

**TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE F: PUBLIC WATER SUPPLIES
CHAPTER I: POLLUTION CONTROL BOARD**

**PART 616
NEW ACTIVITIES IN A SETBACK ZONE OR
REGULATED RECHARGE AREA**

SUBPART A: GENERAL

Section

616.101	Purpose
616.102	Definitions
616.104	Exceptions to Prohibitions
616.105	General Exceptions

SUBPART B: GROUNDWATER MONITORING REQUIREMENTS

Section

616.201	Applicability
616.202	Compliance Period
616.203	Compliance With Groundwater Standards
616.204	Groundwater Monitoring System
616.205	Groundwater Monitoring Program
616.206	Reporting
616.207	Determining Background Values and Maximum Allowable Results ("MARs")
616.208	Continued Sampling
616.209	Preventive Notification and Preventive Response
616.210	Corrective Action Program
616.211	Alternative Corrective Action Demonstration

SUBPART C: GENERAL CLOSURE AND POST-CLOSURE REQUIREMENTS

Section

616.301	Applicability
616.302	Closure Performance Standard
616.303	Certification of Closure
616.304	Survey Plat
616.305	Post-Closure Notice for Waste Disposal Units
616.306	Certification of Completion of Post-Closure Care
616.307	Post-Closure Care Period

SUBPART D: ON-SITE LANDFILLS

Section
616.401 Applicability
616.402 Prohibitions

SUBPART E: ON-SITE LAND TREATMENT UNITS

Section
616.421 Applicability
616.422 Prohibitions
616.423 Groundwater Monitoring
616.424 Design and Operating Requirements
616.425 Closure and Post-Closure Care

SUBPART F: ON-SITE SURFACE IMPOUNDMENTS

Section
616.441 Applicability
616.442 Prohibitions
616.443 Groundwater Monitoring
616.444 Design Requirements
616.445 Inspection Requirements
616.446 Operating Requirements
616.447 Closure and Post-Closure Care

SUBPART G: ON-SITE WASTE PILES

Section
616.461 Applicability
616.462 Prohibitions
616.463 Design and Operating Requirements
616.464 Closure

SUBPART H: UNDERGROUND STORAGE TANKS

Section
616.501 Applicability
616.502 Design and Operating Requirements

SUBPART I: PESTICIDE STORAGE AND HANDLING UNITS

Section
616.601 Applicability
616.602 Prohibitions
616.603 Groundwater Monitoring
616.604 Design and Operating Requirements

616.605 Closure and Post-Closure Care

SUBPART J: FERTILIZER STORAGE AND HANDLING UNITS

Section

616.621 Applicability
616.622 Prohibitions
616.623 Groundwater Monitoring
616.624 Design and Operating Requirements
616.625 Closure and Post-Closure Care

SUBPART K: ROAD OIL STORAGE AND HANDLING UNITS

Section

616.701 Applicability
616.702 Prohibitions
616.703 Groundwater Monitoring
616.704 Design and Operating Requirements for Above-Ground Storage Tanks
616.705 Closure

SUBPART L: DE-ICING AGENT STORAGE AND HANDLING UNITS

Section

616.721 Applicability
616.722 Prohibitions
616.723 Groundwater Monitoring
616.724 Design and Operating Requirements for Indoor Storage Facilities
616.725 Closure

AUTHORITY: Implementing Sections 5, 14.4, 21, and 22, and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/5, 14.4, 21, 22, 27].

SOURCE: Adopted in R89-5 at 16 Ill. Reg. 1592, effective January 10, 1992; amended in R89-14(C) at 16 Ill. Reg. 14676, effective September 11, 1992; amended in R92-20 at 17 Ill. Reg. 1878, effective January 28, 1993; amended in R96-18 at 21 Ill. Reg. 6543, effective May 8, 1997; amended in R18-26 at 47 Ill. Reg. 7631, effective May 16, 2023.

SUBPART A: GENERAL

Section 616.101 Purpose

This Part specifies the requirements and standards for the protection of groundwater for certain types of new facilities or units located wholly or partially within a setback zone regulated by the Environmental Protection Act (Act) [415 ILCS 5] or within a regulated recharge area under Section 17.4 of the Act [415 ILCS 5/17.4].

(Source: Amended at 47 Ill. Reg. 7631, effective May 16, 2023)

Section 616.102 Definitions

Except as stated in this Section, and unless a different meaning of a word or term is clear from the context, the definitions of words or terms in this Part are the same as those used in 35 Ill. Adm. Code 615.102, the Act, or the Illinois Groundwater Protection Act [415 ILCS 55].

(Source: Amended at 47 Ill. Reg. 7631, effective May 16, 2023)

Section 616.104 Exceptions to Prohibitions

Section 14.2 of the Act sets forth the process to obtain a waiver or exception from the setback requirements Sections 616.402(a), 616.422(a), 616.442, 616.462(a), 616.602, 616.622, 616.702 or 616.722(a).

(Source: Amended at 47 Ill. Reg. 7631, effective May 16, 2023)

Section 616.105 General Exceptions

- a) This Part does not apply to any facility or unit, or to the owner or operator of any facility or unit, for which:
 - 1) The owner or operator obtains certification of minimal hazard under Section 14.5 of the Act; or
 - 2) Alternate requirements are imposed in an adjusted standard proceeding or a site-specific rulemaking under Title VII of the Act; or
 - 3) Alternate requirements are imposed in a regulated recharge area proceeding under Section 17.4 of the Act; or
 - 4) The owner or operator of the facility for storage and related handling of pesticides or fertilizers for commercial application or at a central location for distribution to retail sales outlets that has filed a written notice of intent under Section 14.6 of the Act with the Department of Agriculture by January 1, 1993, *or within 6 months after the date on which a maximum setback zone is established or a regulated recharge area regulation is adopted that affects such a facility*; or has filed a written certification of intent under Section 14.6 of the Act *on the appropriate license or renewal application form submitted to the Department of Agriculture or other appropriate agency.* [415 ILCS 5/14.6]. This exception does not apply to those facilities that are not in

compliance with the program requirements of Sections 14.6(b) and 14.6(c) of the Act.

- b) Nothing in this Section limits the authority of the Board to impose requirements on any facility or unit within any portion of any setback zone or regulated recharge area in any adjusted standard proceeding, site-specific rulemaking, or regulatory proceeding establishing the regulated recharge area.

(Source: Amended at 47 Ill. Reg. 7631, effective May 16, 2023)

SUBPART B: GROUNDWATER MONITORING REQUIREMENTS

Section 616.201 Applicability

This Subpart applies to:

- a) Land treatment units subject to Subpart E;
- b) Surface impoundments subject to Subpart F;
- c) Pesticide storage and handling units subject to Subpart I;
- d) Fertilizer storage and handling units subject to Subpart J;
- e) Road oil storage and handling units subject to Subpart K; and
- f) De-icing agent storage and handling units subject to Subpart L.

