**Section 704.104 Exempted Aquifers**

The Board may designate "exempted aquifers" using criteria in 35 Ill. Adm. Code 730. Such an aquifer is one that would otherwise qualify as a USDW to be protected, but which has no real potential to be used as a source of drinking water. Therefore they are not USDWs. No aquifer is an exempted aquifer until it has been affirmatively designated under the procedures set forth in Section 704.123. An aquifer that does not fit the definition of a USDW is not an exempted aquifer. It is simply not subject to the special protection afforded a USDW. During initial Class VI injection well program development, the areal extent of an existing Class II enhanced oil recovery or enhanced gas recovery aquifer exemption for Class VI injection wells must not be expanded. All Class II to Class VI injection well aquifer exemption expansions previously issued must be incorporated into the Class VI injection well program descriptions required by USEPA pursuant to 40 CFR 145.23(f)(9).

BOARD NOTE: See 35 Ill. Adm. Code 702.105. Derived from 40 CFR 144.1(g) (2011).

(Source: Amended at 36 Ill. Reg. 1613, effective January 20, 2012)