**Section 2501.8 Utilities and Other Facilities**

a) The Department may expend up to 30 percent of the AML funds granted annually to the State for the purpose of protecting, repairing, replacing, constructing, or enhancing facilities relating to water supplies, including water distribution facilities and treatment plants, to replace water supplies adversely affected by coal mining practices.

b) If the adverse effect on water supplies referred to in this Section occurred both prior to and after August 3, 1977, the project shall remain eligible notwithstanding the criteria specified in Section 2501.10(b), if the Department finds in writing, as part of its eligibility opinion, that such adverse effects are due predominantly to effects of mining processes undertaken and abandoned prior to August 3, 1977.

c) If the adverse effect on water supplies referred to in this Section occurred both prior to and after the dates (and under the criteria) set forth under Section 2501.10(d), the project shall remain eligible, notwithstanding the criteria specified in Section 2501.10(b), if the Department finds in writing, as part of its eligibility opinion, that such adverse effects are due predominantly to the effects of mining processes undertaken and abandoned prior to those dates.

d) Enhancement of facilities or utilities under this Section shall include upgrading necessary to meet any local, State, or Federal public health or safety requirement. Enhancement shall not include, however, any service area expansion of a utility or facility not necessary to address a specific abandoned mined land problem.

(Source: Added at 22 Ill. Reg. 11382, effective June 23, 1998)