Section 616.202 Compliance Period

The compliance period is the active life of the unit, including closure and post-closure care periods.

- a) The active life begins when the unit first begins operation or one year after the date of first applicability, whichever occurs later, and ends when the post-closure care period ends.
- b) The post-closure care period for units other than pesticide storage and handling units subject to Subpart I and fertilizer storage and handling units subject to Subpart J is five years after closure, except as provided in Section 616.211(e).
- c) The post-closure care period for pesticide storage and handling units subject to Subpart I and for fertilizer storage and handling units subject to

Subpart J is three years after closure, except as provided in Section 616.211(e).

- d) Despite subsections (a), (b), and (c), no post-closure care period is required if all waste, waste residues, contaminated containment system components, and contaminated subsoils are removed or decontaminated at closure, and no ongoing corrective action is required under Section 616.211.

(Source: Amended at 47 Ill. Reg. 7631, effective May 16, 2023)

Section 616.203 Compliance With Groundwater Standards

The owner or operator must comply with the groundwater standards.

- a) The term of compliance is the compliance period.
- b) Compliance must be measured at the compliance point, or compliance points if more than one such point exists.

(Source: Amended at 47 Ill. Reg. 7631, effective May 16, 2023)

Section 616.204 Groundwater Monitoring System

- a) The groundwater monitoring system must consist of a sufficient number of wells, installed at appropriate locations and depths to yield groundwater samples that:
 - 1) Represent the quality of background water that has not been affected by contamination from the facility or unit; and
 - 2) Represent the quality of groundwater at the compliance point or points.
- b) If a facility contains more than one unit, separate groundwater monitoring systems are not required for each unit, provided that provisions for sampling the groundwater will enable detection and measurement of contaminants that have entered the groundwater from all units.
- c) Monitoring wells must meet the following requirements:
 - 1) Construction must be done in a manner that will enable the collection of groundwater samples;
 - 2) Casings and screens must be made from durable material that is resistant to expected chemical or physical degradation and that

does not interfere with the quality of groundwater samples being collected; and

- 3) The annular space opposite the screened section of the well (i.e., the space between the bore hole and well screen) must be filled with gravel or sand if necessary to collect groundwater samples. The annular space above and below the well screen must be sealed to prevent migration of water from overlying adjacent formations and the surface to the sampled depth.

Section 616.205 Groundwater Monitoring Program

The owner or operator must develop a groundwater monitoring program that consists of:

- a) Consistent sampling and analysis procedures that are designed to ensure monitoring results that provide a reliable indication of groundwater quality below the unit. At a minimum, the program must include procedures and techniques for:
 - 1) Sample collection;
 - 2) Sample preservation and shipment;
 - 3) Analytical procedures; and
 - 4) Chain of custody control.
- b) Sampling and analytical methods that are appropriate for groundwater monitoring and that allow for detection and quantification of contaminants specified in this Subpart, and that are consistent with the sampling and analytical methods specified in 35 Ill. Adm. Code 620.
- c) Determining the groundwater head elevation each time groundwater is sampled.
- d) Determining at least annually the groundwater flow rate and direction.
- e) If the owner or operator determines that the groundwater monitoring program no longer satisfies the requirements of this Section, the owner or operator must, within 90 days, make appropriate changes to the program. Conditions under which a groundwater monitoring program no longer satisfies the requirements of this Section include:
 - 1) A Maximum Allowable Result (MAR) is exceeded in any monitoring well that is being used as a background monitoring

well or that the owner or operator has previously determined to be hydraulically upgradient from the facility; or

- 2) A redetermination of groundwater flow rate and direction conducted under subsection (d) shows that the existing monitoring system is not capable of assessing groundwater quality at the compliance points or points.

(Source: Amended at 47 Ill. Reg. 7631, effective May 16, 2023)

Section 616.206 Reporting

The owner or operator must submit the results of all monitoring required under this Subpart to the Agency within 60 days after sampling is completed.

(Source: Amended at 47 Ill. Reg. 7631, effective May 16, 2023)

Section 616.207 Determining Background Values and Maximum Allowable Results (MARs)

- a) The owner or operator must, by the start of operation of the unit and continuing for at least one year, sample each monitoring well at least every two months and analyze each sample according to the following program:
 - 1) For a unit subject to Subpart E (land treatment units), Subpart F (surface impoundments), Subpart K (road oil storage and handling units), or Subpart L (de-icing agent storage and handling units), samples must be analyzed for pH, specific conductance, total organic carbon, total organic halogen, and any other parameter that meets the following criteria:
 - A) Material containing the parameter is stored, treated, or disposed of at the unit; and
 - B) There is a groundwater standard for the parameter.
 - 2) For a unit subject to Subpart I for the storage and handling of pesticides, analysis must be for each pesticide stored or handled at the unit.
 - 3) For a unit subject to Subpart J for the storage and handling of fertilizer, samples must be analyzed for pH, specific conductance, total organic carbon, nitrates as nitrogen, ammonia nitrogen, and any other parameter that meets the following criteria:

- A) Material containing the parameter is stored or handled at the unit; and
 - B) There is a groundwater standard for the parameter.
- b) The results obtained under subsection (a) must be used to calculate the background mean, background standard deviation, and Maximum Allowable Result (MAR) for each parameter using the following procedures:
- 1) Results from all samples collected during the year must be used in the calculations unless the owner or operator demonstrates to the Agency that one or more of the results was due to error in sampling, analysis, or evaluation.
 - 2) All calculations must be based on at least six sample measurements per parameter per well.
 - 3) If any measured value is equal to or greater than its PQL, or if any measured value is greater than its corresponding groundwater standard, the actual measured value must be used to calculate the mean and standard deviation.
 - 4) If any measured value is less than its PQL and less than its corresponding groundwater standard, the PQL rather than the measured value must be used in calculating the mean and standard deviation.
 - 5) Except for pH, the MAR is the quantity equal to the measured mean value of the contaminant plus the product of the contaminant's standard deviation times the following constant:

Sample Size	Constant
6	2.10
7	2.03
8	1.97
9	1.93
10	1.90
11	1.88
12	1.85
13	1.84
14	1.82

- 6) For pH, the upper limit for the MAR is the quantity equal to the measured background mean pH plus the product of the calculated

background standard deviation of the samples times the constant tabulated in subsection (b)(5).

- 7) For pH, the lower limit of the MAR is the quantity equal to the measured background mean pH minus the product of the calculated background standard deviation of the samples times the constant tabulated in subsection (b)(5).

