**Section 611.110 Special Exception Permits**

a) The Agency must evaluate a request for a SEP granting relief from monitoring requirements of Section 611.601, 611.602, or 611.603 (IOCs, excluding the Section 611.603 monitoring frequency requirements for cyanide); Section 611.646(f) (a GWS supplier for Phase I, Phase II, and Phase V VOCs); Section 611.646(d) (only as to initial monitoring for 1,2,4-trichlorobenzene); or Section 611.648(d) (Phase II, Phase IIB, and Phase V SOCs) under this Section. The Agency must evaluate on the basis of known previous use (including transport, storage, or disposal) of the contaminant in the watershed or zone of influence of the system under 35 Ill. Adm. Code 671.

BOARD NOTE: The Agency may only issue a SEP from the Section 611.603 monitoring frequency for cyanide based on subsection (c), not based on this subsection (a).

1) If the Agency determines that there was no prior use of the contaminant in the water system's watershed or zone of influence, the Agency must issue the SEP; or

2) If anyone previously used the contaminant or the previous use is unknown, the Agency must consider certain factors:

A) Previous analytical results;

B) The system's proximity to any possible point source of contamination (including spills or leaks at or near a water treatment facility; at manufacturing, distribution, or storage facilities; from hazardous and municipal waste land fills; or from waste handling or treatment facilities) or non-point source of contamination (including the use of pesticides and other land application uses of the contaminant);

C) The environmental persistence and transport of the contaminant;

D) How well local conditions protect the water source against contamination, including:

i) For a GWS, well depth, soil type, well casing integrity, and wellhead protection; and

ii) For an SWS, watershed protection;

E) For Phase II, Phase IIB, and Phase V SOCs:

i) Elevated nitrate levels at the water source; and

ii) The use of PCBs in equipment the supplier uses to produce, store, and distribute water (including pumps, transformers, etc.); and

F) For Phase I, Phase II, and Phase V VOCs (under Section 611.646), the number of persons the PWS serves, and the proximity of a smaller system to a larger one.

b) If a supplier refuses to provide any necessary additional information the Agency requests, or if a supplier delivers any necessary information late in the Agency's deliberations on a request, the Agency may deny the SEP or issue the SEP with conditions within the time allowed by law.

c) The Agency must issue a SEP allowing a supplier to discontinue monitoring for cyanide upon determining that the supplier's water is not vulnerable to any industrial source of cyanide.

BOARD NOTE: Subsection (a) derives from 40 CFR 141.24(f)(8) and (h)(6). Subsection (b) derives from 40 CFR 141.82(d)(2), and 141.83(b)(2). Subsection (c) derives from 40 CFR 141.23(c)(2). At 40 CFR 142.18, USEPA reserves discretion to review and nullify Agency determinations of the kinds made under Sections 611.602, 611.603, 611.646, and 611.648. At 40 CFR 141.82(i), 141.83(b)(7), and 142.19, USEPA maintains authority to establish federal standards for any supplier superseding any Agency determination under Sections 611.352(d), 611.352(f), 611.353(b)(2), and 611.353(b)(4).

(Source: Amended at 47 Ill. Reg. 16486, effective November 2, 2023)