidance level to be determined as follows:

1) If disease or functional impairment is caused due to a physiological mechanism for where there is a threshold dose below which no damage occurs, the guidance level for any such substance mustshall be the Maximum Contaminant Level Goal (MCLG), adopted by USEPA for such substance, 40 CFR 136, appendix B, 40 CFR 141.80, 40 CFR 141.61, and 40 CFR 141.62, incorporated by reference at Section 620.125. If there is no MCLG for the substance, the guidance level is the Human Threshold Toxicant Advisory Concentration for such substance as determined in complianceaccordance with Appendix A, unless the concentration for such substance is less than the lowest appropriate PQL specified in "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods", EPA Publication No. SW-846 (SW-846), incorporated by reference at Section 620.125 for the substance. If the concentration for such substance is less than the lowest appropriate PQL for the substance specified in SW-846, incorporated by reference at Section 620.125, the guidance level is the lowest appropriate PQL.

2) If the chemical substance is a carcinogen, the guidance level for any such chemical substance is the one-in-one-million cancer risk concentration, unless the concentration for such substance is less than the lowest appropriate PQL specified in "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods," EPA Publication No. SW-846 (SW-846), incorporated by reference at Section 620.125 for such substance. If the concentration for such substance is less than the lowest appropriate PQL for the substance specified in SW-846, the guidance level is the lowest appropriate PQL. The one-in-one-million cancer risk concentration, the Human Nonthreshold Toxicant Advisory Concentration (HNTAC), mustshall be determined according to the following equation:

$$\frac{HNTAC}{(mg/L)} = \frac{TR \times BW \times AT \times 365\ days/year}{SFo \times IR \times EF \times ED}$$

Where:

TR = Target Risk = 1.0E-06
BW = Body Weight = 70 kg
AT = Averaging Time = 70 years
SFo = Oral Slope Factor = Chemical-specific
IR = Daily Water Ingestion Rate = 2 liters/day
EF = Exposure Frequency = 350 days/year
ED = Exposure Duration = 30 years

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 620.610 Publishing Health Advisories

a) The Agency must~~shall~~ publish the full text of each Health Advisory upon issuance and make the document available to the public.

b) The Agency must~~shall~~ publish and make available to the public, at intervals of not more than 6 months, a comprehensive and up-to-date summary list of all Health Advisories.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 620.615 Additional Health Advice for Mixtures of Similar-Acting Substances

a) The need for additional health advice appropriate to site-specific conditions must~~shall~~ be determined by the Agency when mixtures of chemical substances are detected, where two or more of the chemical substances are similar-acting in their toxic or harmful physiological effect on the same specific organ or organ system.

b) If mixtures of similar-acting chemical substances are present, the procedure for evaluating the mixture of such substances is specified in compliance~~accordance~~ with Appendices A, B, and C.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 620.APPENDIX B Procedures for Determining Hazard Indices for Class I: Potable Resource Groundwater for Mixtures of Similar-Acting Substances

a) This appendix describes procedures for evaluating mixtures of similar-acting substances which may be present in Class I: Potable Resource Groundwaters. Except as provided otherwise in subsection (c), subsections (d) through (h) describe the procedure for determining the Hazard Index for mixtures of similar-acting substances.

b) For the purposes of this appendix, a "mixture" means two or more substances which are present in Class I: Potable Resource Groundwater which may or may not be related either chemically or commercially, but which are not complex mixtures of related isomers and congeners which are produced as commercial products (for example, PCBs or technical grade chlordane).

c) The following substances listed in Section 620.410 are mixtures of similar acting substances:

1) Mixtures of ortho-Dichlorobenzene and para-Dichlorobenzene. The Hazard Index (HI) for such mixtures is determined as follows:

HI = [ortho-Dichlorobenzene]/0.6 + [para-Dichlorobenzene]/0.075

2) Mixtures of 1,1-Dichloroethylene and 1,1,1-trichloroethane. The Hazard Index (HI) for such mixtures is determined as follows:

