**Section 373.103 Eligibility**

In accordance with the requirements of 35 Ill. Adm. Code 304.120(a) and (c), third stage treatment lagoon facilities must, in order to be eligible for consideration for a lagoon exemption, be properly constructed pursuant to 35 Ill. Adm. Code 370, and properly maintained and operated; cannot alone or in combination with other sources cause a violation of the applicable dissolved oxygen water quality standard of 35 Ill. Adm. Code 302.206; and must qualify under one of the following categories:

a) Any wastewater treatment works with an untreated waste load of less than 2,500 Population Equivalents (P.E.), which is sufficiently isolated so that combining with other sources to aggregate 2,500 P.E. or more is not practicable.

b) Any wastewater treatment works in existence and employing third stage treatment lagoons on January 1, 1986, whose untreated waste load is 5,000 P.E., or less and sufficiently isolated that combining to aggregate 5,000 P.E. or more is not practicable.

c) Any wastewater treatment works with an untreated waste load of 5,000 P.E., or less, which has reached the end of its useful life (see Section 373.205) by January 1, 1987, and is sufficiently isolated that combining to aggregate 5,000 P.E. or more is not practicable.

d) Any wastewater treatment works with an untreated wasteload of 5,000 P.E. or less which has not reached the end of its useful life and which has received an adjusted standard determination from the Board that it qualifies for a lagoon exemption. Such a Board determination will only be made in an adjusted standard proceeding, held in accordance with Section 28.1 of the Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 111½, par. 1028.1) and applicable by procedures set forth by 35 Ill. Adm. Code 106.

1) In an adjusted standard proceeding the Board may determine that the petitioning wastewater treatment source qualifies for a lagoon exemption if the wastewater treatment works proves that it is so situated that a land treatment system is not a suitable treatment alternative. Factors relevant to a suitability finding may include the following: cost; influent character; geographic characteristics; climate; soil conditions; hydrologic conditions; and the availability of irrigable land.

2) For the purpose of this subsection (d), a land treatment system is a wastewater treatment system which does not directly discharge treated effluent to water of the State but instead uses the treated effluent to irrigate terrestrial vegetation.

(Source: Amended at 14 Ill. Reg. 18289, effective October 30, 1990)