**Section 245.620 Rebuttable Presumption of Pollution or Diminution**

a) *This Section establishes a rebuttable presumption for use* in determining the cause of water *pollution or diminution*, as defined by Section 1-5 of the Act, under Subpart K (Section 1-85(a) of the Act).

b) *Unless rebutted by a defense established in subsection (c), it shall be presumed that any person conducting or who has conducted high volume horizontal hydraulic fracturing operations shall be liable for pollution or diminution of a water supply if* (Section 1-85(b) of the Act):

1) *the water source is within 1,500 feet of the well site* (Section 1-85(b)(1) of the Act) where the HVHHF operations occurred;

2) *water quality data showed no pollution or diminution* before *the start of high volume horizontal hydraulic fracturing operations* (Section 1-85(b)(2) of the Act); and

3) *the pollution or diminution occurred during high volume horizontal hydraulic fracturing operations or no more than 30 months after the completion of the high volume horizontal hydraulic fracturing operations* (Section 1-85(b)(3) of the Act).

c) *To rebut the presumption established under this Section, a person presumed responsible must affirmatively prove by clear and convincing evidence any of the following* (Section 1-85(c) of the Act):

1) *the water source is not within* *1,500 feet of the well site* (Section 1-85(c)(1) of the Act);

2) *the pollution or diminution occurred* before the *high volume horizontal hydraulic fracturing operations or more than 30 months after the completion of the high volume horizontal hydraulic fracturing operations* (Section 1-85(c)(2) of the Act); and

3) *the pollution or diminution occurred as the result of an identifiable cause other than the high volume horizontal hydraulic fracturing operations* (Section 1-85(c)(3) of the Act).