

This language differs from that originally proposed for first notice in this Docket. Accordingly, the Board today withdraws the previous first notice proposal.

It is also necessary that the form of the reference to the Subtitle C standards at Section 620.450(b) be amended to cite directly to the applicable parts rather than to the applicability section, 303.203.

The Board also today offers an amendment to Part 616 at Section 616.104 necessary to correct a typographical error in that section (see following discussion).

PROCEDURAL HISTORY

The Board originally proposed to amend Section 303.203 on September 27, 1990 at the time it first offered its proposal for groundwater standards³. The form of the proposed amendment was:

Section 303.203 Underground Waters

~~The underground waters of Illinois which are a present or a potential source of water for public or food processing supply shall meet the general use and public and food processing water supply standards of Subparts B and C, Part 302, except due to natural causes. The~~
underground waters of Illinois which are groundwater shall meet the standards set forth in 35 Ill. Adm. Code 620.

Justification and intended operation of the amendment were explained as follows:

Although the principal regulations proposed today consist of new Part 620, the promulgation of Part 620 requires a conforming amendment to Subtitle C. The groundwater standards proposed today are intended to supersede the standards currently applicable to groundwater, which are found in Subtitle C. These currently applicable standards are the General Use and Public and Food Processing Water Supply Standards of 35 Ill. Adm. Code: Subtitle C, which are applicable to groundwaters pursuant to Section 303.203 of Subtitle C. The amendment today proposed for Section 303.203 deletes the applicability of the General Use and Public and Food Processing Water Supply Standards to

³ In the Matter of: Groundwater Quality Standards (35 Ill. Adm. Code 620) (Sept 27, 1990), R89-14 First Notice Proposal; published November 2, 1990 at 14 Ill. Reg. 17862.

groundwater. The language is as recommended by the Agency (PC #16; p. 9). (In the Matter of: Groundwater Quality Standards (35 Ill. Adm. Code 620) (Sept. 27, 1990), R89-14, 115 PCB 177.)

The Board received no comment on either the form or content of the proposed amendment during the ensuing R89-14 and R89-14(B) hearings or first notice public comment period. Accordingly, the Board at the next opportunity moved the proposed amendment to second notice without modification⁴. The Board at that time repeated the justification and operations statement made at first notice in September 1990 (see above).

The Board was not able to again visit the proposed Section 303.203 amendment until November 1991 due to unanticipated delay in moving the Part 620 regulations forward. Unfortunately, this required returning the Section 303.203 amendment to first notice, because one year had passed since publication of the original amendment in the Illinois Register. The Board accordingly opened the instant Docket C for the expressed purpose of continuing the Section 303.203 amendment⁵.

The form of the amendment was again exactly as offered in September 1990 and as previously first and second noticed (see above). The Board also again repeated the general justification and operations statement made within both of the previously first and second notice opinions. However, the Board did add the additional observations:

It is worth noting with regard to both the Part 620 rules and Subtitle C that there is an important distinction between groundwater and underground water. Groundwater is expressly defined in both the IGPA and the Illinois Environmental Protection Act:

"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. (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 1003.64 and par. 7453(g)).

Conversely, underground water is defined in the IGPA (footnote omitted):

⁴ In the Matter of: Groundwater Quality Standards (35 Ill. Adm. Code 620) (July 25, 1991), R89-14 (B) Second Notice Proposal.

⁵ In the Matter of: Groundwater Quality Standards, Amendments to 35 Ill. Adm. Code 303 (Nov. 7, 1991), R89-14(C), First Notice Proposal; published December 2, 1991, Illinois Register at 15 Ill. Reg. 17026.

"UNDERGROUND WATER" MEANS ALL WATER BENEATH THE LAND SURFACE. (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 7453(k)).

Pursuant to these two definitions, "groundwater" is a subset of "underground waters". Among other matters, it is that subset that occurs within the saturated zone. Not included within groundwater are underground waters that may occur in unsaturated portions of the subsurface, such as within the aerated portions of the soil. Also not included is the water normally found in the root zone of crops, since the roots of most crops do not propagate into the saturated zone (citation and footnote omitted).