(Source: Amended at 47 Ill. Reg. 7631, effective May 16, 2023)

Section 616.208 Continued Sampling

Upon completion of the background sampling required under Section 616.207, the owner or operator must sample each monitoring well for the duration of the compliance period and analyze each sample, except as provided in Section 616.209, according to the following program:

- a) For a unit subject to Subpart E (land treatment units) or Subpart F (surface impoundments), samples must be collected at least quarterly and analyzed for pH, specific conductance, total organic carbon, total organic halogen, and any other parameter that meets the following criteria:
 - 1) Material containing the parameter is stored, treated, or disposed of at the unit; and
 - 2) The Board has adopted a groundwater standard for the parameter.
- b) For a unit subject to Subpart I for the storage and handling of pesticides, samples must be collected at least quarterly, except as provided in subsection (d), and analyzed for the five specific pesticides or five groups of chemically similar pesticides stored or handled at the unit that are the most likely to enter into the groundwater from the unit and that are the most toxic. The owner or operator must choose the five specific pesticides or five groups based upon the following criteria:
 - 1) The volume of the pesticides stored or handled at the unit;
 - 2) The leachability characteristics of the pesticides stored or handled at the unit;
 - 3) The toxicity characteristics of the pesticides stored or handled at the unit;
 - 4) The history of spillage of the pesticides stored or handled at the unit; and

- 5) Any groundwater standards for the pesticides stored or handled at the unit.
- c) For a unit subject to Subpart J for the storage and handling of fertilizer, samples must be collected at least quarterly, except as provided in subsection (d), and analyzed for pH, total organic carbon, nitrates as nitrogen, ammonia nitrogen, and specific conductance.
- d) Despite subsections (b) and (c), for a unit subject to Subpart I for the storage and handling of pesticides or a unit subject to Subpart J for the storage and handling of fertilizers, samples must be collected at least semi-annually if all of the following conditions are met:
 - 1) The unit is in compliance with the containment requirements of 8 Ill. Adm. Code 255; and
 - 2) There have been no detections within the preceding two years in any of the monitoring wells of any contaminant stored or handled at the facility or any contaminant attributable to the operation of the unit.
- e) For a unit subject to Subpart K for the storage and handling of road oils or subject to Subpart L for the storage and handling of de-icing agents, samples must be collected annually and analyzed for pH, specific conductance, total organic carbon, and total organic halogen.

(Source: Amended at 47 Ill. Reg. 7631, effective May 16, 2023)

Section 616.209 Preventive Notification and Preventive Response

- a) Preventive notification is required for each well in which:
 - 1) A MAR is exceeded (except for pH); or
 - 2) There is a detection of any contaminant:
 - A) Required to be monitored under Section 616.207(a);
 - B) Listed under 35 Ill. Adm. Code 620.310(a)(3)(A) (except due to natural causes and except for pH);
 - C) Denoted as a carcinogen under 35 Ill. Adm. Code 620.410(b); or
 - D) Subject to a standard under 35 Ill. Adm. Code 620.430 (except due to natural causes).

- b) Whenever preventive notification is required under subsection (a), the owner or operator of the unit must confirm the detection by resampling the monitoring well or wells. This resampling must be analyzed for each parameter found to be present in the first sample and be performed within 30 days after the date on which the first sample analyses are received. The owner or operator must provide preventive notification of the results of the resampling analyses within 30 days after the date on which those analyses are received, but no later than 90 days after the results of the first sample are received.
- c) If preventive notification is provided under subsection (b) by the owner or operator and the applicable standard has not been exceeded, the Agency must determine whether the levels for each parameter as set forth in 35 Ill. Adm. Code 620.310(a)(3)(A) are exceeded. If an exceedance is determined, the Agency must notify the owner or operator in writing regarding the finding.
- d) Within 60 days after receiving a notification from the Agency of its finding that an exceedance has occurred, the owner or operator must submit to the Agency a report that includes the degree and extent of contamination and the measures that are being taken to minimize or eliminate the contamination, in compliance with a prescribed schedule. The owner or operator may also provide a demonstration that:
 - 1) The contamination is the result of contaminants remaining in groundwater from a prior release for which appropriate action was taken in compliance with the laws and regulations in existence at the time of the release;
 - 2) The source of contamination is not due to the on-site release of contaminants; or
 - 3) The detection resulted from error in sampling analysis or evaluation.
- e) Based upon the report in subsection (d) as well as any other relevant information available to the Agency, the Agency must provide a written response to the owner or operator that specifies either:
 - 1) Concurrence with the preventive response being undertaken; or
 - 2) Non-concurrence with the preventive response being undertaken and a description of the inadequacies of such action.

- f) An owner or operator who receives a written response of concurrence under subsection (e) must provide periodic program reports to the Agency regarding the implementation of the preventive response.
- g) An owner or operator who receives a written response of non-concurrence under subsection (e) must, within 30 days after receiving the response, correct the inadequacies and resubmit the report to the Agency or request a conference with the Agency. Within 30 days after receiving a written request for conference, the Agency must schedule and hold the conference. Following the conference, the Agency must provide the owner or operator with a final determination regarding the adequacy of the preventive response.
- h) An owner or operator is responsible for implementing adequate preventive response as determined under this Section.
- i) After completion of preventive response, the concentration of a contaminant listed in 35 Ill. Adm. Code 620.310(a)(3)(A) in groundwater may exceed 50 percent of the applicable numerical standard in 35 Ill. Adm. Code 620.Subpart D only if the following conditions are met:
 - 1) The exceedance has been minimized to the extent practicable;
 - 2) Beneficial use, as appropriate for the class of groundwater, has been assured; and
 - 3) Any threat to public health or the environment has been minimized.
- j) Nothing in this Section limits the authority of the State or the United States to require or perform any corrective action process.

(Source: Amended at 47 Ill. Reg. 7631, effective May 16, 2023)

Section 616.210 Corrective Action Program

Whenever any applicable groundwater standard under 35 Ill. Adm. Code 620.Subpart D is exceeded, an owner or operator must undertake the following corrective action:

- a) Notify the Agency of the need to undertake a corrective action program when submitting the groundwater monitoring results required under Section 616.206. The notification must indicate in which wells and for which parameters a groundwater standard was exceeded.
- b) Continue to sample and analyze according to Section 616.208(a), except that:

- 1) For a unit subject to Subpart I for the storage and handling of pesticides, samples must be collected quarterly until no measured values above the groundwater standard have been recorded for any parameter for two consecutive quarters.
 - 2) For a unit subject to Subpart J for the storage and handling of fertilizers, samples must be collected quarterly for the parameters specified in Section 616.207(a)(3) that are stored or handled at the unit until no measured values above the groundwater standard have been recorded for two consecutive quarters.
- c) If sample values above any groundwater standard are confirmed under Section 616.209(b), the owner or operator must:
- 1) Submit to the Agency an engineering feasibility plan for a corrective action program designed to achieve the requirements of subsections (e) through (i).
 - A) The feasibility plan must be submitted to the Agency within 180 days after the date of the sample in which a groundwater standard was initially exceeded.
 - B) The requirement under subsection (c) is waived if no groundwater standard is exceeded in any sample taken under subsection (b) for two consecutive quarters.
- d) Except as provided in subsection (c)(1)(B), the Agency must provide a written response to the owner or operator based upon the engineering feasibility plan and any other relevant information that specifies either:
- 1) Concurrence with the feasibility plan for corrective action; or
 - 2) Non-concurrence with the feasibility plan for corrective action and a description of the inadequacies of the plan.
- e) An owner or operator who receives a written response of concurrence under subsection (d) must provide periodic progress reports to the Agency regarding implementation of the corrective action.
- f) An owner or operator who receives a written response of non-concurrence under subsection (d) must, within 30 days after receiving the response, correct the inadequacies and resubmit the report to the Agency or request a conference with the Agency. Within 30 days after receiving a written request for a conference, the Agency must schedule and hold the conference. Following the conference, the Agency must provide the

owner or operator with a final determination regarding the adequacy of the corrective action.

