

ILLINOIS POLLUTION CONTROL BOARD
September 12, 1991

IN THE MATTER OF:)
)
GROUNDWATER PROTECTION: REGULATIONS FOR) R89-5
EXISTING AND NEW ACTIVITIES WITHIN SET-) (Rulemaking)
BACK ZONES AND REGULATED RECHARGE AREAS)
(35 ILL. ADM. CODE 601, 615, 616, AND 617))
("TECHNICAL STANDARDS"))

PROPOSED REGULATIONS

SECOND NOTICE

OPINION AND ORDER OF THE BOARD (by R. C. Flemal):

This matter comes before the Board upon a regulatory proposal filed by the Illinois Environmental Protection Agency ("Agency") pursuant to Sections 14.4(b) and 14.4(d) of the Illinois Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 111½, par. 1001 et seq.) ("Act"). Section 14.4 was enacted by the Illinois General Assembly as part of the Illinois Groundwater Protection Act ("IGPA"), P.A. 85-863¹, effective September 24, 1987.

Sections 14.4(b) and 14.4(d) mandate inter alia that the Agency propose and the Board promulgate regulations prescribing standards and requirements for certain activities within setback zones and regulated recharge areas, as these terms are defined in the IGPA. The set of affected activities includes, in general, those activities that offer significant potential for producing groundwater contamination, and which are not otherwise currently subject to regulations which limit or eliminate their potential for producing groundwater contamination.

The Board today adopts a proposal for Second Notice. In general, today's Opinion addresses only those matters raised during the First Notice Comment Period. A full discussion of the proposal was presented in the 2nd First Notice Opinion (see following), and will be repeated in the Final Opinion.

¹ P.A. 85-863 consists of sixteen sections, the first nine of which constitute a free-standing body of statute found at Ill. Rev. Stat. 1989, ch. 111½, par. 7451 et seq.. Of the remaining sections, all but the last (effective date provision) provide amendments to various pre-existing statutes. Amendments to the Environmental Protection Act occur in Section 14 of P.A. 85-863. The term "Groundwater Protection Act" is commonly used to refer to both the free-standing first nine sections, and to the full sixteen sections of P.A. 85-863. Unless otherwise specified, the latter senso lato usage is employed herein.

PROCEDURAL HISTORY

The Board initially adopted a proposal for First Notice by Opinion and Order of August 31, 1989². This proposal was subsequently held in abeyance pending the Economic Impact Statement ("EcIS") in the instant proposal and developments in two collateral Board proceedings, R88-7³, and R89-14⁴.

A 2nd First Notice proposal was adopted by Opinion and Order of June 20, 1991⁵. This 2nd First Notice proposal forms the departure point for today's proposal.

The interested person is directed to the 2nd First Notice Opinion for a discussion of procedural history prior to that time.

Ten Public Comments ("PC") have been filed during the 2nd First Notice Comment Period. Public Comments #26 and 27, submitted by the Administrative Code Division of the Illinois Office of the Secretary of State ("Code Division"), are directed to conforming the proposal to State codification standards. Comments directed to the merits of the proposal were filed by Growmark (PC #28), the Metropolitan Water Reclamation District of Greater Chicago (PC #29), the Illinois Fertilizer and Chemical Association ("IFCA") (PC #30), the Illinois Farm Bureau ("Farm Bureau") (PC #31), the Agency (PC #32), Waste Management of Illinois, Inc. ("WMII") (PC #33), and the McHenry County Defenders, Citizens for a Better Environment, the Illinois Chapter of the Sierra Club (collectively as "Defenders") (PC #34), and the Illinois Department of Commerce and Community Affairs (PC #35).

² Publication occurred at 13 Ill. Reg. 14641, September 22, 1989.

³ In the Matter of: Development, Operating, and Reporting Requirements for Non-hazardous Waste Landfills, adopted August 17, 1990 and effective September 18, 1990.

⁴ In the Matter of: Groundwater Quality Standards (35 Ill. Adm. Code 620), Second Notice Opinion and Order Adopted July 25, 1991.

⁵ Publication of Parts 601, 616, and 617 occurred at 15 Ill. Reg. 9829 et seq., July 5, 1991; publication of Part 615 occurred at 15 Ill. Reg. 10303, July 12, 1991.

SECOND NOTICE MODIFICATIONS

Today's proposal contains various modifications based upon recommendations made to the Board in the 2nd First Notice comments. Except for purely form changes, these modifications are identified below. All modifications are also identified in today's Order by combinations of strike-throughs (language deleted from 2nd First Notice proposal) and redlines (language added today).

Title Modification

Pursuant to Code Division's requirement (PC #26), the section title in the table of contents for Sections 615.303 and 616.303 have been made to conform with the title in the text.

Deletion of "Use" Prohibition

At various places⁶ the Second Notice draft contained prohibitions against the "construction, use or operation" or "use or operation" of facilities or units. This is an unconventional construction not employed elsewhere in the Board's regulations, and its retention here could seemly imply a new, unintended standard for the connection between a person and a facility. The prohibitions against "use" are accordingly here all deleted.

Definitions

Modifications to various definitions found at 615.102⁷ are made in accordance with recommendations. These are:

1. "Compliance point": modification made upon recommendation of the Defenders (PC #34) with purpose of improving clarity.
2. "Date of first applicability": modification made upon recommendation of Agency (PC #32 at ¶11) with purpose of improving clarity and explicitly identifying that the instant rule is applicable to activities within minimum setback zones.
3. "Detection": modification made upon recommendation of Agency (PC #32 at ¶10) with purpose of providing

⁶ For example, Sections 615.104, 615.402, 615.403, 615.404, 615.422, 615.423, 615.442, 615.443, etc.

⁷ The definitions at Section 615.102 would also be applicable to the activities of Part 616 through the operation of proposed Section 616.102.

consistency with definition of "detection" at 35 Ill. Adm. Code 620.110.

