

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

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SUBPART A: GENERAL

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 shall be the same as those

used in 35 Ill. Adm. Code 615.102, the Act, or the Illinois Groundwater Protection Act [415 ILCS 55].

~~"NEW POTENTIAL PRIMARY SOURCE" MEANS:~~

~~A POTENTIAL PRIMARY SOURCE WHICH IS NOT IN EXISTENCE OR FOR WHICH CONSTRUCTION HAS NOT COMMENCED AT ITS LOCATION AS OF JANUARY 1, 1988; OR~~

~~A POTENTIAL PRIMARY SOURCE WHICH EXPANDS Laterally BEYOND THE CURRENTLY PERMITTED BOUNDARY OR, IF THE PRIMARY SOURCE IS NOT PERMITTED, THE BOUNDARY IN EXISTENCE AS OF JANUARY 1, 1988; OR~~

~~A POTENTIAL PRIMARY SOURCE WHICH IS PART OF A FACILITY THAT UNDERGOES MAJOR RECONSTRUCTION. SUCH RECONSTRUCTION SHALL BE DEEMED TO HAVE TAKEN PLACE WHERE THE FIXED CAPITAL COST OF THE NEW COMPONENTS CONSTRUCTED WITHIN A 2 YEAR PERIOD EXCEED 50% OF THE FIXED CAPITAL COST OF A COMPARABLE ENTIRELY NEW FACILITY.~~

~~(Section 3.59 of the Act)~~

~~"NEW POTENTIAL ROUTE" MEANS:~~

~~A POTENTIAL ROUTE WHICH IS NOT IN EXISTENCE OR FOR WHICH CONSTRUCTION HAS NOT COMMENCED AT ITS LOCATION AS OF JANUARY 1, 1988; OR~~

~~A POTENTIAL ROUTE WHICH EXPANDS Laterally BEYOND THE CURRENTLY PERMITTED BOUNDARY OR, IF THE POTENTIAL ROUTE IS NOT PERMITTED, THE BOUNDARY IN EXISTENCE AS OF JANUARY 1, 1988.~~

~~(Section 3.58 of the Act)~~

~~"NEW POTENTIAL SECONDARY SOURCE" MEANS:~~

~~A POTENTIAL SECONDARY SOURCE WHICH IS NOT IN EXISTENCE OR FOR WHICH CONSTRUCTION HAS NOT COMMENCED AT ITS LOCATION AS OF JULY 1, 1988; OR~~

~~A POTENTIAL SECONDARY SOURCE WHICH EXPANDS
LATERALLY BEYOND THE CURRENTLY PERMITTED
BOUNDARY OR, IF THE SECONDARY SOURCE IS NOT
PERMITTED, THE BOUNDARY IN EXISTENCE AS OF JULY
1, 1988, OTHER THAN AN EXPANSION FOR HANDLING OF
LIVESTOCK WASTE OR FOR TREATING DOMESTIC
WASTEWATERS; OR~~

~~A POTENTIAL SECONDARY SOURCE WHICH IS PART OF
A FACILITY THAT UNDERGOES MAJOR
RECONSTRUCTION. SUCH RECONSTRUCTION SHALL BE
DEEMED TO HAVE TAKEN PLACE WHERE THE FIXED
CAPITAL COST OF THE NEW COMPONENTS
CONSTRUCTED WITHIN A 2 YEAR PERIOD EXCEED 50%
OF THE FIXED CAPITAL COST OF A COMPARABLE
ENTIRELY NEW FACILITY.~~

~~(Section 3.60 of the Act)~~

~~POTENTIAL PRIMARY SOURCE" MEANS ANY UNIT AT A
FACILITY OR SITE NOT CURRENTLY SUBJECT TO A REMOVAL
OR REMEDIAL ACTION WHICH:~~

~~IS UTILIZED FOR THE TREATMENT, STORAGE, OR
DISPOSAL OF ANY HAZARDOUS OR SPECIAL WASTE NOT
GENERATED AT THE SITE; OR~~

~~IS UTILIZED FOR THE DISPOSAL OF MUNICIPAL WASTE
NOT GENERATED AT THE SITE, OTHER THAN
LANDSCAPE WASTE AND CONSTRUCTION AND
DEMOLITION DEBRIS; OR~~

~~IS UTILIZED FOR THE LANDFILLING, LAND TREATING,
SURFACE IMPOUNDING OR PILING OF ANY HAZARDOUS
OR SPECIAL WASTE THAT IS GENERATED ON THE SITE
OR AT OTHER SITES OWNED, CONTROLLED OR
OPERATED BY THE SAME PERSON; OR~~