- g) An owner or operator is responsible for implementing adequate corrective action as determined under this Section.
- h) Except as provided in subsection (c)(1)(B), the owner or operator must:
 - 1) Begin the corrective action program specified in the engineering feasibility plan by the date of receipt of concurrence from the Agency.
 - 2) Establish and implement a groundwater monitoring program to demonstrate the effectiveness of the corrective action program.
 - 3) Take corrective action that results in compliance with the groundwater standards:
 - A) At all compliance points; and
 - B) Beyond the unit boundary, if necessary to protect human health and the environment, unless the owner or operator demonstrates to the Agency that, despite the owner's or operator's best efforts, the owner or operator was unable to obtain the necessary permission to undertake such action. The owner or operator is not relieved of any responsibility to clean up a release that has migrated beyond the unit boundary where off-site access is denied.
 - 4) Continue corrective action measures to the extent necessary to ensure that no groundwater standard is exceeded at the compliance point or points.
 - 5) The owner or operator may terminate corrective action measures taken beyond the compliance period as identified in Section 616.202 if the owner or operator can demonstrate, based on data from the post-closure groundwater monitoring program under subsection (h)(2), that no groundwater standard has been exceeded for three consecutive years.
 - 6) Report in writing to the Agency on the effectiveness of the corrective action program. The owner or operator must submit these reports semi-annually.
 - 7) If the owner or operator determines that the corrective action program no longer satisfies the requirements of this Section, the

owner or operator must, within 90 days, make any appropriate changes to the program.

- i) Subsections (b), (c), and (f) do not apply if the owner or operator makes an alternative corrective action demonstration under Section 616.211.

(Source: Amended at 47 Ill. Reg. 7631, effective May 16, 2023)

Section 616.211 Alternative Corrective Action Demonstration

If a corrective action program is required under Section 616.210, it is presumed that contamination from the facility or unit that is being monitored is responsible for the groundwater standard being exceeded. An owner or operator may overcome that presumption by making a demonstration that a source other than the facility or unit that is being monitored caused the groundwater standard to be exceeded, or that the cause of the groundwater standard being exceeded is due to error in sampling, analysis or evaluation.

- a) In making the demonstration, the owner or operator must:
 - 1) Notify the Agency that the owner or operator intends to make a demonstration under this Section when submitting the groundwater monitoring results under Section 616.206; and
 - 2) Submit a report to the Agency that demonstrates that a source other than a facility or unit owned or operated by the owner or operator caused the groundwater standard to be exceeded, or that the groundwater standard was exceeded due to an error in sampling, analysis or evaluation. This report must be included with the next submission of groundwater monitoring results required under Section 616.206.
- b) The Agency must provide a written response to the owner or operator, based upon the written demonstration and any other relevant information, that specifies either:
 - 1) Concurrence with the written demonstration for alternative corrective action with requirements to continue to monitor in compliance with the groundwater monitoring program established under Sections 616.205 and 616.210; or
 - 2) Non-concurrence with the written demonstration for alternative corrective action and a description of the inadequacies of such demonstration.
- c) An owner or operator who receives a written response of non-concurrence under subsection (b) must, within 30 days after receiving the response,

respond to the Agency in writing or request a conference with the Agency. Within 30 days after receiving a written request for a conference, the Agency must schedule and hold the conference. Following the conference, the Agency must provide the owner or operator with a final determination regarding the adequacy of the alternative corrective action.

- d) The owner or operator must begin the corrective action program in compliance with the requirements of Section 616.210.

(Source: Amended at 47 Ill. Reg. 7631, effective May 16, 2023)

SUBPART C: GENERAL CLOSURE AND POST-CLOSURE REQUIREMENTS

Section 616.301 Applicability

This Subpart applies to:

- a) Land treatment units subject to Subpart E;
- b) Surface impoundments subject to Subpart F;
- c) Pesticide storage and handling units subject to Subpart I; and
- d) Fertilizer storage and handling units subject to Subpart J.

Section 616.302 Closure Performance Standard

The owner or operator must close the unit in a manner that:

- a) Controls, minimizes, or eliminates, to the extent necessary to protect human health and the environment, post-closure escape of waste, waste constituents, leachate, contaminated runoff, or waste decomposition products to soils, groundwaters, surface waters, or the atmosphere;
- b) Minimizes the need for maintenance during and beyond the post-closure care period; and
- c) Complies with the closure requirements of 35 Ill. Adm. Code: Subtitles C and G.

(Source: Amended at 47 Ill. Reg. 7631, effective May 16, 2023)

Section 616.303 Certification of Closure

Within 60 days after the closure of each unit is completed, the owner or operator must submit to the Agency, by registered or certified mail, a certification that the unit has been

closed in compliance with the closure requirements. The certification must be signed by the owner or operator and by an independent registered professional engineer. Documentation supporting the independent registered professional engineer's certification must be furnished to the Agency upon request.

(Source: Amended at 47 Ill. Reg. 7631, effective May 16, 2023)

Section 616.304 Survey Plat

- a) Before the submission of the certification of closure of each unit, the owner or operator must record with land titles and submit to the Agency and any local zoning authority or authority with jurisdiction over local land use a survey plat indicating the location and dimensions of any waste disposal units, and any pesticide or fertilizer storage and handling units, with respect to permanently surveyed benchmarks. This plat must be prepared and certified by a registered land surveyor.
- b) For pesticide storage and handling units or fertilizer storage and handling units, records or reports required under any other State or federal regulatory program and which contain the information required under subsection (a) may be used to satisfy that reporting requirement.

(Source: Amended at 47 Ill. Reg. 7631, effective May 16, 2023)

Section 616.305 Post-Closure Notice for Waste Disposal Units

Within 60 days after certification of closure of the unit, the owner or operator of a unit subject to Subpart D, E, or F must submit to the Agency, the County Recorder, and any local zoning authority, or authority with jurisdiction over local land use a record of the type, location and quantity of wastes disposed of within each cell or other area of the unit.

(Source: Amended at 47 Ill. Reg. 7631, effective May 16, 2023)

Section 616.306 Certification of Completion of Post-Closure Care

Within 60 days after completion of the established post-closure care period, the owner or operator must submit to the Agency, by registered or certified mail, a certification that the post-closure care period for the unit was performed in compliance with the specifications in the approved post-closure plan. The certification must be signed by the owner or operator and an independent registered professional engineer. Documentation supporting the independent registered professional engineer's certification must be furnished to the Agency upon request.