4. "Existing unit": modification made upon recommendation of Agency (PC #32 at ¶12) with purpose of providing consistency with the statutory provisions for new potential primary and potential secondary source definitions contained in the Act.
5. "Land application unit": addition of definition to support use the term in the definition of landfill; definition is same as at 35 Ill. Adm. Code 810.103.
6. "Land treatment": addition indicating that a land application unit is a land treatment unit, consistent with construction of Parts 615 and 616.
7. "Major reconstruction": modification made upon acceptance of the Agency's recommendation (PC #32 at ¶13) that the change is necessary to allow for the construction of pollution control devices required under the instant rule and under 8 Ill. Adm. Code 255.
8. "Pile": modification to include disposal as one of the purposes for which material may be accumulated in a pile, consistent with modifications made to Subpart G of Part 615 (see discussion below).
9. "Practical quantitation limit" or "PQL": modification made upon recommendation of Agency (PC #32 at ¶4) with purpose of providing consistency with definition of "PQL" at 35 Ill. Adm. Code 620.110.
10. "Sludge": the statutory definition of "sludge" found in the Act at Section 3.44 is added in support of the exemption for certain sludge treatment facilities (see discussion below).
11. "Waste pile": modification to recognize that waste piles may include uses in addition to storage, consistent with modifications made to Subpart G of Part 615 (see discussion below).

Incorporations by Reference

Changes are made to the list of incorporated material at Section 615.103 to correct citation form and better indicate which documents are incorporated.

General Exceptions

The language at the end of Section 615.105(f) is modified to simply cite the Act.

Use of Existing Water Wells as Monitoring Wells

The Agency recommends that Section 615.204(b) be restructured to provide greater consistency between the instant regulations and proposed Part 620 (PC #32 at ¶14). In addition, the Agency recommends that certain existing water wells other than potable water wells be allowed to serve as monitoring wells. These recommendations are accepted.

Well Screening Requirements

The Agency recommends insertion of the word "adjacent" before the word "formations" at 615.204(d)(3) and 616.204(c)(3). The recommendation is accepted.

Definition of "Reportable Agrichemical Spill"

It is observed that the term "reportable agrichemical spill, as used at Section 615.207(b)(3), is not defined within the instant regulations. The term is defined in the Illinois Department of Agriculture's ("IDOA") agrichemical facility regulations found at 8 Ill. Adm. Code 255 ("Part 255"), where it has the intended meaning. Accordingly, there is added to Section 615.207(b)(3) a reference to the Part 255 definition.

"Clear and Convincing" Demonstrations

The phrase "clear and convincing" is deleted from Sections 615.210 and 616.211. At best the phrase is surplusage. At worst it implies some standard for a demonstration not applied or defined elsewhere.

Duplication of Survey Plot Requirements

Growmark expresses concern over regulatory overlap between today's regulations and various portions of Part 255 (see also following discussion). Among particulars, Growmark observes that both today's Section 615.304/616.304 and Part 255 at Section 255.70 require maintenance and reporting of survey information (PC #28 at 7).

While it is clear that Sections 615.304/616.304 and Section 255.70 do not contain identical requirements, some portions may overlap. Accordingly, the Board today adds a new paragraph to Section 615.304, which provides that records required by other authorities which contain the same information as required under Section 615.304/616.304 satisfy this requirement. The concept

and form of the addition is identical to that found at Section 255.70(b), hence establishing a reciprocity between the two rules.

On-Site and Off-Site Landfills, Surface Impoundments, Land Treatment Units, and Waste Piles

WMII observes that the type of landfills covered by the instant regulations are exclusively on-site landfills (PC #33). To assure that this characterization is fully obvious, the title of the Subpart D is today changed by the addition of the term "on-site" in both Parts 615 and 616. The same observation also holds for Subparts E, F, and G, and the parallel change is also made there.

Exception to Required Closure via Adjusted Standard

At various earlier stages in the development of the instant proposal, the required closure provisions for existing facilities found in 615:Subparts D, E, F, and K each contained a statement that closure is not required if the Board finds, in an adjusted standard proceeding, that closure is not necessary. This language had been presented for the purpose of making interested persons aware of this option.

It is to be observed, however, that this provision is essentially redundant; the applicability statement of each Subpart also indicates that facilities may be excepted from the Subparts through an adjusted standard proceeding, as specified in the General Exceptions of Section 615.105.

Moreover, there is potential for conflict between the two adjusted standard statements. The Section 615.105 statement relies on the statutory tests found under Title VII of the Act for grant of an adjusted standard. On the other hand, the statements found in the Subparts could be read as establishing a different test: a showing of a "significant hazard". Although the term "significant hazard" is used in the IGPA, it is used there in a very narrow context and without establishment of standards upon which a finding of significant hazard is to be based. The Board accordingly does not believe that it is adequate as a test for grant of an adjusted standard nor that it should be intended to constitute a level of justification, as that term is used in Section 28.1 of the Act.

In view of these considerations, the Board deletes the adjusted standards statements previously found in Sections 615.402, 615.403, 615.404, 615.422, 615.423, 615.442, 615.443, and 615.702(c).

Section Reference at Section 615.446(e)

Second Notice contained an incorrect reference to the closure requirements of Section 615.446. The reference should be to Section 615.447, and is today corrected.

Sludge Piles on Underdrained Pavements

The Metropolitan Water Reclamation District of Greater Chicago ("District") requests an exemption from the requirement that waste piles be covered by an impermeable membrane or cover, with the exemption to apply to waste piles that consist of POTW wastewater sludge where the sludge piles are situated on underdrained paved surfaces and the units are operated in accordance a valid Agency permit. The District observes that its sludge drying piles are so constituted and permitted, that groundwater adjacent to its sludge drying areas is monitored biweekly, and that any leachate which penetrates the pavement is collected and returned to the District's plants (PC #29). The District therefore believes sufficient protection against possible groundwater contamination is already present (Id.).

The Board accepts the thrust of the District's position. The Board notes, however, that sludge piles of the District's type are already regulated under other rules and regulations, which include requirements for protection of groundwater. In keeping with the theory that today's regulations are intended to fill regulatory gaps, the Board would not expect the regulations to apply to the District's sludge piles. To assure that this reading is clear, the appropriate course of action is to explicitly exempt the subject sludge piles. This is done by the addition of subsections 615.461(b) and 616.461(b). The Act's definition of "sludge" is also added at Section 615.102 (see above).

