

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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

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REGULATED RECHARGE AREAS

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

SOURCE: Adopted in R89-5 at 16 Ill. Reg. 1639, effective January 10, 1992, amended in R96-18 at 21 Ill. Reg. 6569, effective May 8, 1997, amended in R00-17 at 25 Ill. Reg. 10350,

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effective September 1, 2001; amended in R18-26 at 47 Ill. Reg. _____, effective _____.

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 47 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 ~~are~~ shall be the same as those used in 35 Ill. Adm. Code 615.102, 35 Ill. Adm. Code 616.102, ~~Section 1 of~~ the Act, or the Illinois Groundwater Protection Act [415 ILCS 55/4].

"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~~ 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*

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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 ~~that, 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

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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-non-oil~~ or ~~-non-gas-producing-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 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

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motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas).

"IEMA" means the Illinois Emergency Management Agency.

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

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

"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.* ~~An~~An 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. ~~An~~An MSWLF unit may be a new MSWLF unit, an existing MSWLF unit, or a lateral expansion. A sanitary landfill is subject to regulation as ~~an~~an MSWLF unit if it receives household waste. [415 ILCS 5/~~3.2853-85~~]

"New Major Potential Source" means:

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

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

a major potential source that is part of a facility that undergoes major reconstruction. ~~Reconstruction is considered~~Such reconstruction shall be deemed to have taken place ~~if where~~ the fixed capital cost of the new components, constructed within a 2-year period, ~~exceeds~~exceeds 50% of

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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 5/53.59]~~

~~"New Potential Route" means:~~

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

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

~~"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~~

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~~within a 2-year period exceed 50% of the fixed capital cost of a comparable entirely new facility [415 ILCS 5/3.3553.60]; or~~

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

"New Potential Tertiary Source of Groundwater Contamination" means:

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

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

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

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

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

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

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

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

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

~~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~~

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

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

"Regulated recharge area" means *a compact geographic area, as determined by the Board, the geology of which renders a potable resource groundwater particularly susceptible to contamination.* [415 ILCS 5/~~3.3903~~.67]

"Setback zone" *means a geographic area, designated pursuant to (the) Act, containing a potable water supply well or a potential source or potential route, having a continuous boundary, and within which certain prohibitions or regulations are applicable in order to protect groundwaters.* [415 ILCS 5/~~3.4503~~.61]

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

"Site" means *any location, place, tract of land, and facilities, including ~~but not limited to~~ buildings, and improvements used for purposes subject to regulation or control by (the) Act or regulations thereunder.* [415 ILCS 5/~~3.4603~~.43]

"Unit" means *any device, mechanism, equipment, or area (exclusive of land utilized only for agricultural production). This term includes secondary containment structures and their contents at agrichemical facilities.* [415 ILCS 5/~~3.5153~~.62]

"Unit boundary" means a line at the land's surface circumscribing the area on which, above which₂ or below which₂ waste, pesticides, fertilizers, road oils₂ or de-icing agents will be placed during the active life of the facility. The space taken up by any liner, dike₂ or other barrier designed to contain waste, pesticides, fertilizers, road oils₂ or de-icing agents falls within the unit boundary.

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

(Source: Amended at 47 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 [SectionPart](#) incorporates no later amendments or editions.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

Section 617.115 Scope

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

(Source: Amended at 47 Ill. Reg. _____, effective _____)

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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~~ 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 ~~if~~ where the fixed capital cost of the new components, constructed within a 2-year period, ~~exceeds~~ 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 47 Ill. Reg. _____, effective _____)

Section 617.125 Recharge Area Suitability Assessment

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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 file a recharge area suitability assessment with the Agency before the commencement of~~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 ~~the 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~~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 ~~do not apply~~are not applicable to ~~the 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 a 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;

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- 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 ~~seven~~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 the Agency hold a public hearing ~~be held~~ at a location in the vicinity of the proposed facility.
- f) The Agency must hold the public hearing ~~within a timely manner, but no more than~~ 45 days after ~~receiving receipt of~~ the written ~~request underrespons pursuant to~~ subsection (e)(2) ~~of this Section~~.
- g) The Agency must provide 21 ~~days~~^{days} public notice ~~before~~^{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;

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- 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 subsection (h)(2) or (h)(3), the owner or operator of the facility may, ~~within 30 days,~~ respond to ~~the~~ statement ~~issued by the Agency pursuant to subsection (h)(2) or (h)(3) of this Section.~~
 - j) ~~Within~~ Not later than 30 days after ~~receiving~~ receipt of a response under subsection (i) from the owner or operator of the facility, the Agency must issue a final statement regarding the assessment pursuant to subsection (i) of this Section. If no response is received by the Agency within the ~~30-day~~ 30-day period of subsection (i), no further Agency action is necessary and the statement issued under subsection (h) stands as the Agency's final statement initially issued.
 - k) Operation of the facility may start only ~~commence~~ after the Agency issues ~~issuance of~~ a final statement ~~by the Agency.~~
 - l) The applicant may appeal the Agency's final statement to the Board by filing a petition within 35 days on or before the 35th day after receiving the statement 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 47 Ill. Reg. _____, effective _____)

Section 617.130 Technology Control Regulations

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

- 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

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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: Amended at 47 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.