~~STORES OR ACCUMULATES AT ANY TIME MORE THAN
75,000 POUNDS ABOVE GROUND, OR MORE THAN 7,500
POUNDS BELOW GROUND, OF ANY HAZARDOUS
SUBSTANCES.~~

~~(Section 3.59 of the Act)~~

~~"POTENTIAL ROUTE" MEANS ABANDONED AND IMPROPERLY PLUGGED WELLS OF ALL KINDS, DRAINAGE WELLS, ALL INJECTION WELLS, INCLUDING CLOSED LOOP HEAT PUMP WELLS, AND ANY EXCAVATION FOR THE DISCOVERY, DEVELOPMENT OR PRODUCTION OF STONE, SAND OR GRAVEL. (Section 3.58 of the Act)~~

~~"POTENTIAL SECONDARY SOURCE" MEANS ANY UNIT AT A FACILITY OR A SITE NOT CURRENTLY SUBJECT TO A REMOVAL OR REMEDIAL ACTION, OTHER THAN A POTENTIAL PRIMARY SOURCE, WHICH:~~

~~IS UTILIZED FOR THE LANDFILLING, LAND TREATING, OR SURFACE IMPOUNDING OF WASTE THAT IS GENERATED ON THE SITE OR AT OTHER SITES OWNED, CONTROLLED OR OPERATED BY THE SAME PERSON, OTHER THAN LIVESTOCK AND LANDSCAPE WASTE, AND CONSTRUCTION AND DEMOLITION DEBRIS; OR~~

~~STORES OR ACCUMULATES AT ANY TIME MORE THAN 25,000 BUT NOT MORE THAN 75,000 POUNDS ABOVE GROUND, OR MORE THAN 2,500 BUT NOT MORE THAN 7,500 POUNDS BELOW GROUND, OF ANY HAZARDOUS SUBSTANCES; OR~~

~~STORES OR ACCUMULATES AT ANY TIME MORE THAN 25,000 GALLONS ABOVE GROUND, OR MORE THAN 500 GALLONS BELOW GROUND, OF PETROLEUM, INCLUDING CRUDE OIL OR ANY FRACTION THEREOF WHICH IS NOT OTHERWISE SPECIFICALLY LISTED OR DESIGNATED AS A HAZARDOUS SUBSTANCE; OR~~

~~STORES OR ACCUMULATES PESTICIDES, FERTILIZERS, OR ROAD OILS FOR PURPOSES OF COMMERCIAL APPLICATION OR FOR DISTRIBUTION TO RETAIL SALES OUTLETS; OR~~

~~STORES OR ACCUMULATES AT ANY TIME MORE THAN 50,000 POUNDS OF ANY DE-ICING AGENT; OR~~

~~IS UTILIZED FOR HANDLING LIVESTOCK WASTE OR FOR TREATING DOMESTIC WASTEWATERS OTHER THAN PRIVATE SEWAGE DISPOSAL SYSTEMS AS DEFINED IN THE PRIVATE SEWAGE DISPOSAL LICENSING ACT [225 ILCS 225]~~

(Section 3.60 of the Act)

(Source: Amended at __ Ill. Reg. _____, effective _____)

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).

- a) ~~THE OWNER OF A NEW POTENTIAL PRIMARY SOURCE OR A POTENTIAL SECONDARY SOURCE MAY SECURE A WAIVER FROM THE prohibitions specified in Sections 616.402(a), 616.422(a), 616.442, 616.462(a), 616.602, 616.622, 616.702 or 616.722(a) against construction or operation within the setback zone FOR A POTABLE WATER SUPPLY WELL OTHER THAN A COMMUNITY WATER SUPPLY. A WRITTEN REQUEST FOR A WAIVER SHALL BE MADE TO THE OWNER OF THE WATER WELL AND THE AGENCY. SUCH REQUEST SHALL IDENTIFY THE NEW OR PROPOSED POTENTIAL SOURCE, SHALL GENERALLY DESCRIBE THE POSSIBLE EFFECT OF SUCH POTENTIAL SOURCE UPON THE WATER WELL AND ANY APPLICABLE TECHNOLOGY-BASED CONTROL WHICH WILL BE UTILIZED TO MINIMIZE THE POTENTIAL FOR CONTAMINATION, AND SHALL STATE WHETHER, AND UNDER WHAT CONDITIONS, THE REQUESTOR WILL PROVIDE AN ALTERNATIVE POTABLE WATER SUPPLY. WAIVER MAY BE GRANTED BY THE OWNER OF THE WATER WELL NO LESS THAN 90 DAYS AFTER RECEIPT UNLESS PRIOR TO SUCH TIME THE AGENCY NOTIFIES THE WELL OWNER THAT IT DOES NOT CONCUR WITH THE REQUEST. (Section 14.2(b) of the Act)~~
- b) ~~THE AGENCY SHALL NOT CONCUR WITH ANY SUCH REQUEST WHICH FAILS TO ACCURATELY DESCRIBE REASONABLY FORESEEABLE EFFECTS OF THE POTENTIAL SOURCE OR POTENTIAL ROUTE UPON THE WATER WELL OR ANY APPLICABLE TECHNOLOGY BASED CONTROLS. SUCH NOTIFICATION BY THE AGENCY SHALL BE IN WRITING, AND SHALL INCLUDE A STATEMENT OF REASONS FOR THE NONCONCURRENCE. WAIVER OF THE MINIMUM SETBACK ZONE SHALL EXTINGUISH THE WATER WELL OWNER'S RIGHTS UNDER SECTION 6b OF THE ILLINOIS WATER WELL CONSTRUCTION CODE BUT SHALL NOT PRECLUDE ENFORCEMENT OF ANY LAW REGARDING WATER POLLUTION. IF THE OWNER OF THE WATER WELL HAS NOT GRANTED A~~

