**Section 240.862 Existing Pit Exemption For Alternative Use**

a) Any pit in existence on May 13, 1994 may not have to be closed in accordance with Section 240.860(c) of this Part if:

1) the pit is no longer used for temporary storage of produced water or other liquid oilfield waste;

2) the water quality in the pit is less than 5000 TDS with no visible sheen of oil; and

3) a written, notarized authorization from the current surface owner has been received by the Department requesting the pit not be closed and demonstrating an acceptable alternative use for the pit.

b) In determining not to require the pit be closed, the Department shall:

1) review the current location of the pit relative to any ongoing production operations in the area; and

2) review the proposed alternative use relative to public health and safety considerations and potential use for agricultural, recreational or wildlife habitat purposes.

c) If the Department determines, based on a review of the information submitted by the permittee and surface owner, the pit is not exempted, the pit shall be closed, within 6 months, by the permittee, in accordance with Section 240.860(d).

(Source: Added at 21 Ill. Reg. 7164, effective June 3, 1997)