Existing Waste Piles Treated as Landfills; Other Waste Piles

At 2nd First Notice the Board observed that pursuant to the new landfill regulations adopted in the R88-7 proceeding, certain types of on-site waste piles are now subject to the same regulations applicable to on-site landfills. The Board accordingly asked how these waste piles should be treated for the purpose of the instant regulations. The Agency recommends that those waste piles which are treated like landfills for the purpose of the R88-7 regulations also be treated like landfills⁸ for the purpose of the instant regulations (PC #32 at ¶1, 2, and

⁸ As noted at 2nd First Notice, the only requirements applicable to existing on-site landfills generated in the instant regulations are the requirements to close found in Section 615.402, 615.304, and 615.404.

6); this recommendation is accepted as necessary to provide consistency between the general landfill regulations and the instant regulations. It is effectuated by inserting after Section 615.461 a new section which applies the same standard for distinguishing landfills and waste piles as found in the definition of "waste pile" at 35 Ill. Adm. Code 810.103.

As the Agency and the Defenders (PC #34 at p.13) recognize, that there are varieties of waste piles which will not be subject to required closure. These continue to be treated as proposed at 2nd First Notice, with design and operating requirements as specified at Section 615.463 and closure requirements specified at 615.464⁹.

Road Oils Containing Wastes

At 2nd First Notice the Board requested that interested persons address the matter of whether the instant rule should: (a) limit required closure within minimum setback zones of existing road oil storage and handling units to only those units at which the road oils contains wastes, and (b) prohibit within maximum setback zones only those new road oil storage and handling units at which the road oils contain wastes (Opinion, pp. 41-2, 48). In raising this matter the Board observed its unease with the apparent assumption that road oils that contain wastes somehow present an inherently greater risk to groundwaters than do virgin road oils (Id., p. 42).

The Agency responds that road oils that contain wastes tend to be more mobile than virgin oils, and thereby to pose a greater threat to groundwater (PC #32 at ¶8). The Defenders observe that they are not aware of an empirical basis for drawing such a distinction, and that "road oil without waste would render groundwater undrinkable just as surely as road oil containing waste" (PC #34 at 14).

The Board is unpersuaded that there is a basis for distinguishing road oils containing wastes from virgin road oils in the context the instant regulations. Accordingly, the Board today deletes the "containing wastes" provision from proposed Section 615.702 and makes no alteration to the maximum setback siting prohibition of Section 616.702.

New Waste Piles in Regulated Recharge Areas

The Agency observes that since certain existing waste disposal piles (see discussion above) are required to close within regulated recharge areas, parallelism requires that new

⁹ These two sections were at 615.642 and 615.643, respectively, at 2nd First Notice.

facilities of the same type be prohibited in regulated recharge areas (PC #32 at ¶1). The Agency accordingly recommends the addition at Section 616.462 appropriate language, which the Board today incorporates.

OTHER ISSUES

Agency Oversight and Data Accumulation

The Board's 2nd First Notice Opinion contained the following discussion regarding groundwater monitoring requirements (Opinion at p. 30-1):

The Defenders recommend that the owner or operator of each affected facility be required to file with the Agency, within one year after the adoption of these rules, a report specifying various items (PC #24 at 6-9). The items include characterization of the three-dimensional groundwater flow system underlying the facility, a description and rationale for the number and location of monitoring wells, and description of the data and qualifications of the individual upon which the report is based. The Defenders contend that this information is necessary if the Agency is to review and evaluate the tasks required of owners and operators (Id. at 7).

The Board shares the Defenders concern about adequate oversight of the various owner/operator requirements in today's proposal. The Board also has an independent concern that there be available in the public record information upon which public policy may be reasonably predicated. At the same time, the Board is apprehensive about regulatory and administrative overburden. We search to find the proper balance. Accordingly, we ask the Agency to advise us of what in the Defenders' proposal it would deem necessary for it to exercise its oversight functions and what information should be properly within its public files.

The Defenders now renew their earlier recommendation (PC #43 at 4-6).

The Agency observes that landfills are already required to provide very detailed data pursuant to 35 Ill. Adm. Code 811. As regards other types of activities covered under the instant rule, the Agency responds that the Defenders' recommendation would be contrary to the intent and desirability of having the instant rules be self-implementing, that the Agency can perform facility inspections to assure that facilities are complying, and that there are various public groundwater data bases under development

by the Agency or otherwise available (PC #32 at ¶5). The Agency therefore urges the Board to not accept the Defenders' recommendation (Id.). The Board accepts the Agency's recommendation.

Corrective Action Provisions for Existing Facilities

The Defenders urge that the corrective action provisions of Part 616, applicable to new facilities and units, also be applicable to the existing facilities and units of Part 615 (PC #34 at 3). The Defenders contend that having different corrective action provisions for the Part 615 facilities is "at odds with both the Groundwater Protection Act and the Board's other regulations" (Id.); the "other regulations" referred to are the Board's RCRA rules (Id.).

The Part 615 corrective action provisions are indeed different in particulars from the corrective action provisions of Part 616 and from the Board's RCRA rules. The differences between Part 615 and 616 are reflective of the mandate of the IGPA that the instant rules "provide . . . for more stringent provisions for those activities . . . not already in existence" (Section 14.4(a)(5) of the Act and the IGPA). The differences between Part 615 and the Board's RCRA rules are reflective of the distinctly different nature of the types of facilities involved, as well as the explicit exclusion of hazardous waste facilities from the purview of the instant regulations under Section 14.4 of the Act and IGPA. Accordingly, the Board fails to see how the Part 615 rules can be construed as being "at odds" with either the IGPA or the Board's RCRA rules.

Use of "Activity" Within the Body of the Regulations

The Agency continues to express preference for use of the term "activity" within the body of today's regulations as an alternative to usage of "facility" and "unit" (PC #32 at ¶3). The Board has addressed this issue in both the 1st and 2nd First Notice Opinions, and stands by the analysis presented there.