~~WAIVER WITHIN 120 DAYS AFTER RECEIPT OF THE REQUEST OR THE AGENCY HAS NOTIFIED THE OWNER THAT IT DOES NOT CONCUR WITH THE REQUEST, THE OWNER OF A POTENTIAL SOURCE OR POTENTIAL ROUTE MAY FILE A PETITION FOR AN EXCEPTION WITH THE BOARD AND THE AGENCY PURSUANT TO subsection (b) OF THIS SECTION. (Section 14.2(b) of the Act)~~

~~e) NO WAIVER UNDER THIS SECTION IS REQUIRED WHERE THE POTABLE WATER SUPPLY WELL IS PART OF A PRIVATE WATER SYSTEM AS DEFINED IN THE ILLINOIS GROUNDWATER PROTECTION ACT, AND THE OWNER OF SUCH WELL WILL ALSO BE THE OWNER OF A NEW POTENTIAL SECONDARY SOURCE OR A POTENTIAL ROUTE. IN SUCH INSTANCES, A PROHIBITION OF 75 FEET SHALL APPLY AND THE OWNER SHALL NOTIFY THE AGENCY OF THE INTENDED ACTION SO THAT THE AGENCY MAY PROVIDE INFORMATION REGARDING THE POTENTIAL HAZARDS ASSOCIATED WITH LOCATION OF A POTENTIAL SECONDARY SOURCE OR POTENTIAL ROUTE IN CLOSE PROXIMITY TO A POTABLE WATER SUPPLY WELL. (Section 14.2(b) of the Act)~~

~~d) THE BOARD MAY GRANT AN EXCEPTION FROM THE SETBACK REQUIREMENTS OF THIS SECTION AND SECTION 14.3 TO THE OWNER OF A NEW POTENTIAL PRIMARY SOURCE OTHER THAN LANDFILLING OR LAND TREATING, OR A NEW POTENTIAL SECONDARY SOURCE. THE OWNER SEEKING AN EXCEPTION WITH RESPECT TO A COMMUNITY WATER SUPPLY WELL SHALL FILE A PETITION WITH THE BOARD AND THE AGENCY. THE OWNER SEEKING AN EXCEPTION WITH RESPECT TO A POTABLE WATER SUPPLY WELL SHALL FILE A PETITION WITH THE BOARD AND THE AGENCY, AND SET FORTH THEREIN THE CIRCUMSTANCES UNDER WHICH A WAIVER HAS BEEN SOUGHT BUT NOT OBTAINED PURSUANT TO subsection (a) OF THIS SECTION. A PETITION SHALL BE ACCOMPANIED BY PROOF THAT THE OWNER OF EACH POTABLE WATER SUPPLY WELL FOR WHICH SETBACK REQUIREMENTS WOULD BE AFFECTED BY THE REQUESTED EXCEPTION HAS BEEN NOTIFIED AND BEEN PROVIDED WITH A COPY OF THE PETITION. A PETITION SHALL SET FORTH SUCH FACTS AS MAY BE REQUIRED TO SUPPORT AN EXCEPTION, INCLUDING A GENERAL DESCRIPTION OF THE POTENTIAL IMPACTS OF SUCH POTENTIAL SOURCE OR POTENTIAL ROUTE UPON GROUNDWATERS AND THE AFFECTED WATER WELL, AND AN EXPLANATION OF THE APPLICABLE TECHNOLOGY BASED~~

