**Section 704.285 Applicability of the Additional Requirements**

a) Large-Capacity Cesspools. The additional requirements set forth in Section 704.288 apply to a new and existing large-capacity cesspool. If the owner or operator is using a septic system for these type of wastes, the owner or operator is not subject to the additional requirements in Section 704.288.

b) Motor Vehicle Waste Disposal Wells Existing on April 5, 2000. If the owner or operator has a Class V motor vehicle waste disposal well, the additional requirements in Section 704.288 apply to that owner or operator if the well is located in a ground water protection area or other sensitive ground water area that is identified by the Agency, the Board, or USEPA Region 5.

BOARD NOTE: An existing motor vehicle waste disposal well is one for which construction had commenced prior to April 5, 2000. See 40 CFR 144.83(a)(1)(i) and (a)(1)(ii), as added at 64 Fed. Reg. 68568 (December 7, 1999). Corresponding 40 CFR 144.85(b) provides that the additional requirements apply Statewide if the State or the USEPA Region fails to identify sensitive groundwater areas. The Board has not included this Statewide applicability provision by virtue of 14.1 through 14.6 and Sections 17.1 through 17.4 of the Act, Section 8 of the Illinois Groundwater Protection Act [415 ILCS 55/8], and 35 Ill. Adm. Code 615 through 620.

c) New Motor Vehicle Waste Disposal Wells. The additional requirements in Section 704.288 apply to a new motor vehicle waste disposal well.

BOARD NOTE: A new motor vehicle waste disposal well is one for which construction had not commenced prior to April 5, 2000. See 40 CFR 144.85(c) (2005).

BOARD NOTE: Derived from 40 CFR 144.85 (2017).

(Source: Amended at 42 Ill. Reg. 21095, effective November 19, 2018)