Agrichemical Units and Facilities

The Farm Bureau questions whether the 2nd First Notice language might allow for a device such as a spray rig in a field to be considered a unit, and therefore to be regulated under Subparts I and J. The Board initially notes that it views as unlikely that a field spray rig would meet the applicability statements found at any of Sections 615.601, 615.621, 616.601, or 616.621. Moreover, a unit would be regulated only if the unit is located within a setback zone or regulated recharge area, its affiliation with other units mattering not at all. The Board discussed this aspect of regulated units in its 2nd First Notice Opinion:

The Board notes that there is some particular import to the language "located wholly or partially within a setback zone or regulated recharge area". Given the sharp boundary of most setback zones (or even regulated recharge areas), the Board believes that it may be common that an otherwise affected unit will lie partly within and partly outside the setback zone (e.g., the unit extends from less than 200 feet to more than 200 feet away from a well which establishes a minimum setback zone). The Board believes that the intent of the IGPA is clearly to regulate such "split" units.

At the same time, however, the Board does not believe that the IGPA intends that the regulations apply to the entirety of a facility or site that contains multiple units, and for which the only otherwise affected units are located outside the setback zone or regulated recharge area. Thus the emphasis in the applicability statement is on the unit(s) that are located wholly or partially within the setback zone (or regulated recharge area). Similarly, the Board would not find it inconsistent with the IGPA or the instant proposal if an owner or operator of a multiple-unit facility or site complied with the current rules only for those units located wholly or partially within the relevant setback zone or regulated recharge area.

(2nd First Notice Opinion, p. 23-4)

The Board further noted at 2nd First Notice that:

The Agency also intends that the regulations apply only to "that portion [of an activity] which is actually located within a setback zone or regulated recharge area" (PC #9 at ¶3, emphasis added). The Board believes that this position is equivalent to that here presented by the Board. (2nd First Notice Opinion at Footnote 17)

Relationship to 8 Ill. Adm. Code 255

Growmark, IFCA, the Farm Bureau, the Defenders, and the Agency each comment on their preference for interrelating the instant regulations with the IDOA's Part 255 regulations. Growmark contends that Part 255 provides a sufficient regulatory program, and that therefore no need exists for inclusion of agricultural facilities within the instant regulations (PC #28). IFCA (PC #30) and the Farm Bureau (PC #31) support handling the

interrelationship as proposed by the Board at 2nd First Notice¹⁰. The Defenders opine that the agrichemical portions of the instant regulations need to be strong and to cover facilities not covered in Part 255 (PC #34 at 10-12). The Agency, which formerly had advocated adoption of the full Part 255 rules into Board regulations (PC #23 at ¶8), now proposes for the purposes of today's action that the Board "cross-reference" Part 255 with the instant regulations (PC #32 at ¶7).

The Board continues to believe, as it has noted in both the 1st and 2nd First Notice Opinions (e.g., 2nd First Notice Opinion at p. 15-7), that agrichemical facilities as defined herein constitute a significant potential source of groundwater contamination and that the Board is explicitly required under the IGPA to promulgate regulations to limit that potential contamination. The Board also continues to believe that the agrichemical provisions of the instant regulations, in combination with the Part 255 regulations, constitute a coherent whole as intended under the IGPA.

The Agency's recommendation that the Board "cross-reference" certain sections of Part 255 is at best untimely. The practical consequence of adoption of the Agency's language would appear to be indirect adoption of the listed sections of Part 255¹¹. The Board will not undertake indirect adoption of rules.

Definition of "Non-commercial Agrichemical Facility" at Part 255

By the way of summarizing the nature of the IDOA's Part 255 regulations, the Board at pp. 15-6 of the 2nd First Notice Opinion quoted some of the introductory text published¹² at the First Notice of Part 255. The Farm Bureau observes that the quote contains a paraphrase of the definition of "non-commercial agrichemical facility" that is not identical to the definition of the term contained in the text of Part 255 (PC #31).

¹⁰ At 2nd First Notice the Board declined to adopt any of the Part 255 regulations as the Board's own regulations. The Board did add a Board Note within Subparts I and J of Parts 615 and 616 observing that persons subject to the these subparts may also be subject to Part 255.

¹¹ The Agency's proposed language begins:

Board Note: The Board hereby cross-references specific sections of 8 Ill. Adm. Code 255 which apply to owners and operators of facilities or operations subject to this Part as follows: Section . . .

¹² 13 Ill. Reg. 2571-2, March 3, 1989.

"Reporting" of Pesticide and Fertilizer Inventories

Growmark questions the purpose of the inventory "reporting" requirements allegedly found at Sections 615.603 and 615.623 applicable to facilities for the storage and handling of pesticides or fertilizers. Growmark contends that these facilities already are required to report storage capacities to IDOA as part of their permit applications and to report hazardous materials under various right-to-know laws (PC #28 at 5). Growmark further contends that the Agency may use either of these "reports" to gain information that it may desire (Id.).

Aside from any question as to the sufficiency of permit application information and right-to-know records, the Board observes that the Sections 615.603 and 615.623 do not establish any new regular reporting requirement. Rather, these sections only require that inventory records be maintained and that the Agency be allow access to the records upon request. The Board does not view this requirement as unnecessarily burdensome. Maintaining inventory records is standard business procedure. No departure from such procedures is required. The only added requirement, that inventory records be provided to the Agency upon request, is essential if the Agency is to properly carry out its mandates under the Act.

Post-Closure Care Period for Agrichemical Facilities

At 2nd First Notice the Board proposed a three-year minimum post-closure care period for pesticide and fertilizer storage and handling facilities (see Sections 615.202(c) and 616.202(c)). The provision is based upon the recommendation of the Agency in response to concerns expressed by IFCA (PC #23 at ¶37).

The Defenders recommend that the minimum post-closure care period be extended to five years (PC #34 at 13). The Board declines this recommendation.

Section 616.209(i) Provisions

The Defenders recommend that Section 616.209(i) be replaced by a provision that specifies that groundwater contaminants may not exceed a MAR unless the facility obtains an adjusted standard (PC #34 at 3-4). As written, Section 616.209(i) requires that upon completion of a preventive response no contaminant may exceed 50% of the corresponding groundwater standard unless specified conditions are met.