(Source: Amended at 47 Ill. Reg. 7631, effective May 16, 2023)

Section 616.307 Post-Closure Care Period

The post-closure care period is as defined at Section 616.202.

SUBPART D: ON-SITE LANDFILLS

Section 616.401 Applicability

This Subpart applies to new landfill units which are located wholly or partially within a setback zone or regulated recharge area and that contain special waste or other waste generated on-site, except that this Subpart does not apply to any new landfill unit that:

- a) Contains solely one or more of the following: hazardous waste, livestock waste, landscape waste, or construction and demolition debris; or
- b) Is exempt from this Part under Section 616.105.

(Source: Amended at 47 Ill. Reg. 7631, effective May 16, 2023)

Section 616.402 Prohibitions

- a) Under Sections 14.2(a), 14.2(c), and 14.3(e) of the Act, a person must not cause or allow the construction or operation of any landfill unit that is:
 - 1) Located wholly or partially within a minimum setback zone and that is either a new potential primary source or a new potential secondary source, except as specified in Sections 616.104; or
 - 2) Located wholly or partially within a maximum setback zone and that is a new potential primary source, except as specified in Section 616.104.
- b) A person must not cause or allow the disposal of special waste in a new on-site landfill unit within a regulated recharge area if the distance from the wellhead of the community water supply well to the landfill unit is 2500 feet or less, except as provided in Section 616.105.

(Source: Amended at 47 Ill. Reg. 7631, effective May 16, 2023)

SUBPART E: ON-SITE LAND TREATMENT UNITS

Section 616.421 Applicability

This Subpart applies to new land treatment units that are located wholly or partially within a setback zone or regulated recharge area and that treat or dispose of special waste

or other waste generated on-site, except that this Subpart does not apply to any new land treatment unit that:

- a) Contains solely one or more of the following: hazardous waste, livestock waste, landscape waste, or construction and demolition debris; or
- b) Is exempt from this Part under Section 616.105.

(Source: Amended at 47 Ill. Reg. 7631, effective May 16, 2023)

Section 616.422 Prohibitions

- a) Under Sections 14.2(a), 14.2(c), and 14.3(e) of the Act, a person must not cause or allow the construction or operation of any land treatment unit that is:
 - 1) Located wholly or partially within a minimum setback zone and that is either a new potential primary source or a new potential secondary source, except as specified in Sections 616.104; or
 - 2) Located wholly or partially within a maximum setback zone and that is a new potential primary source, except as specified in Section 616.104.
- b) Nothing in this Section prohibits, within a maximum setback zone regulated by the Act, land treatment of domestic wastewater or of sludge resulting from the treatment of water to produce potable water if the land treatment is conducted in compliance with the Act and 35 Ill. Adm. Code: Subtitle C.

(Source: Amended at 47 Ill. Reg. 7631, effective May 16, 2023)

Section 616.423 Groundwater Monitoring

The owner or operator must comply with the requirements of Subpart B.

(Source: Amended at 47 Ill. Reg. 7631, effective May 16, 2023)

Section 616.424 Design and Operating Requirements

The owner or operator must design and operate the land treatment site in compliance with 35 Ill. Adm. Code: Subtitle C and 35 Ill. Adm. Code: Subtitle G.

(Source: Amended at 47 Ill. Reg. 7631, effective May 16, 2023)

Section 616.425 Closure and Post-Closure Care

The owner or operator must comply with the requirements of Subpart C.

(Source: Amended at 47 Ill. Reg. 7631, effective May 16, 2023)

SUBPART F: ON-SITE SURFACE IMPOUNDMENTS

Section 616.441 Applicability

This Subpart applies to new surface impoundment units that are located wholly or partially within a setback zone or regulated recharge area and that contain special waste or other waste generated on-site, except that this Subpart does not apply to any new surface impoundment unit that:

- a) Contains solely one or more of the following: hazardous waste, livestock waste, landscape waste, or construction and demolition debris; or
- b) Is exempt from this Part under Section 616.105.

(Source: Amended at 47 Ill. Reg. 7631, effective May 16, 2023)

Section 616.442 Prohibitions

Under Sections 14.2(a), 14.2(c), and 14.3(e) of the Act, a person must not cause or allow the construction or operation of any surface impoundment unit that is:

- a) Located wholly or partially within a minimum setback zone and that is either a new potential primary source or a new potential secondary source, except as specified in Sections 616.104; or
- b) Located wholly or partially within a maximum setback zone and that is a new potential primary source, except as specified in Section 616.104.

(Source: Amended at 47 Ill. Reg. 7631, effective May 16, 2023)

Section 616.443 Groundwater Monitoring

The owner or operator must comply with the requirements of Subpart B.

(Source: Amended at 47 Ill. Reg. 7631, effective May 16, 2023)

Section 616.444 Design Requirements

- a) The owner or operator of a surface impoundment must install two or more liners and a leachate collection system between the liners. This requirement to install two or more liners may be satisfied by installing a

top liner designed, operated, and constructed of materials to prevent the migration of any constituent into the liner during the period the facility remains in operation (including any post-closure monitoring period), and a lower liner designed, operated, and constructed of materials to prevent the migration of any constituent through the liner during that period. For the preceding sentence, a lower liner satisfies the construction requirement if it is constructed of at least a 5-foot thick layer of recompacted clay or other natural material with a permeability of no more than $1 \times 10^{(-7)}$ centimeter per second.

- b) A surface impoundment must be designed, constructed, maintained, and operated to prevent overtopping resulting from normal or abnormal operations; overfilling; wind and wave action; rainfall; run-on; malfunctions of level controllers, alarms, and other equipment; and human error.
- c) A surface impoundment must have dikes that are designed, constructed, and maintained with sufficient structural integrity to prevent massive failure of the dikes. In ensuring structural integrity, it must not be presumed that the liner system will function without leakage during the active life of the surface impoundment.
- d) The owner or operator must maintain the following items:
 - 1) Records describing the contents of the impoundment; and
 - 2) A map showing the exact location and dimensions of the impoundment, including depth with respect to permanently surveyed benchmarks.

(Source: Amended at 47 Ill. Reg. 7631, effective May 16, 2023)

Section 616.445 Inspection Requirements

- a) During construction and installation, liners must be inspected for uniformity, damage, and imperfections (e.g., holes, cracks, thin spots, or foreign materials). Immediately after construction or installation:
 - 1) Synthetic liners and covers must be inspected to ensure tight seams and joints and the absence of tears, punctures, and blisters; and
 - 2) Soil-based and admixed liners and covers must be inspected for imperfections including lenses, cracks, channels, root holes, or other structural non-uniformities that may cause an increase in the permeability of that liner or cover.