The way Section 303.203 is today proposed to be amended, underground waters that are groundwaters are subject to Part 620. Underground waters that are not groundwaters remain subject to the Subtitle C regulations.

(In the Matter of: Groundwater Quality Standards, Amendments to 35 Ill. Adm. Code 303 (Nov. 7, 1991), R89-14(C), p. 1-2.)

The first notice comment period of this proposal expired on January 16, 1991, 45 days after publication of the proposed amendments in the Illinois Register. The Board received three public comments during that period:

PC #66 ⁶	Administrative Code Division of the Secretary of State's Office
PC #67	Illinois Environmental Protection Agency (Agency)
PC #68	Illinois Department of Commerce and Community Affairs, Bureau of Business Development (DCCA)

The Administrative Code Division suggested some format changes which the Board accepts. DCCA found no significant impact regarding the proposal. The Agency's comments are discussed below.

⁶ The public comments were numbered consecutively with those filed in previous subdockets. Public comments 66 through 71 are the only comments that pertain to R89-14(C).

Three other comments were received after the close of the comment period; the Board accepts these comments into the record to prevent material prejudice⁷:

PC #69	Illinois Steel Group
PC #70	Illinois Department of Mines and Minerals (Mines and Minerals)
PC #71	Joint Comments of the Illinois Environmental Protection Agency, Illinois Steel Group, and Illinois Department of Mines and Minerals

DISCUSSION

In PC #67 the Agency changed its early recommendation that the applicability to groundwaters of the Subtitle C water quality standards be completely removed. The Agency pointed out that the water quality standards of Part 302 continue to be used in certain mining and CERCLA/RCRA contexts, including the establishment of cleanup objectives. The Agency also pointed out that Part 620 at Section 620.450(b) contains reference to Subtitle C⁸, and that this reference must be accommodated in the general severance of the standards of Subtitle C and Part 620. In recognition of these concerns, the Agency proposed that the existing Section 303.203 be retained, but with an appended "exception clause", thusly:

Section 303.203 Underground Waters

Except as provided in 35 Ill. Adm. Code 620 ¶[t]he underground waters of Illinois which are a present or a potential source of water for public or food processing supply shall meet the general use and public and food processing water supply standards of Subparts B and C, Part 302, except due to natural causes.

⁷ Comments #69 and #70 were accompanied by motions to file. The Board grants those motions.

⁸ Section 620.450(b), titled "Coal Reclamation Groundwater Quality Standards", identifies the groundwater quality standards that are applicable in various reclamation circumstances associated with coal mining. The Subtitle C standards apply in the limited circumstance of certain refuse disposal or coal preparation plant areas placed into operation after February 1, 1983 and before the effect date Part 620 (November 25, 1991), provided also that the groundwater is a present or potential source of water for public and food processing.

In PC #69 the Illinois Steel Group opposed the Agency's suggestions made in PC #67, stating that the Agency's changes were contrary to the Agency's position taken during the pendency of the R89-14(B) proceeding, and were otherwise not supported by the record.

In PC #70 Mines and Minerals expressed support for the amendment proposed by the Agency in PC #67. The comment also provided Mines and Minerals' view of the development of Section 620.450(b).

In PC #71 the joint commenters, the Agency, Mines and Minerals, and the Illinois Steel Group, expressed a common perspective and make a joint recommendation. The common perspective is:

The Agency, the Department and ISG agree that the Illinois Groundwater Protection Act and the recently adopted Groundwater Quality Standards, 35 Ill. Adm. Code 620, were intended to replace the General Use and Public and Food Processing Water Supply Standards, Subparts B and C, with respect to the saturated and the unsaturated zones of "underground waters" of Section 303.203, except for specific exceptions listed in Part 620.

In order to be consistent with the provision described above, underground water should be exempt from the requirements of Subparts B and C of Part 302. The one exception in Part 620 which requires imposition of Subparts B and C of Section 302 involves the Alternative Groundwater Quality Standards of Subsections 620.450(b)(4)(A), 620.450(b)(5)(A), and 620.450(b)(7)(A) for certain mining activities. These provisions specifically incorporate the existing Section 303.203 application of Part 302 water quality standards.