The Defenders' recommendation is apparently based on the assumption that a MAR is likely or necessarily less than 50% of any groundwater standard, and that use of the MAR therefore more closely assures nondegradation of groundwaters. This assumption,

however, is unfounded. In many cases MARs are going to be larger than 50% of a groundwater standard, particularly where the numerical value of the standard is small and/or a large standard deviation is associated with the background values.

Thus, it is not possible to conclude generally that Section 616.209(i) either as written or as proposed by the Defenders would be more protective of groundwater. It is reasonable to conclude, however, that Section 616.209(i) as written has greater utility, from a legal enforcement standpoint, as the Agency observes (PC #32 at ¶9). In balance, then, the Board believes that Section 616.209(i) has greatest merit as written.

ORDER

The Board hereby directs that Second Notice of the following proposed amendments be submitted to the Joint Committee on Administrative Rules.

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

PART 601
 INTRODUCTION

Section	
601.101	General Requirements
601.102	Applicability
601.103	Severability
601.104	Analytical Testing
601.105	Definitions

APPENDIX A References to Former Rules

AUTHORITY: Implementing Section 17 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. ~~1989~~1987, ch. 111 1/2, pars. 1017 and 1027).

SOURCE: Filed with Secretary of State January 1, 1978; amended at 2 Ill. Reg. 36, p. 72, effective August 29, 1978; amended at 3 Ill. Reg. 13, p. 236, effective March 30, 1979; amended and codified at 6 Ill. Reg. 11497, effective September 14, 1982; amended at 6 Ill. Reg. 14344, effective November 3, 1982; amended in R84-12 at 14 Ill. Reg. 1379, effective January 8, 1990; amended in R89-5 at ____ Ill. Reg. _____, effective _____.

NOTE: Capitalization denotes statutory language

Section 601.105 Definitions

For purposes of this Chapter:

"Act" means the Environmental Protection Act, as amended, (Ill. Rev. Stat. ~~1989~~1987, ch. 111 1/2, pars. 1001 et seq.).

"Agency" means the Illinois Environmental Protection Agency.

"Board" means the Illinois Pollution Control Board.

"Boil Order" means a notice to boil all drinking and culinary water for at least five minutes before use, issued by the proper authorities to the consumers of a public water supply affected, whenever the water being supplied may have become bacteriologically contaminated.

"Certified Laboratory" means any laboratory approved by the Agency or the Illinois Department of Public Health for the specific parameters to be examined, as set out in rules adopted pursuant to the Illinois Administrative Procedure Act, (Ill. Rev. Stat. ~~1989~~1987, ch. 127, pars. 1001 et seq.).

"Chemical Analysis" means analysis for any inorganic or organic substance, with the exception of radiological or microbiological analyses.

"Confined Geologic Formations" are geologic water bearing formations protected against the entrance of contamination by other geologic formations.

"Disinfectant" means any oxidant, including but not limited to chlorine, chlorine dioxide, chloramines, and ozone, added to water in any part of the treatment or distribution process, which is intended to kill or inactivate pathogenic microorganisms.

"Dose Equivalent" means the product of the absorbed dose from ionizing radiation and such factors as account for differences in biological effectiveness due to the type of radiation and its distribution in the body as specified by the International Commission on Radiological Units and Measurements (ICRU).

"Gross Alpha Particle Activity" means the total radioactivity due to alpha particle emission as inferred from measurements on a dry sample.

"Gross Beta Particle Activity" means the total radioactivity due to beta particle emission as inferred from measurements on a dry sample.

~~"Ground Water means all natural or artificially introduced waters found below the ground surface, including water from dug, drilled, bored or driven wells, infiltration lines, and springs. "GROUNDWATER" MEANS UNDERGROUND WATER WHICH OCCURS WITHIN THE SATURATED ZONE AND GEOLOGIC MATERIALS WHERE THE FLUID PRESSURE IN THE PORE SPACE IS EQUAL TO OR GREATER THAN ATMOSPHERIC PRESSURE. (Section 3.64 of the Act)~~

"Halogen" means one of the chemical elements chlorine, bromine or iodine.

"Man-Made Beta Particle and Photon Emitters" means all radionuclides emitting beta particles and/or photons listed in Maximum Permissible Body Burdens and Maximum Permissible Concentration of Radionuclides in Air or

Water for Occupational Exposure, National Bureau of Standards (NBS) Handbook 69, except the daughter products of thorium-232, uranium-235 and uranium-238.

"Maximum Residence Time Concentration (MRTC)" means the concentration of total trihalomethanes found in a water sample taken at a point of maximum residence time in the public water supply system.

"Maximum Total Trihalomethane Potential (MTP)" means the maximum concentration of total trihalomethanes produced in a given water containing a disinfectant residual after 7 days at a temperature of 25°C or above.

"Official Custodian" means any officer of an organization which is the owner or operator of a public water supply, and who has direct administrative responsibility for the supply.

"Persistent Contamination" exists when analysis for total coliform is positive in one or more samples of a routine sample set, and when three or more subsequent check samples indicate the presence of contamination.

"Picocurie (pCi)" means that quantity of radioactive material producing 2.22 nuclear transformations per minute.

"Point of Maximum Residence Time" means that part of the active portion of the distribution system remote from the treatment plant where the water has been in the distribution system for the longest period of time.

"Recurring Contamination" exists when analysis of total coliform is positive in one or more samples of a routine sample set, if this occurs four or more times in a calendar year.

"Rem" means the unit of dose equivalent from ionizing radiation to the total body or any internal organ or organ system. A "millirem (mrem)" is 1/1000 of a rem.

"Re-sell Water" means to deliver or provide potable water, obtained from a public water supply subject to these regulations, to the consumer, who is then individually or specifically billed for water service, or where any monetary assessment is levied or required and specifically used for water service. Water supply facilities owned or operated by political subdivisions, homeowners associations, and not-for-profit associations, as well as privately owned utilities

regulated by the Illinois Commerce Commission, are considered to sell water whether or not a charge is specifically made for water.

"Service Connection" is the opening, including all fittings and appurtenances, at the water main through which water is supplied to the user.

"Supply" means a public water supply.