~~CONTROLS WHICH WILL BE UTILIZED TO MINIMIZE THE POTENTIAL FOR CONTAMINATION OF THE POTABLE WATER SUPPLY WELL. (Section 14.2(e) of the Act)~~

- ~~e) THE BOARD SHALL GRANT AN EXCEPTION, WHENEVER IT IS FOUND UPON PRESENTATION OF ADEQUATE PROOF, THAT COMPLIANCE WITH THE SETBACK REQUIREMENTS OF THIS SECTION WOULD POSE AN ARBITRARY AND UNREASONABLE HARDSHIP UPON THE PETITIONER, THAT THE PETITIONER WILL UTILIZE THE BEST AVAILABLE TECHNOLOGY CONTROLS ECONOMICALLY ACHIEVABLE TO MINIMIZE THE LIKELIHOOD OF CONTAMINATION OF THE POTABLE WATER SUPPLY WELL, THAT THE MAXIMUM FEASIBLE ALTERNATIVE SETBACK WILL BE UTILIZED, AND THAT THE LOCATION OF SUCH POTENTIAL SOURCE OR POTENTIAL ROUTE WILL NOT CONSTITUTE A SIGNIFICANT HAZARD TO THE POTABLE WATER SUPPLY WELL. (Section 14.2(e) of the Act)~~

- ~~f) A DECISION MADE BY THE BOARD PURSUANT TO THIS SUBSECTION SHALL CONSTITUTE A FINAL DETERMINATION. (Section 14.2(e) of the Act)~~

- ~~g) THE GRANTING OF AN EXCEPTION BY THE BOARD SHALL NOT EXTINGUISH THE WATER WELL OWNER'S RIGHTS UNDER SECTION 6b OF THE ILLINOIS WATER WELL CONSTRUCTION CODE IN INSTANCES WHERE THE OWNER HAS ELECTED NOT TO PROVIDE A WAIVER PURSUANT TO subsection (a) OF THIS SECTION. (Section 14.2(e) of the Act)~~

(Source: Amended at __ Ill. Reg. _____, effective _____)

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 pursuant to Section 14.5 of the Act; or
 - 2) Alternate requirements are imposed in an adjusted standard proceeding or in a site-specific rulemaking, pursuant to Title VII of the Act; or

- 3) Alternate requirements are imposed in a regulated recharge area proceeding pursuant to 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 the purpose of commercial application or at a central location for the purpose of distribution to retail sales outlets that has filed a written notice of intent pursuant to 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 pursuant to Section 14.6 of the Act ON THE APPROPRIATE LICENSE OR RENEWAL APPLICATION FORM SUBMITTED TO THE DEPARTMENT OF AGRICULTURE OR OTHER APPROPRIATE AGENCY (Section 14.6(a) of the Act). This exception shall not apply to those facilities that are not in compliance with the program requirements of ~~Sections~~subsections- 14.6(b) and 14.6(c) of the Act.

- b) Nothing in this Section shall limit 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 a regulatory proceeding establishing the regulated recharge area.

(Source: Amended at __ Ill. Reg. _____, effective _____)

SUBPART B: GROUNDWATER MONITORING REQUIREMENTS

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

- a) The owner or operator shall, beginning no later than the beginning of operation of the unit and continuing for a period of at least one year, sample each monitoring well at least every two months and analyze each such 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), analysis shall be for pH, specific conductance, total organic carbon, total organic halogen, and any other parameter that meets the following criteria:

- A) Material containing such parameter is stored, treated or disposed of at the unit; and
 - B) There is a groundwater standard for such parameter.
 - 2) For a unit subject to Subpart I for the storage and handling of pesticides, analysis shall 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, analysis shall be for pH, specific conductance, total organic carbon, nitrates as nitrogen, ammonia nitrogen and for any other parameter that meets the following criteria:
 - A) Material containing such parameter is stored or handled at the unit; and
 - B) There is a groundwater standard for such parameter.
- b) The results obtained under subsection (a) shall be used to calculate the background mean, background standard deviation and the Maximum Allowable Result (hereinafter referred to as "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 a minimum of 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 calculating 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 is to 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)(a)(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)(a)(5).