- b) During operation, a surface impoundment must be inspected weekly and after storms to detect evidence of any of the following:
 - 1) Deterioration, malfunctions, or improper operation of overtopping control systems;
 - 2) Sudden drops in the level of the impoundment's contents;
 - 3) Severe erosion or other signs of deterioration in dikes or other containment devices; or
 - 4) A leaking dike.

(Source: Amended at 47 Ill. Reg. 7631, effective May 16, 2023)

Section 616.446 Operating Requirements

- a) A person must not cause or allow incompatible materials to be placed in the same surface impoundment unit.
- b) A surface impoundment unit must be removed from service in compliance with subsection (c) when:
 - 1) The level of liquids in the unit suddenly drops and the drop is not known to be caused by changes in the flows into or out of the unit; or
 - 2) The dike leaks.
- c) When a surface impoundment unit is removed from service as required by subsection (b), the owner or operator must:
 - 1) Shut off the flow or stop the addition of wastes into the impoundment unit;
 - 2) Contain any surface leakage that has occurred or is occurring;
 - 3) Stop the leak;
 - 4) Take any other necessary steps to stop or prevent catastrophic failure;
 - 5) If a leak cannot be stopped by any other means, empty the impoundment unit; and

- 6) Notify the Agency of the removal from service and corrective actions that were taken within 10 days after the removal from service.
- d) A surface impoundment unit that has been removed from service in compliance with the requirements of this Section may be restored to service only if the portion of the unit that failed has been repaired.
- e) A surface impoundment unit that has been removed from service in compliance with the requirements of this Section and that is not being repaired must be closed in compliance with the provisions of Section 616.447.

(Source: Amended at 47 Ill. Reg. 7631, effective May 16, 2023)

Section 616.447 Closure and Post-Closure Care

- a) If closure is to be by removal, the owner or operator must remove all waste, all waste residues, contaminated containment system components (e.g., liners), contaminated subsoils and structures and equipment contaminated with waste and leachate; and, if disposed of in the State of Illinois, dispose of them at a disposal site permitted by the Agency under the Act.
- b) If closure is not to be by removal, the owner or operator must comply with the requirements of Subpart C and must:
 - 1) Eliminate free liquids by removing liquid wastes or solidifying the remaining wastes and waste residues.
 - 2) Stabilize remaining wastes to a bearing capacity sufficient to support final cover.
 - 3) Cover the surface impoundment unit with a final cover designed and constructed to:
 - A) Provide long-term minimization of the migration of liquids through the closed impoundment unit;
 - B) Function with minimum maintenance;
 - C) Promote drainage and minimize erosion or abrasion of the final cover;
 - D) Accommodate settling and subsidence so that the cover's integrity is maintained; and

- E) Have a permeability less than or equal to the permeability of any bottom liner system.
- c) If some waste residues or contaminated materials are left in place at final closure, the owner or operator must comply with the requirements of Subpart C for five years after closure and must:
 - 1) Maintain the integrity and effectiveness of the final cover, including making repairs to the cap as necessary to correct the effects of settling, subsidence, erosion, or other events;
 - 2) Maintain and monitor the groundwater monitoring system; and
 - 3) Prevent run-on and run-off from eroding or otherwise damaging the final cover.

(Source: Amended at 47 Ill. Reg. 7631, effective May 16, 2023)

SUBPART G: ON-SITE WASTE PILES

Section 616.461 Applicability

This Subpart applies to new waste piles that are located wholly or partially within a setback zone or regulated recharge area and that contain special waste or other waste generated on-site, except that this Subpart does not apply to any new waste pile that:

- a) Contains solely one or more of the following: hazardous waste, livestock waste, landscape waste, or construction and demolition debris; or
- b) Consists of sludge resulting from the treatment of domestic wastewater from a POTW and the sludge pile is situated on an underdrained pavement and operated in compliance with the Act, 35 Ill. Adm. Code: Subtitle C and 35 Ill. Adm. Code: Subtitle G; or
- c) Is exempt from this Part under Section 616.105.

(Source: Amended at 47 Ill. Reg. 7631, effective May 16, 2023)

Section 616.462 Prohibitions

- a) Under Sections 14.2(a), 14.2(c), and 14.3(e) of the Act, a person must not cause or allow the construction or operation of any waste pile that is:

- 1) Located wholly or partially within a minimum setback zone and that is either a new potential primary source or a new potential secondary source, except as specified in Sections 616.104; or
 - 2) Located wholly or partially within a maximum setback zone and that is a new potential primary source, except as specified in Section 616.104.
- b) A person must not cause or allow the disposal of special waste in a new waste pile within a regulated recharge area if the distance from the wellhead of the community water supply well to the waste pile is 2500 feet or less, except as provided in Section 616.105.
- c) Nothing in this Section prohibits a waste pile, within a maximum setback zone regulated by the Act, of sludge resulting from the treatment of domestic wastewater or of sludge resulting from the treatment of water to produce potable water, if such activities are conducted in compliance with the Act, 35 Ill. Adm. Code: Subtitle C, Subtitle F, and Subtitle G.

(Source: Amended at 47 Ill. Reg. 7631, effective May 16, 2023)

Section 616.463 Design and Operating Requirements

- a) A person must not cause or allow:
- 1) Disposal or storage in the waste pile of liquids or materials containing free liquids; or
 - 2) Migration and runoff of leachate into adjacent soil, surface water, or groundwater.
- b) A waste pile must comply with the following standards:
- 1) The waste pile must be under an impermeable membrane or cover that provides protection from precipitation;
 - 2) The waste pile must be protected from surface water run-on; and
 - 3) The waste pile must be designed and operated to control wind dispersal of waste by a means other than wetting.

(Source: Amended at 47 Ill. Reg. 7631, effective May 16, 2023)

Section 616.464 Closure

The owner or operator must complete closure by removing and disposing of all wastes and containment system components (e.g., liners). If disposed of in the State of Illinois, the waste and containment system components must be disposed of at a disposal site permitted by the Agency under the Act.

(Source: Amended at 47 Ill. Reg. 7631, effective May 16, 2023)

SUBPART H: UNDERGROUND STORAGE TANKS

Section 616.501 Applicability

This Subpart applies to new underground storage tanks that are located wholly or partially within a setback zone or regulated recharge area and that contain special waste, except that this Subpart does not apply to any new underground storage tank that:

- a) Under 35 Ill. Adm. Code 731.110(a) must meet the requirements in 35 Ill. Adm. Code 731, unless such a tank is excluded from those requirements under 35 Ill. Adm. Code 731.110(b);
- b) Has interim status or a RCRA permit under 35 Ill. Adm. Code: Subtitle G;
or
- c) Is exempt from this Part under Section 616.105.

(Source: Amended at 47 Ill. Reg. 7631, effective May 16, 2023)

Section 616.502 Design and Operating Requirements

Owners and operators of new underground storage tanks that store special waste must meet the requirements in 35 Ill. Adm. Code 731. These requirements must be met even if the tanks are excluded from coverage under 35 Ill. Adm. Code 731.110(b). The exclusions in 35 Ill. Adm. Code 731.110(b) do not apply to any underground storage tank that stores special waste.