"Surface Water" means all tributary streams and drainage basins, including natural lakes and artificial reservoirs, which may affect a specific water supply above the point of water supply intake.

"Surface Water Supply Source" means any surface water used as a water source for a public water supply.

"Total Trihalomethanes (TTHM)" means the sum of the concentration in milligrams per liter of the trihalomethane compounds trichloromethane (chloroform), dibromochloromethane, bromodichloromethane and tribromomethane (bromoform), rounded to two significant figures.

"Trihalomethane (THM)" means one of the family of organic compounds named as derivatives of methane, wherein three of the four hydrogen atoms in methane are each substituted by a halogen atom in the molecular structure.

"Water Main" means any pipe for the purpose of distributing potable water which serves or is accessible to more than one property, dwelling, or rental unit, and is exterior to buildings.

(Source: Amended in R89-5 at _____ Ill. Reg. _____,
effective _____)

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

PART 615

EXISTING ACTIVITIES IN A SETBACK ZONE OR REGULATED RECHARGE AREA

SUBPART A: GENERAL

Section	
615.101	Purpose
615.102	Definitions
615.103	Incorporations by Reference
615.104	Prohibitions
615.105	General Exceptions

SUBPART B: GROUNDWATER MONITORING REQUIREMENTS

Section	
615.201	Applicability
615.202	Compliance Period
615.203	Compliance with Groundwater Standards
615.204	Groundwater Monitoring System
615.205	Groundwater Monitoring Program
615.206	Contaminants to be Monitored
615.207	Sampling Frequency
615.208	Reporting
615.209	Non-Compliance Response Program
615.210	Alternate Non-Compliance Response Program
615.211	Corrective Action Program

SUBPART C: GENERAL CLOSURE AND POST-CLOSURE REQUIREMENTS

Section	
615.301	Applicability
615.302	Closure Performance Standard
615.303	Certification of Closure
615.304	Survey Plat
615.305	Post-Closure Notice for Waste Disposal Units
615.306	Certification of Completion of Post-Closure Care
615.307	Post-Closure Care Period

SUBPART D: ON-SITE LANDFILLS

Section	
615.401	Applicability
615.402	Required Closure of Units Located Within Minimum Setback Zones
615.403	Required Closure of Units Located Within Maximum Setback Zones
615.404	Required Closure of Units Located Within Regulated Recharge Areas

SUBPART E: ON-SITE LAND TREATMENT UNITS

Section	
615.421	Applicability
615.422	Required Closure of Units Located Within Minimum Setback Zones
615.423	Required Closure of Units Located Within Maximum Setback Zones
615.424	Land Treatment of Sludges in Maximum Setback Zones
615.425,	Closure and Post-Closure Care

SUBPART F: ON-SITE SURFACE IMPOUNDMENTS

Section	
615.441	Applicability
615.442	Required Closure of Units Located Within Minimum Setback Zones
615.443	Required Closure of Units Located Within Maximum Setback Zones
615.444	Groundwater Monitoring
615.445	Inspection Requirements
615.446	Operating Requirements
615.447	Closure and Post-Closure Care

SUBPART G: ON-SITE WASTE PILES

Section	
615.461	Applicability
615.462	Required Closure
615.463	Design and Operating Requirements
615.4634	Closure

SUBPART H: UNDERGROUND STORAGE TANKS

Section	
615.501	Applicability
615.502	Design and Operating Requirements

SUBPART I: PESTICIDE STORAGE AND HANDLING UNITS

Section	
615.601	Applicability
615.602	Groundwater Monitoring
615.603	Design and Operating Requirements
615.604	Closure and Post-Closure Care

SUBPART J: FERTILIZER STORAGE AND HANDLING UNITS

Section	
615.621	Applicability
615.622	Groundwater Monitoring
615.623	Design and Operating Requirements

615.624 Closure and Post-Closure Care

SUBPART K: ROAD OIL STORAGE AND HANDLING UNITS

Section

- 615.701 Applicability
 615.702 Required Closure of Units Located Within Minimum Setback Zones
 615.703 Groundwater Monitoring
 615.704 Design and Operating Requirements for Above-Ground Storage Tanks
 615.705 Closure

SUBPART L: DE-ICING AGENT STORAGE AND HANDLING UNITS

Section

- 615.721 Applicability
 615.722 Groundwater Monitoring
 615.723 Design and Operating Requirements
 615.724 Closure

AUTHORITY: Implementing Sections 5, 14.4, 21, and 22, and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 111 1/2, pars. 1005, 1014.4, 1021, 1022, and 1027).

SOURCE: Adopted in R89-5 at _____ Ill. Reg. _____, effective _____.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

SUBPART A: GENERAL

Section 615.101 Purpose

This Part prescribes requirements and standards for the protection of groundwater for certain types of existing facilities or units located wholly or partially within a setback zone regulated by the Act or within a regulated recharge area as delineated pursuant to Section 17.4 of the Act.

Section 615.102 Definitions

Except as stated in this Section, and unless a different meaning of a word or term is clear from the context, the definition of words or terms in this Part shall be the same as those used in the Act or the Illinois Groundwater Protection Act (Ill. Rev. Stat. 1989, ch. 111 1/2, pars. 7451 et seq.):

"Above-ground storage tank" means a storage tank that is not an underground storage tank.

"Act" means the Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 111 1/2, pars. 1001 et seq.)

"Agency" means the Illinois Environmental Protection Agency.

"Board" means the Illinois Pollution Control Board.

"Certification" means a statement of professional opinion based upon knowledge and belief.

"COMMUNITY WATER SUPPLY" MEANS A PUBLIC SUPPLY WHICH SERVES OR IS INTENDED TO SERVE AT LEAST 15 SERVICE CONNECTIONS USED BY RESIDENTS OR REGULARLY SERVES AT LEAST 25 RESIDENTS. (Section 3.05 of the Act)

"Compliance point" means any point ~~that is located immediately beneath a unit boundary and within a~~ in groundwater designated at 35 Ill. Adm. Code 620.Subpart B as a Class I through III groundwater, ~~at a hydraulically downgradient point of groundwater flow. If groundwater flow directions vary temporally or vertically, t~~ at which a contaminant released from the unit could pass underneath the unit boundary. There may be more than one compliance point for a particular unit.