HI = [1,1-Dichloroethylene]/0.007 + [1,1,1-trichloroethane]/0.2

d) When two or more substances occur together in a mixture, the additivity of the toxicities of some or all of the substances will be considered when determining health-based standards for Class I: Potable Resource Groundwater. This is done by the use of a dose addition model with the development of a Hazard Index for the mixture of substances with similar-acting toxicities. This method does not address synergism or antagonism. Guidelines for determining when the dose addition of similar-acting substances is appropriate are presented in Appendix C. The Hazard Index is calculated as follows:

$$HI = [A]/ALA + [B]/ALB + \ldots [I]/ALI$$

Where:

HI	=	Hazard Index, unitless.
[A], [B], [I]	=	Concentration of each similar-acting substance in groundwater in milligrams per liter (mg/L).
ALA, ALB, ALI	=	The acceptable level of each similar-acting substance in the mixture in milligrams per liter (mg/L).

e) For substances that are considered to have a threshold mechanism of toxicity, the acceptable level is:

1) The standards listed in Section 620.410; or

2) For those substances for which standards have not been established in Section 620.410, the Human Threshold Toxicant Advisory Concentration (HTTAC) as determined in Appendix A.

f) For substances that are carcinogens, the acceptable level is:

1) The standards listed in Section 620.410; or

2) For those substances for which standards have not been established under Section 620.410, the one-in-one-million cancer risk concentration, unless the concentration for such substance is less than the lowest appropriate PQL specified in "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods," EPA Publication No. SW-846, incorporated

by reference at Section 620.125, for the substance, in which case the lowest appropriate PQL mustshall be the acceptable level.

g) Since the assumption of dose addition is most properly applied to substances that induce the same effect by similar modes of action, a separate HI must be generated for each toxicity endpoint of concern.

h) In addition to meeting the individual substance objectives, a Hazard Index must be less than or equal to 1 for a mixture of similar-acting substances.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 620.APPENDIX C Guidelines for Determining When Dose Addition of Similar-Acting Substances in Class I: Potable Resource Groundwaters is Appropriate

a) Substances must be considered similar-acting if:

1) The substances have the same target in an organism (for example, the same organ, organ system, receptor, or enzyme).

2) The substances have the same mode of toxic action. These actions may include, for example, central nervous system depression, liver toxicity, or cholinesterase inhibition.

b) Substances that have fundamentally different mechanisms of toxicity (threshold toxicants vs. carcinogens) must not be considered similar-acting. However, carcinogens which also cause a threshold toxic effect should be considered in a mixture with other similar-acting substances having the same threshold toxic effect. In such a case, an Acceptable Level for the carcinogen must be derived for its threshold effect, using the procedures described in Appendix A.

c) Substances which are components of a complex mixture of related compounds which are produced as commercial products (for example, PCBs or technical grade chlordane) are not mixtures, as defined in Appendix B. Such complex mixtures are equivalent to a single substance. In such a case, the Human Threshold Toxicant Advisory Concentration may be derived for threshold effects of the complex mixture, using the procedures described in Appendix A, if valid toxicological or epidemiological data are available for the complex mixture. If the complex mixture is a carcinogen, the Health Advisory Concentration is the one-in-one-million cancer risk concentration, unless the concentration for such substance is less than the lowest appropriate PQL specified in "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods," EPA Publication No. SW-846, incorporated by reference at Section 620.125, for the substance, in which case the lowest appropriate PQL mustshall be the Health Advisory Concentration.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 620.APPENDIX D Confirmation of an Adequate Corrective Action ~~Under~~Pursuant ~~to~~ 35 Ill. Adm. Code 620.250(a)(2)

Under~~Pursuant to~~ 35 Ill. Adm. Code 620.250(a), if an owner or operator provides a written confirmation to the Agency that an adequate corrective action, equivalent to a corrective action process approved by the Agency, is being undertaken in a timely and appropriate manner, then a groundwater management zone may be established as a three-dimensional region containing groundwater being managed to mitigate impairment caused by the release of contaminants from a site. This document provides the form in which the written confirmation is to be submitted to the Agency.