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(Source: Amended at 47 Ill. Reg. _____, effective _____)

Section 617.140 Recharge Area Road Sign Posting

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

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

(Source: Amended at 47 Ill. Reg. _____ effective _____)

SUBPART B: PLEASANT VALLEY PUBLIC WATER DISTRICT
REGULATED RECHARGE AREA

Section 617.200 Purpose

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

(Source: Amended at 47 Ill. Reg. _____, effective _____)

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;

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- 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 impact on~~~~impacts~~ the application of State or ~~federal~~~~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 ~~U.S.C.~~~~USC~~ 9601, et seq.); Sections 3004 and 3008 of the Resource Conservation and Recovery Act (42 ~~U.S.C.~~~~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 47 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 ~~defined~~~~detailed~~ in Appendix A, must register the location with the Agency using forms provided in Appendix B as follows:

- a) ~~At least 30 days before the commencement of construction~~~~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 47 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

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develop and implement a chemical substances management system that, ~~at a minimum,~~ must include the following:

- 1) a brief description of ~~how 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~~ underpursuant 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 underpursuant 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 prefabricated~~pre-fabricated~~ containment system that is operated as follows:
- 1) When not protected from receiving precipitation, the constructed or prefabricated~~pre-fabricated~~ containment system must have:
 - A) a minimum containment volume of a 6-inch rain storm (a 25-year ~~25-year, 24-hour~~ 24-hour rain);

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- 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 ~~prefabricated~~~~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 ~~prefabricated~~~~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 ~~that, which~~ might enter the constructed or ~~prefabricated~~~~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 at least 30 days before the commencement of construction ~~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;

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- 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 47 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~~ cost-effective containment systems;
 - E) small business technical assistance opportunities; and
 - F) pollution prevention alternatives appropriate for the type of business.
 - 2) The chemical substances management system training program ~~must 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

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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 the owner's or operator's place of business, and must provide a copy of the certificate to the Pleasant Valley Public Water District within 10 days after receipt of the certificate from the Agency.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

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

SUBPART A: GENERAL

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SUBPART B: PLEASANT VALLEY PUBLIC WATER DISTRICT REGULATED
RECHARGE AREA

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617.APPENDIX A	Boundary of the Pleasant Valley Public Water District Regulated Recharge Area
617.APPENDIX B	Potential Route and Source Registration Form

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

SOURCE: Adopted in R89-5 at 16 Ill. Reg. 1639, effective January 10, 1992, amended in R96-18 at 21 Ill. Reg. 6569, effective May 8, 1997, amended in R00-17 at 25 Ill. Reg. 10350, effective September 1, 2001; amended in R18-26 at 47 Ill. Reg. _____, effective _____.

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SUBPART A: GENERAL

Section 617.101 Purpose

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

(Source: Amended at 47 Ill. Reg. _____, effective _____)

SUBTITLE F

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 are the same as those used in 35 Ill. Adm. Code 615.102, 35 Ill. Adm. Code 616.102, the Act, or the Illinois Groundwater Protection Act [415 ILCS 55].

"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]

"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 that 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;

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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 oil or natural gas production) used to inject fluids into a non-oil- or non-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

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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 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" means *radioactive waste not classified as high-level radioactive waste, transuranic waste, spent nuclear fuel, or byproduct material as defined in Section 11e(2) of the Atomic Energy Act of 1954 (42 U.S.C. 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. An 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. An MSWLF unit may be a new MSWLF unit, an existing MSWLF unit, or a lateral*

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expansion. A sanitary landfill is subject to regulation as an MSWLF unit if it receives household waste. [415 ILCS 5/3.285]

"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. Reconstruction is considered to have taken place if 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 as of September 1, 2001.

"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. Reconstruction is considered to have taken place if 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.