(Source: Amended at 47 Ill. Reg. 7631, effective May 16, 2023)

SUBPART I: PESTICIDE STORAGE AND HANDLING UNITS

Section 616.601 Applicability

- a) This Subpart applies to any new unit for the storage and handling of pesticides that is located wholly or partially within a setback zone or regulated recharge area and that:
 - 1) Is operated for commercial application; or

- 2) Stores or accumulates pesticides prior to distribution to retail sales outlets, including a unit that is a warehouse or bulk terminal.
- b) Despite subsections (a)(1) and (a)(2), this Subpart does not apply to any unit exempt under Section 616.105.

(Source: Amended at 47 Ill. Reg. 7631, effective May 16, 2023)

Section 616.602 Prohibitions

Under Sections 14.2(a), 14.2(c), and 14.3(e) of the Act, a person must not cause or allow the construction or operation of any unit for the storage and handling of pesticides that is:

- a) Located wholly or partially within a minimum setback zone and that is either a new potential primary source or a new potential secondary source, except as specified in Section 616.104(a) and (b); or
- b) Located wholly or partially within a maximum setback zone and that is a new potential primary source, except as specified in Section 616.104(b).

(Source: Amended at 47 Ill. Reg. 7631, effective May 16, 2023)

Section 616.603 Groundwater Monitoring

The owner or operator must comply with the requirements of Subpart B.

(Source: Amended at 47 Ill. Reg. 7631, effective May 16, 2023)

Section 616.604 Design and Operating Requirements

The owner or operator must:

- a) Maintain a written record inventorying all pesticides stored or handled at the unit.
- b) At least weekly when pesticides are being stored, inspect storage containers, tanks, vents, valves, and appurtenances for leaks or deterioration caused by corrosion or other factors. If a leak or deterioration is found in any of these devices, the owner or operator must immediately repair or replace the device. The owner or operator must maintain a written record of all inspections conducted under this Section and of all maintenance relating to leaks and deterioration of these devices.
- c) Store all containers containing pesticides within a pesticide secondary containment structure, if containers are stored outside of a roofed structure

or enclosed warehouse. For this subsection, a pesticide secondary containment structure is a structure that complies with the design standards in 8 Ill. Adm. Code 255.

- d) Maintain all written records required under this Section at the site. The owner or operator must provide the written records to the Agency upon request.

(Board Note: Owners or operators of facilities or units subject to this Part may also be subject to regulations under 8 Ill. Adm. Code 255.)

(Source: Amended at 47 Ill. Reg. 7631, effective May 16, 2023)

Section 616.605 Closure and Post-Closure Care

The owner or operator must comply with the requirements of Subpart C.

(Source: Amended at 47 Ill. Reg. 7631, effective May 16, 2023)

SUBPART J: FERTILIZER STORAGE AND HANDLING UNITS

Section 616.621 Applicability

This Subpart applies to any new unit for the storage and handling of fertilizers that is located wholly or partially within a setback zone or regulated recharge area and that:

- a) Is operated for commercial application; or
- b) Stores or accumulates fertilizers prior to distribution to retail sales outlets, including a unit that is a warehouse or bulk terminal.
- c) Despite subsections (a) and (b), this Subpart does not apply to any unit exempt under Section 616.105.

(Source: Amended at 47 Ill. Reg. 7631, effective May 16, 2023)

Section 616.622 Prohibitions

Under Sections 14.2(a), 14.2(c), and 14.3(e) of the Act, a person must not cause or allow the construction or operation of any unit for the storage and handling of fertilizers that is:

- a) Located wholly or partially within a minimum setback zone and that is either a new potential primary source or a new potential secondary source, except as specified in Sections 616.104; or

- b) Located wholly or partially within a maximum setback zone and that is a new potential primary source, except as specified in Section 616.104.

(Source: Amended at 47 Ill. Reg. 7631, effective May 16, 2023)

Section 616.623 Groundwater Monitoring

The owner or operator must comply with the requirements of Subpart B.

(Source: Amended at 47 Ill. Reg. 7631, effective May 16, 2023)

Section 616.624 Design and Operating Requirements

The owner or operator must:

- a) Maintain a written record inventorying all fertilizers stored or handled at the unit.
- b) At least weekly when fertilizers are being stored, inspect storage containers, tanks, vents, valves, and appurtenances for leaks or deterioration caused by corrosion or other factors. If a leak or deterioration is found in any of these devices, the owner or operator must immediately repair or replace the device. The owner or operator must maintain a written record of all inspections conducted under this Section and of all maintenance relating to leaks and deterioration of these devices.
- c) Store all containers containing fertilizers (except anhydrous ammonia) within a fertilizer secondary containment structure, if the containers are stored outside of a roofed structure or enclosed warehouse. For this subsection, a fertilizer secondary containment structure is a structure that complies with the design standards in 8 Ill. Adm. Code 255.
- d) Maintain all written records required under this Section at the site. The owner or operator must provide the written records to the Agency upon request.

(Board Note: Owners or operators of facilities or units subject to this Part may also be subject to regulations under 8 Ill. Adm. Code 255.)

(Source: Amended at 47 Ill. Reg. 7631, effective May 16, 2023)

Section 616.625 Closure and Post-Closure Care

The owner or operator must comply with the requirements of Subpart C.

(Source: Amended at 47 Ill. Reg. 7631, effective May 16, 2023)

SUBPART K: ROAD OIL STORAGE AND HANDLING UNITS

Section 616.701 Applicability

This Subpart applies to any new unit for the storage and related handling of road oils that is located wholly or partially within a setback zone or regulated recharge area and at which greater than 25,000 gallons of road oils are stored or accumulated at any one time, except as otherwise provided in Section 616.105.

Section 616.702 Prohibitions

Pursuant to Sections 14.2(a), 14.2(c) and 14.3(e) of the Act, no person shall cause or allow the construction or operation of any unit for the storage and handling of road oils that is:

- a) Located wholly or partially within a minimum setback zone and that is either a new potential primary source or a new potential secondary source, except as specified in Sections 616.104(a) and (b); or
- b) Located wholly or partially within a maximum setback zone and that is a new potential primary source, except as specified in Section 616.104(b).

Section 616.703 Groundwater Monitoring

The owner or operator shall comply with the requirements of Subpart B.

Section 616.704 Design and Operating Requirements for Above-Ground Storage Tanks

- a) The owner or operator of a tank shall not cause or allow:
 - 1) Materials to be placed in a tank if such materials could cause the tank to rupture, leak, corrode, or otherwise fail.
 - 2) Uncovered tanks to be placed or operated so as to maintain less than 60 centimeters (2 feet) of freeboard unless:
 - A) The tank is equipped with a containment structure (e.g., dike or trench), a drainage control system, or a diversion structure (e.g., standby tank); and
 - B) Such containment structure, drainage control system, or diversion structure has a capacity that equals or exceeds the volume of the top 60 centimeters (2 feet) of the tank.

