**Section 245.610 Water Pollution Investigations**

a) *Any person who has reason to believe* he or she has *incurred pollution or diminution of a water source as a result of a high volume horizontal hydraulic fracturing treatment of a well may request that an investigation be conducted* (Section 1-83(a) of the Act) by:

1) notifying the Department either in writing or electronically through its website; and

2) providing the following information:

A) his or her name, address and contact information; and

B) a detailed description of the suspected contamination, including but not limited to, identifying:

i) the water source being affected;

ii) the suspected source of contamination;

iii) dates and times related to observations of the suspected contamination;

iv) the names of potential witnesses and their contact information; and

v) any documents or photographs in his or her possession that may be useful as evidence of pollution or diminution.

b) *Within 30 calendar days after* the *notification* required by subsection (a), *the Department* will notify the Agency and initiate an investigation of the claim. The Department will *make a reasonable effort to reach a determination within 180 calendar days after* receiving the *notification*. (Section 1-83(b) of the Act)

c) If necessary, *the Agency* shall conduct *water quality sampling* (Section 1-83(b) of the Act) and the Department shall provide to the Agency all available permit information and other relevant data.

d) *Any person conducting or who has conducted high volume horizontal hydraulic fracturing operations* suspected to be the source of pollution or diminution complained of *shall supply any information requested by the Department* or Agency *to assist* with the investigation. *The Department*, in consultation with the Agency as the Department deems appropriate, *shall give due consideration to any information submitted during the course of the investigation.* (Section 1-83(c) of the Act) The requested information may include additional water quality monitoring sampling in accordance with Section 245.600.

e) The Department, in consultation with the Agency as the Department deems appropriate, shall make a determination of pollution or diminution if *sampling results or other information obtained as part of the investigation or the results of tests conducted under Section* 245.600 *indicate that* hydraulic fracturing additive or other oil or gas well contaminant *concentrations* in the water are found to *exceed the* following *standards or criteria* (Section 1-83(d) of the Act) and are statistically significantly higher than the base line sampling results obtained under Section 245.600(b):

1) in groundwater, any of the following:

A) *detection of benzene or any other carcinogen in any Class I, Class II, or Class III groundwater;*

B) *detection of any constituent in 35 Ill. Adm. Code 620.310(a)(3)(A)(i) equal to or above the listed preventive response criteria in any Class I, Class II, or Class III groundwater;*

C) *detection of any constituent in 35 Ill. Adm. Code 620.410(a), (b), (c), (d) or (e) equal to or above the listed standard in any Class I, Class II, or Class III groundwater;*

D) *detection of any constituent in Class III groundwater equal to or above a standard established under 35 Ill. Adm. Code 620.260; or*

E) *detection of any constituent in Class I, Class II, or Class III groundwater equal to or above a cleanup objective listed in 35 Ill. Adm. Code 742.*

2) *in surface water, exceeding any applicable numeric or narrative standard in 35 Ill. Adm. Code 302 or 304.* (Section 1-5 of the Act)

f) If the Department makes a determination of pollution or diminution under subsection (e), the procedures set forth in Section 245.615 shall be followed.