Note 1. Parts I and II are to be submitted to IEPA at the time that the facility claims the alternative groundwater standards. Part III is to be submitted at the completion of the site investigation. At the completion of the corrective process, a final report is to be filed which includes the confirmation statement included in Part IV.

Note 2. The issuance of a permit by IEPA's Division of Air Pollution Control or Water Pollution Control for a treatment system does not imply that the Agency has approved the corrective action process.

Note 3. If the facility is conducting a cleanup of a unit which is subject to the requirements of the Resource Conservation and Recovery Act (RCRA) or the 35 Ill. Adm. Code 731 regulations for Underground Storage Tanks, this confirmation process is not applicable and cannot be used.

Note 4. If the answers to any of these questions require explanation or clarification, provide such in an attachment to this document.

Part I. Facility Information

Facility Name _____

Facility Address _____

County _____

Standard Industrial Code (SIC) _____

1. Provide a general description of the type of industry, products manufactured, raw materials used, location and size of the facility.

2. What specific units (operating or closed) are present at the facility which are or were used to manage waste, hazardous waste, hazardous substances or petroleum?

	YES	NO
Landfill	_____	_____
Surface Impoundment	_____	_____
Land Treatment	_____	_____
Spray Irrigation	_____	_____
Waste Pile	_____	_____
Incinerator	_____	_____
Storage Tank (above ground)	_____	_____
Storage Tank (underground)	_____	_____
Container Storage Area	_____	_____
Injection Well	_____	_____
Water Treatment Units	_____	_____
Septic Tanks	_____	_____
French Drains	_____	_____
Transfer Station	_____	_____
Other Units (please describe)		
_____	_____	_____
_____	_____	_____

3. Provide an extract from a USGS topographic or county map showing the location of the site and a more detailed scaled map of the facility with each waste management unit identified in Question 2 or known/suspected source clearly identified. Map scale must be specified and the location of the facility must be provided with respect to Township, Range and Section.

4. Has the facility ever conducted operations which involved the generation, manufacture, processing, transportation, treatment, storage or handling of "hazardous substances" as defined by the Illinois Environmental Protection Act? Yes ___No ___ If the answer to this question is "yes" generally describe these operations.

5. Has the facility generated, stored or treated hazardous waste as defined by the Resource Conservation and Recovery Act? Yes___ No ___If the answer to this question is "yes" generally describe these operations.

6. Has the facility conducted operations which involved the processing, storage or handling of petroleum? Yes ___No ____If the answer to this question is "yes" generally describe these operations.

7. Has the facility ever held any of the following permits?

   a. Permits for any waste storage, waste treatment or waste disposal operation. Yes ___ No ___ If the answer to this question is "yes", identify the IEPA permit numbers.

b. Interim Status under the Resources Conservation and Recovery Act (filing of a RCRA Part A application). Yes ___ No ___ If the answer to this question is "yes", attach a copy of the last approved Part A application.

c. RCRA Part B Permits. Yes ___ No ___ If the answer to this question is "yes", identify the permit log number.

8. Has the facility ever conducted the closure of a RCRA hazardous waste management unit? Yes ___ No ___

9. Have any of the following State or federal government actions taken place for a release at the facility?

a. Written notification regarding known, suspected or alleged contamination on or emanating from the property (e.g., a Notice underpursuant to Section 4(q) of the Environment Protection Act)? Yes ___ No ___ If the to this question is "yes", identify the caption and date of issuance.

b. Consent Decree or Order under RCRA, CERCLA, EPAct Section 22.2 (State Superfund), or EPAct Section 21(f) (State RCRA). Yes ___ No ___

c. If either of Items a or b were answered by checking "yes", is the notice, order or decree still in effect? Yes ___ No ___

10. What groundwater classification will the facility be subject to at the completion of the remediation?

Class I ____ Class II ___ Class III ____ Class IV ____
If more than one Class applies, please explain.