"Commencement of construction" means that ALL NECESSARY FEDERAL, STATE, AND LOCAL APPROVALS HAVE BEEN OBTAINED, AND WORK AT THE SITE HAS BEEN INITIATED AND PROCEEDS IN A REASONABLY CONTINUOUS MANNER TO COMPLETION. (Section 3.58 of the Act)

"Container" means any portable device (including, but not limited to, 55 gallon drums) in which material is stored, treated, disposed or otherwise handled. The term "container" does not include a vehicle used to transport material.

"Containerized" means being in a container.

"CONTAMINANT" IS ANY SOLID, LIQUID, OR GASEOUS MATTER, ANY ODOR, OR ANY FORM OF ENERGY, FROM WHATEVER SOURCE. (Section 3.06 of the Act)

"CONTAMINATION" OR "CONTAMINATE" WHEN USED IN CONNECTION WITH GROUNDWATER, MEANS WATER POLLUTION OF SUCH GROUNDWATER. (Section 3.63 of the Act)

"Date of first applicability" means the effective date of this Part ~~for any unit located within a minimum setback zone, except that:~~

If a unit is first incorporated into any setback zone by an ordinance or regulation that establishes a maximum setback zone, the date of first applicability is the effective date of this Part or the effective date of the ordinance or regulation that establishes the maximum setback zone, whichever is later; or

If a unit is located in a part of a regulated recharge area that was not previously part of a setback zone, the date of first applicability is the effective date of the ~~ordinance or~~ regulation that establishes the regulated recharge area.

"De-Icing agent" means a chemical used for de-icing, including but not limited to sodium chloride and calcium chloride. Sand, ashes, or other abrasive materials that do not alter the freezing point of water are not de-icing agents.

"Detection" means the identification of a contaminant in a sample at a value equal to or greater than the:

"Method Detection Limit" or "MDL", which means the minimum concentration of a substance that can be measured as reported with 99 percent confidence that the true value is greater than zero pursuant to ~~54 Fed. Reg. 22100~~ 56 Fed. Reg. 3526-3597; incorporated by reference at Section 615.103; or

"Method Quantitation Limit" or "MQL", which means the minimum concentration of a substance that can be measured and reported pursuant to "Test Methods for Evaluating Solid Wastes, Physical/ Chemical Methods", incorporated by reference at Section 615.103.

"Dike" means an embankment or ridge of either natural or manmade materials used to prevent the movement of liquids, sludges, solids, or other materials.

"Discharge" means the accidental or intentional spilling, leaking, pumping, pouring, emitting, emptying or dumping of any material onto or on any land or water.

"DISPOSAL" MEANS THE DISCHARGE, DEPOSIT, INJECTION, DUMPING, SPILLAGE, LEAKING OR PLACING OF ANY WASTE OR HAZARDOUS WASTE INTO OR ON ANY LAND OR WATER OR INTO ANY WELL SO THAT SUCH WASTE OR HAZARDOUS WASTE OR ANY CONSTITUENT THEREOF MAY ENTER THE ENVIRONMENT OR BE EMITTED INTO THE AIR OR DISCHARGED INTO ANY WATERS, INCLUDING GROUNDWATERS. (Section 3.08 of the Act)

"Existing unit" means a unit that was in operation or for which there is commencement of construction on or before the date of first applicability, except that a unit is not an existing unit if the unit:

Expands laterally beyond the currently permitted boundary, or the unit boundary if the unit is not permitted, in existence after the date of first applicability; or

Is part of a facility that undergoes major reconstruction after the date of first applicability; or

Reopens at any time after having submitted a certification of closure to the Agency.

"Facility" means all contiguous land and structures, other appurtenances and improvements on the land used for the treating, storing, handling, or disposal of any material which causes that unit to be regulated under this Part. A facility may consist of one or more units.

"Freeboard" means the vertical distance between the top of a tank or dike and the surface of the material contained therein.

"Free liquids" means liquids which readily separate from the solid portion of a waste under ambient temperature and pressure. To demonstrate the absence or presence of free liquids in either a containerized or a bulk waste, the following test must be used: Method 9095 (Paint Filter Liquids Test) as described in "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods" (EPA Publication No. SW-846), incorporated by reference at Section 615.103.

"GROUNDWATER" MEANS UNDERGROUND WATER WHICH OCCURS WITHIN THE SATURATED ZONE AND GEOLOGIC MATERIALS WHERE THE FLUID PRESSURE IN THE PORE SPACE IS EQUAL TO OR GREATER THAN ATMOSPHERIC PRESSURE. (Section 3.64 of the Act)

"Groundwater standards" means the water quality standards for groundwater adopted by the Board under Section 8 of the Illinois Groundwater Protection Act (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 7458) and found at 35 Ill. Adm. Code 620.

"HAZARDOUS WASTE" MEANS A WASTE, OR COMBINATION OF WASTES, WHICH BECAUSE OF ITS QUANTITY, CONCENTRATION, OR PHYSICAL, CHEMICAL, OR INFECTIOUS CHARACTERISTICS MAY

CAUSE OR SIGNIFICANTLY CONTRIBUTE TO AN INCREASE IN MORTALITY OR AN INCREASE IN SERIOUS, IRREVERSIBLE, OR INCAPACITATING REVERSIBLE, ILLNESS; OR POSE A SUBSTANTIAL PRESENT OR POTENTIAL HAZARD TO HUMAN HEALTH OR THE ENVIRONMENT WHEN IMPROPERLY TREATED, STORED, TRANSPORTED, OR DISPOSED OF, OR OTHERWISE MANAGED, AND WHICH HAS BEEN IDENTIFIED, BY CHARACTERISTICS OR LISTING, AS HAZARDOUS PURSUANT 35 Ill. Adm. Code 721. (Section 3.15 of the Act)

"Incompatible material" means a material which may:

Cause corrosion or decay of containment materials (e.g., container inner liners or tank walls); or

When commingled with another material, produces heat or pressure, fire, explosion, violent reaction, toxic dusts, mists, fumes or gases, or flammable fumes or gases.

