**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;

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.

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. 7681, effective May 16, 2023)