- 3) Material to be continuously fed into a tank, unless the tank is equipped with a means to stop this inflow (e.g., a feed cutoff system or a bypass system to a standby tank).
 - 4) Incompatible materials to be placed in the same tank.
 - 5) Material to be placed in a tank that previously held an incompatible material unless the incompatible material has been washed from the tank.
 - 6) Ignitable or reactive material to be placed in a tank unless:
 - A) The material is stored or treated in such a way that it is protected from any material or conditions that may cause it to ignite or react; or
 - B) The tank is used solely for emergencies.
- b) The owner or operator shall provide and maintain primary containment for the tank such that:
- 1) The tank has a minimum shell thickness that ensures that the tank will not fail (i.e., collapse, rupture, etc.).
 - 2) The tank is compatible with the material to be placed in the tank or the tank is lined with a substance that is compatible with the material to be placed in the tank.
- c) The owner or operator shall provide and maintain secondary containment for the tank that:
- 1) Is capable of containing the volume of the largest tank or 10% of the total volume for all tanks, whichever is greater;
 - 2) Is constructed of material capable of containing a spill until cleanup occurs (e.g., concrete or clay). The base of the secondary containment area must be capable of minimizing vertical migration of a spill until cleanup occurs (e.g., concrete or clay);
 - 3) Has cover (e.g., crushed rock or vegetative growth) on earthen embankments sufficient to prevent erosion; and
 - 4) Isolates the tank from storm water drains and from combined storm water drains and sanitary sewer drains.

- d) If incompatible materials are handled at the site, secondary containment sufficient to isolate the units containing the incompatible materials must be provided.
- e) The owner or operator of a tank shall also:
 - 1) Test above-ground tanks and associated piping every five years for structural integrity.
 - 2) Remove uncontaminated storm water run off from the secondary containment area immediately after a precipitation event.
 - 3) Handle contaminated storm water run off in accordance with 35 Ill. Adm. Code 302.Subpart A.
 - 4) Provide a method for obtaining a sample from each tank.
 - 5) Install, maintain, and operate a material level indicator on each tank.
 - 6) When not in use, lock all gauges and valves that are used to inspect levels in the tank. All such devices must be located within the containment structure.

Section 616.705 Closure

- a) At closure, all materials must be removed from containers, tanks, discharge control equipment, and discharge confinement structures.
- b) All materials that are to be disposed of in the State of Illinois must be disposed of at a disposal site permitted by the Agency under the Act.

SUBPART L: DE-ICING AGENT STORAGE AND HANDLING UNITS

Section 616.721 Applicability

This Subpart applies to any new facility for the storage and related handling of de-icing agents that is located wholly or partially within a setback zone and at which more than 50,000 pounds of de-icing agent are stored or accumulated at any one time, except as otherwise provided in Section 616.105. For the purpose of this Subpart:

- a) An indoor storage unit means a storage unit with a roof capable of protecting the de-icing agents from wind and precipitation;
- b) An outdoor storage unit means a unit for the storage of de-icing agents that is not an indoor storage unit.

Section 616.702 Prohibitions

Under Sections 14.2(a), 14.2(c), and 14.3(e) of the Act, a person must not cause or allow the construction or operation of any unit for the storage and handling of road oils that is:

- a) Located wholly or partially within a minimum setback zone and that is either a new potential primary source or a new potential secondary source, except as specified in Sections 616.104; or
- b) Located wholly or partially within a maximum setback zone and that is a new potential primary source, except as specified in Section 616.104.

(Source: Amended at 47 Ill. Reg. 7631, effective May 16, 2023)

Section 616.703 Groundwater Monitoring

The owner or operator must comply with the requirements of Subpart B.

(Source: Amended at 47 Ill. Reg. 7631, effective May 16, 2023)

Section 616.704 Design and Operating Requirements for Above-Ground Storage Tanks

- a) The owner or operator of a tank must not cause or allow:
 - 1) Materials to be placed in a tank if such materials could cause the tank to rupture, leak, corrode, or otherwise fail.
 - 2) Uncovered tanks to be placed or operated so as to maintain less than 60 centimeters (2 feet) of freeboard unless:
 - A) The tank is equipped with a containment structure (e.g., dike or trench), a drainage control system, or a diversion structure (e.g., standby tank); and
 - B) The containment structure, drainage control system, or diversion structure has a capacity that equals or exceeds the volume of the top 60 centimeters (2 feet) of the tank.
 - 3) Material to be continuously fed into a tank, unless the tank is equipped with a means to stop this inflow (e.g., a feed cutoff system or a bypass system to a standby tank).
 - 4) Incompatible materials to be placed in the same tank.

- 5) Material to be placed in a tank that previously held an incompatible material unless the incompatible material has been washed from the tank.
- 6) Ignitable or reactive material to be placed in a tank unless:
 - A) The material is stored or treated in such a way that it is protected from any material or conditions that may cause it to ignite or react; or
 - B) The tank is used solely for emergencies.
- b) The owner or operator must provide and maintain primary containment for the tank such that:
 - 1) The tank has a minimum shell thickness that ensures that the tank will not fail (e.g., collapse, rupture).
 - 2) The tank is compatible with the material to be placed in the tank or the tank is lined with a substance that is compatible with the material to be placed in the tank.
- c) The owner or operator must provide and maintain secondary containment for the tank that:
 - 1) Is capable of containing the volume of the largest tank or 10% of the total volume for all tanks, whichever is greater;
 - 2) Is constructed of material capable of containing a spill until cleanup occurs (e.g., concrete or clay). The base of the secondary containment area must be capable of minimizing vertical migration of a spill until cleanup occurs (e.g., concrete or clay);
 - 3) Has cover (e.g., crushed rock or vegetative growth) on earthen embankments sufficient to prevent erosion; and
 - 4) Isolates the tank from storm water drains and from combined storm water drains and sanitary sewer drains.
- d) If incompatible materials are handled at the site, secondary containment sufficient to isolate the units containing the incompatible materials must be provided.
- e) The owner or operator of a tank must also:

- 1) Test above-ground tanks and associated piping every five years for structural integrity.
- 2) Remove uncontaminated storm water runoff from the secondary containment area immediately after a precipitation event.
- 3) Handle contaminated storm water runoff in compliance with 35 Ill. Adm. Code 302.Subpart A.
- 4) Provide a method for obtaining a sample from each tank.
- 5) Install, maintain, and operate a material level indicator on each tank.
- 6) When not in use, lock all gauges and valves that are used to inspect levels in the tank. All such devices must be located within the containment structure.

(Source: Amended at 47 Ill. Reg. 7631, effective May 16, 2023)

Section 616.725 Closure

- a) At closure, all de-icing agents must be removed from the site, discharge control equipment and discharge confinement structures.
- b) All de-icing agents that are to be disposed of in the State of Illinois must be disposed of at a disposal site permitted by the Agency under the Act.