"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]*

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"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]

"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 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 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 agricultural 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, 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 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 U.S.C. 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]

(Source: Amended at 47 Ill. Reg. _____, effective _____)

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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 Section incorporates no later amendments or editions.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

SUBTITLE F**Section 617.115 Scope**

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

(Source: Amended at 47 Ill. Reg. _____, effective _____)

SUBTITLE F

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 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 to have taken place if 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; 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 47 Ill. Reg. _____, effective _____)

SUBTITLE F

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 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 file a recharge area suitability assessment with the Agency before the commencement of construction, except for livestock operations that meet the criteria in 35 Ill. Adm. Code 501.404(e) or except as provided in subsection (b).
- b) For any livestock waste handling facility subject to the Livestock Management Facilities Act [510 ILCS 77], the requirement in subsection (a) for filing a recharge area suitability assessment is only applicable to the facility after filing a notice of intent, or a complete registration if the facility is designed to handle the waste from a 300-animal unit or larger operation, and:
 - 1) a public informational meeting under Section 12 of the Livestock Management Facilities Act is not requested; or
 - 2) the provisions for a public informational meeting do not apply to the facility.
- c) A recharge area suitability assessment must include the following:
 - 1) a legal description of the site and location maps including:
 - A) a topographic map of the site drawn to a 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;

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- 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 seven 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 the Agency hold a public hearing at a location in the vicinity of the proposed facility.
- f) The Agency must hold the public hearing within 45 days after receiving the written request under subsection (e)(2).
- g) The Agency must provide 21 days' public notice before 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.

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- i) Within 30 days after receiving the Agency's written statement under subsection (h)(2) or (h)(3), the owner or operator of the facility may respond to the statement.
- j) Within 30 days after receiving a response under subsection (i) from the owner or operator of the facility, the Agency must issue a final statement regarding the assessment. If no response is received by the Agency within the 30-day period of subsection (i), no further Agency action is necessary and the statement issued under subsection (h) stands as the Agency's final statement.
- k) Operation of the facility may start only after the Agency issues a final statement.
- l) The applicant may appeal the Agency's final statement to the Board by filing a petition within 35 days after receiving the statement. The petition must be filed, and the proceedings conducted, under the procedures in 35 Ill. Adm. Code 105.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

SUBTITLE F

Section 617.130 Technology Control Regulations

The standards and requirements of 35 Ill. Adm. Code 615, 616, 8 Ill. Adm. Code 257, or 77 Ill. Adm. Code 830 apply to the following existing and new activities if the 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;
- c) storage and related handling of pesticides and fertilizers at a facility for 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 distribution to retail sales outlets.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

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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 a school district to develop, and implement an educational program utilizing the materials developed under subsection (a) 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) 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 47 Ill. Reg. _____, effective _____)

SUBTITLE F

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, 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 47 Ill. Reg. _____ effective _____)

SUBTITLE F

SUBPART B: PLEASANT VALLEY PUBLIC WATER DISTRICT
REGULATED RECHARGE AREA**Section 617.200 Purpose**

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

(Source: Amended at 47 Ill. Reg. _____, effective _____)

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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 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 Subpart has no impact 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 U.S.C. 9601 et seq.); Sections 3004 and 3008 of the Resource Conservation and Recovery Act (42 U.S.C. 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 47 Ill. Reg. _____, effective _____)

SUBTITLE F

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 defined in Appendix A, must register the location with the Agency using forms provided in Appendix B as follows:

- a) At least 30 days before the commencement of construction for new potential routes or primary, secondary, or tertiary sources of groundwater contamination; or
- b) Within 90 days after the registration meeting described in Section 617.215.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

SUBTITLE F

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 must include the following:
 - 1) a brief description of how 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) training provided by the Agency under Section 617.225.
- 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 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 prefabricated containment system that is operated as follows:
 - 1) When not protected from receiving precipitation, the constructed or prefabricated containment system must have:
 - A) a minimum containment volume of a 6-inch rain storm (a 25-year ,

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- 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 prefabricated 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 prefabricated or constructed secondary containment system unless the collection system has sufficient excess capacity in addition to that required in subsection (d)(1) to contain any run-on that might enter the constructed or prefabricated 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 at least 30 days before the commencement of construction ; 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).
 - 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;

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- 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 47 Ill. Reg. _____, effective _____)

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Section 617.225 Training Program for Potential Tertiary Sources

- a) A chemical substance management training program (as required in Section 617.220(a)) must be conducted by the Agency as follows:
 - 1) The training program must cover the following topics:
 - A) an overview of the sensitivity of community water supply recharge areas and groundwater protection;
 - B) improperly abandoned wells;
 - C) the procedure for developing a chemical substance management system;
 - D) cost-effective containment systems;
 - E) small business technical assistance opportunities; and
 - F) pollution prevention alternatives appropriate for the type of business.
 - 2) The chemical substances management system training program must be offered at least once and may be offered more frequently, depending upon 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 the owner's or operator's place of business and must provide a copy of the certificate to the Pleasant Valley Public Water District within 10 days after receipt of the certificate from the Agency.

(Source: Amended at 47 Ill. Reg. _____, effective _____)