(Source: Amended at ___ Ill. Reg. _____, effective _____)

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 shall be required to 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 pursuant to 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 the provisions of Section 616.208(a), except that:
- 1) For all units subject to Subpart I for the storage and handling of pesticides, the frequency of all such sampling shall be 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, sampling shall be quarterly for the parameters set forth in Section 616.207(a)(3) 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 pursuant to Section 616.209(b), the owner or operator shall:
- 1) Submit to the Agency an engineering feasibility plan for a corrective action program designed to achieve the requirements of subsection (e) through ~~(i)~~.
 - A) Such feasibility plan shall be submitted to the Agency within 180 days after the date of the sample in which a groundwater standard was initially exceeded.
 - B) This requirement is waived if no groundwater standard is exceeded in any sample taken pursuant to subsection (b) for two consecutive quarters.
- d) Except as provided in subsection (c)(1)(B), the Agency shall 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 such plan.
- e) An owner or operator who receives a written response of concurrence pursuant to subsection (d) shall provide periodic progress reports to the Agency regarding the implementing of the corrective action~~preventive response~~.
- f) An owner or operator who receives a written response of non-concurrence pursuant to subsection (d) shall have 30 days to correct the inadequacies and to resubmit the report to the Agency or to request a conference with the Agency. Upon receipt of a written request for such a conference, the Agency shall schedule and hold the conference within 30 days. Following a conference, the Agency shall provide the owner or operator with a final determination regarding the adequacy of the corrective action.

- g) An owner or operator shall be responsible for implementing adequate corrective action~~preventive response~~ as determined pursuant to this Section.
- h) Except as provided in subsection (c)(1)(B), the owner or operator shall:
 - 1) Begin the corrective action program specified in the engineering feasibility plan no later than 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, where 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 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 at 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 a period of three consecutive years.
 - 6) Report in writing to the Agency on the effectiveness of the corrective action program. The owner or operator shall 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 shall, 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 pursuant to Section 616.211.

(Source: Amended at __ Ill. Reg. _____, effective _____)

Section 616.211 Alternative Corrective Action Demonstration

If a corrective action program is required pursuant to 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 such demonstration the owner or operator shall:
 - 1) Notify the Agency that the owner or operator intends to make a demonstration under this Section when submitting the groundwater monitoring results pursuant to Section 616.206; and
 - 2) Submit a report to the Agency that demonstrates that a source other than a facility or unit for which he is 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. Such report must be included with the next submission of groundwater monitoring results required pursuant to Section 616.206; and
- b) The Agency shall 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 accordance with the groundwater monitoring program established pursuant to 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 pursuant to subsection ~~(b)~~(e) shall have 30 days to so respond to the Agency in writing or to request a conference with the Agency. Upon receipt of a written request for such a conference, the Agency shall schedule and hold the conference within 30 days. Following a conference, the Agency shall provide the owner or operator with a final determination regarding the adequacy of the alternative corrective action.
- d) The owner or operator shall begin the corrective action program in accordance with the requirements of Section 616.210~~(f)~~.

(Source: Amended at __ Ill. Reg. _____, effective _____)

SUBPART D: ON-SITE LANDFILLS

Section 616.402 Prohibitions

- a) 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 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~~(a)~~ and ~~(b)~~; 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)~~.
- b) No person shall 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 at Section 616.105.

(Source: Amended at __ Ill. Reg. _____, effective _____)

SUBPART E: ON-SITE LAND TREATMENT UNITS

Section 616.422 Prohibitions

- a) 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 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(a) and (b); 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).
- b) Nothing in this Section shall prohibit land treatment 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 accordance with the Act and 35 Ill. Adm. Code: Subtitle C.

(Source: Amended at __ Ill. Reg. _____, effective _____)

SUBPART F: ON-SITE SURFACE IMPOUNDMENTS

Section 616.442 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 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(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 __ Ill. Reg. _____, effective _____)

SUBPART G: ON-SITE WASTE PILES

Section 616.462 Prohibitions

- a) 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 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(a) and (b); 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)**.

- b) No person shall 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 at Section 616.105

- c) Nothing in this Section shall prohibit 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 accordance with the Act, 35 Ill. Adm. Code: Subtitle C, Subtitle F, and Subtitle G.

(Source: Amended at __ Ill. Reg. _____, effective _____)

SUBPART I: PESTICIDE STORAGE AND HANDLING UNITS

Section 616.602 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 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 __ Ill. Reg. _____, effective _____)

SUBPART J: FERTILIZER STORAGE AND HANDLING UNITS

Section 616.622 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 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**(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 __ Ill. Reg. _____, effective _____)

SUBPART K: ROAD OIL STORAGE AND HANDLING UNITS

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).

(Source: Amended at __ Ill. Reg. _____, effective _____)

SUBPART L: DE-ICING AGENT STORAGE AND HANDLING UNITS

Section 616.722 Prohibitions

- a) 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 de-icing agents 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(a) and (b); 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).
- b) No person shall cause or allow the construction or operation within any setback zone of any outdoor facility for the storage and handling of de-icing agents, except as provided at Section 616.105.

(Source: Amended at __ Ill. Reg. _____, effective _____)