Accordingly, the parties of these comments agree that the general water and public water supply standards of Section 303.203 are not appropriate for "underground waters". The amendments as proposed below recognize that the Part 620 groundwater standards replace the Subparts B and C of Part 302 for "underground waters" except in Section 620.450(b) where the standards of Subparts B and C of Part 302 apply.

PC #71 at 1-2.

For the purposes of today's action, the Board adopts the joint commenters' analysis. It should be noted that this analysis does differ from that presented in the previous Board

opinions in that groundwaters and non-groundwater underground waters are not treated differently.

The joint commenters propose implementing their analysis by amending Section 303.203 in the following manner:

Section 303.203 Underground Waters

~~The u~~Underground waters of Illinois shall be subject to the provisions of 35 Ill. Adm. Code 620 and not Subparts B and C of Part 302, except as provided in 35 Ill. Adm. Code 620.450(b) in which case the standards of Subparts B and C of Part 302, except due to natural causes, shall apply to underground waters of Illinois which are a present or a potential source of water for public or food processing supply shall meet the general use and public and food processing water supply standards of Subparts B and C, Part 302, except due to natural causes.

While the Board agrees that this proposed language achieves the desired end, it believes that it gets there with unnecessary difficulty. Accordingly, the Board today proposes a simpler version of the same:

Section 303.203 Underground Waters

35 Ill. Adm. Code 302.Subparts B and C do not apply to underground waters, except as provided at 35 Ill. Adm. Code 620.450(b)~~The underground waters of Illinois which are a present or a potential source of water for public or food processing supply shall meet the general use and public and food processing water supply standards of Subparts B and C, Part 302, except due to natural causes.~~

Additionally, it is necessary that Section 620.450(b) be amended. Currently the pertinent portions of the section cite to Section 303.203, which is an applicability statement. The proper form is to cite directly to the applicable standards. The standards are the standards of Subparts B and C of Part 302. Accordingly, it is today proposed to replace the four citations to 35 Ill. Adm. Code 303.203 with citation to 35 Ill. Adm. Code 302.Subparts B and C. The phrase "except due to natural causes" is also added at each occurrence to expressly state this otherwise implied concept and in conformance with the joint commenters' intent.

CORRECTION

The Board notes that the Joint Committee on Administrative Rules alerted it to a typographical error in Section 616.104(b).

The error consists of a phrase inadvertently dropped from the subsection. The subsection quotes statutory language. The Board proposes to correct this oversight in this docket so as to make the correction as expeditiously as possible.

ORDER

The Board directs the Clerk of the Board to cause first notice publication of the following amendments in the Illinois Register, and to withdraw the previously proposed amendments to Section 303.203.

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE C: WATER POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD

PART 303
WATER USE DESIGNATIONS AND SITE SPECIFIC
WATER QUALITY STANDARDS

SUBPART B: NONSPECIFIC WATER USE DESIGNATIONS

Section 303.203 Underground Waters

35 Ill. Adm. Code 302.Subparts B and C do not apply to underground waters, except as provided at 35 Ill. Adm. Code 620.450(b)~~The underground waters of Illinois which are a present or a potential source of water for public or food processing supply shall meet the general use and public and food processing water supply standards of Subparts B and C, Part 302, except due to natural causes.~~

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

SUBPART A: GENERAL

Section 616.104 Exceptions to Prohibitions

- 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. (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(a) of the Act)

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

PART 620
GROUNDWATER QUALITY

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 shall develop and maintain a listing of concentrations derived pursuant to subsection (a)(4)(B). This list shall be made available to the public and be updated periodically, but no less frequently than semi-annually. This listing shall 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 pursuant to the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1989, ch. 96 1/2, pars. 7901.1 et seq., as amended) 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 (d), 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 (d), 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).
- 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 ~~303.203~~ 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 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 ~~303.203~~ 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 ~~303.203~~ 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 ~~303.203~~ 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.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above opinion and order was adopted on the 23rd day of April, 1992, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board