11. Describe the circumstances which the release to groundwater was identified.

Based on my inquiry of those persons directly responsible for gathering the information, I certify that the information submitted is, to the best of my knowledge and belief, true and accurate.

Facility Name	Signature of Owner/Operator
Location of Facility	Name of Owner/Operator
EPA Identification Number	Date

PART II: Release Information

1. Identify the chemical constituents release to the groundwater. Attach additional documents as necessary.

Chemical Description	Chemical Abstract No.

2. Describe how the site will be investigated to determine the source or sources of the release.

3. Describe how groundwater will be monitored to determine the rate and extent of the release.

4. Has the release been contained on-site at the facility?

5. Describe the groundwater monitoring network and groundwater and soil sampling protocols in place at the facility.

6. Provide the schedule for investigation and monitoring.

7. Describe the laboratory quality assurance program utilized for the investigation.

8. Provide a summary of the results of available soil testing and groundwater monitoring associated with the release at the facility. The summary or results should provide the following information: dates of sampling; types of samples taken (soil or water); locations and depths of samples; sampling and analytical methods; analytical laboratories used; chemical constituents for which analyses were performed; analytical detection limits; and concentrations of chemical constituents in ppm (levels below detection should be identified as "ND").

Based on my inquiry of those persons directly responsible for gathering the information, I certify that the information submitted is, to the best of knowledge and belief, true and accurate and confirm that the actions identified herein will be undertaken in compliance~~accordance~~ with the schedule set forth herein.

Facility Name	Signature of Owner/Operator
Location of Facility	Name of Owner/Operator
EPA Identification Number	Date

Part III: Remedy Selection Information

1. Describe the selected remedy.

2. Describe other remedies which were considered and why they were rejected.

3. Will waste, contaminated soil or contaminated groundwater be removed from the site in the course of this remediation? Yes ___ No ___ If the answer to this question is "yes", where will the contaminated material be taken?

4. Describe how the selected remedy will accomplish the maximum practical restoration of beneficial use of groundwater.

5. Describe how the selected remedy will minimize any threat to public health or the environment.

6. Describe how the selected remedy will result in compliance with the applicable groundwater standards.

7. Provide a schedule for design, construction and operation of the remedy, including dates for the start and completion.

8. Describe how the remedy will be operated and maintained.

9. Have any of the following permits been issued for the remediation?

   a. Construction or Operating permit from the Division of Water Pollution Control. Yes __ No ___

   b. Land treatment permit from the Division of Water Pollution Control. Yes ___ No ___ If the answer to this question is "yes", identify the permit number.

   c. Construction or Operating permit from the Division of Air Pollution Control. Yes ___ No ___ If the answer to this question is "yes", identify the permit number.

10. How will groundwater at the facility be monitored following completion of the remedy to ensure that the groundwater standards have been attained?

Based on my inquiry of those persons directly responsible for gathering the information, I certify that the information submitted is, to the best of my knowledge and belief, true and accurate and confirm that the actions identified herein will be undertaken in compliance~~accordance~~ with the schedule set forth herein.

Facility Name	Signature of Owner/Operator
Location of Facility	Name of Owner/Operator

EPA Identification Number _____ Date _____

PART IV: Completion Certification

This certification must accompany documentation which includes soil and groundwater monitoring data demonstrating successful completion of the corrective process described in Parts I-III.

Facility Name _____

Facility Address _____

_____

County _____

Standard Industrial Code (SIC) _____

Date _____

Based on my inquiry of those persons directly responsible for gathering the information, I certify that an adequate corrective action, equivalent to a corrective action process approved by the Agency, has been undertaken and that the following restoration concentrations are being met:

Chemical Name	Chemical Abstract No.	Concentration (mg/L)

Facility Name _____ Signature of Owner/Operator _____

Location of Facility _____ Name of Owner/Operator _____

EPA Identification Number _____ Date _____

(Source: Amended at 45 Ill. Reg. _____, effective _____)