"Landfill" means a unit or part of a facility in or on which waste is placed and accumulated over time for disposal, and which is not a land application unit, a surface impoundment or an underground injection well.

"LANDSCAPE WASTE" MEANS ALL ACCUMULATIONS OF GRASS OR SHRUBBERY CUTTINGS, LEAVES, TREE LIMBS AND OTHER MATERIALS ACCUMULATED AS THE RESULT OF THE CARE OF LAWNS, SHRUBBERY, VINES AND TREES. (Section 3.20 of the Act)

"Land application unit" means an area where wastes are agronomically spread over or disked into land or otherwise applied so as to become incorporated into the soil surface.

"Land treatment" means the application of waste onto or incorporation of waste into the soil surface. For the purposes of this Part a land application unit is a land treatment unit.

"Leachate" means any liquid, including suspended components in the liquid, that has percolated through or drained from a material.

"Licensed water well contractor" means a person licensed under the Water Well and Pump Installation Contractor's License Act (Ill. Rev. Stat. 1989, ch. 111, pars. 7101 et seq., as amended).

"Liner" means a continuous layer of natural or manmade materials beneath or on the side of a surface impoundment, landfill, landfill cell, waste pile, or

storage pile which restricts the downward or lateral escape of waste, waste constituents, leachate or stored materials.

"Major reconstruction" means commencement of construction at a facility where the fixed capital cost of the new components constructed within a 2-year period exceeds 50% of the fixed capital cost of a comparable entirely new facility. ~~New components do not include any new components necessary for compliance with this Part.~~

"New unit" means a unit that is not an existing unit.

"NON-COMMUNITY WATER SUPPLY" MEANS A PUBLIC WATER SUPPLY THAT IS NOT A COMMUNITY WATER SUPPLY. (Section 3.05 of the Act)

"Non-special waste" means a waste that is not a special waste.

"Off-site" means not on-site.

"On-site", "on the site", or "on the same site" means the same or geographically contiguous property which may be divided by public or private right-of-way, provided the entrance and exit between the properties is at a crossroads intersection and access is by crossing as opposed to going along the right-of-way. Noncontiguous properties owned by the same person but connected by a right-of-way which he controls and to which the public does not have access is also considered on-site property.

"Operator" means the person responsible for the operation of a site, facility or unit.

"Owner" means the person who owns a site, facility or unit or part of a site, facility or unit, or who owns the land on which the site, facility or unit is located.

"PESTICIDE" MEANS ANY SUBSTANCE OR MIXTURE OF SUBSTANCES INTENDED FOR PREVENTING, DESTROYING, REPELLING, OR MITIGATING ANY PEST OR ANY SUBSTANCE OR MIXTURE OF SUBSTANCES INTENDED FOR USE AS A PLANT REGULATOR, DEFOLIANT OR DESICCANT. (Section 3.71 of the Act)

"Pile" means any noncontainerized accumulation of solid, non-flowing material that is used for treatment, ~~or~~ storage or disposal .

"POTABLE" MEANS GENERALLY FIT FOR HUMAN CONSUMPTION IN ACCORDANCE WITH ACCEPTED WATER SUPPLY PRINCIPLES AND PRACTICES. (Section 3.65 of the Act)

"Practical quantitation limit" or "PQL" means the lowest concentration or level that can be reliably measured within specified limits of precision and accuracy during routine laboratory operating conditions in accordance with ~~limit set forth in~~ "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846, incorporated by reference at Section 615.103.

"PUBLIC WATER SUPPLY" MEANS ALL MAINS, PIPES AND STRUCTURES THROUGH WHICH WATER IS OBTAINED AND DISTRIBUTED TO THE PUBLIC, INCLUDING WELLS AND WELL STRUCTURES, INTAKES AND CRIBS, PUMPING STATIONS, TREATMENT PLANTS, RESERVOIRS, STORAGE TANKS AND APPURTENANCES, COLLECTIVELY OR SEVERALLY, ACTUALLY USED OR INTENDED FOR USE FOR THE PURPOSE OF FURNISHING WATER FOR DRINKING OR GENERAL DOMESTIC USE AND WHICH SERVE AT LEAST 15 SERVICE CONNECTIONS OR WHICH REGULARLY SERVE AT LEAST 25 PERSONS AT LEAST 60 DAYS PER YEAR. A PUBLIC WATER SUPPLY IS EITHER A "COMMUNITY WATER SUPPLY" OR A "NON-COMMUNITY WATER SUPPLY". (Section 3.28 of the Act)

"Reactive material" means a material which meets one or more of the following criteria:

It is normally unstable and readily undergoes violent change without detonating;

It reacts violently with water;

It forms potentially explosive mixtures with water;

When mixed with water, it generates toxic gases, vapors, or fumes in a quantity sufficient to present a danger to human health or the environment;

It is capable of detonation or explosive reaction if it is subject to a strong initiating source, or if heated under confinement;

It is readily capable of detonation or explosive decomposition or reaction at standard temperature and pressure; or

It is a forbidden explosive as defined in 49 CFR 173, incorporated by reference at Section 615.103, or a Class A explosive as defined in 49 CFR 173.53 or a Class B explosive as defined in 49 CFR 173.88.

"Registered land surveyor" means a person registered under the Illinois Land Surveyors Act (Ill. Rev. Stat. 1989, ch. 111, pars. 3201 et seq.).

"Registered professional engineer" means a person registered under the Illinois Professional Engineering Act (Ill. Rev. Stat. 1989, ch. 111, par. 5101 et seq.).

"REGULATED RECHARGE AREA" MEANS A COMPACT GEOGRAPHIC AREA, AS DETERMINED BY THE BOARD pursuant to Section 17.4 of the Act, THE GEOLOGY OF WHICH RENDERS A POTABLE RESOURCE GROUNDWATER PARTICULARLY SUSCEPTIBLE TO CONTAMINATION. (Section 3.67 of the Act)

"Road oil" means slow-curing asphaltic oils which show no separation on standing and which are used for road construction, maintenance or repair.

"Runoff" means any rainwater, leachate or other liquid that drains over land from any part of a facility.

"Run-on" means any rainwater, leachate or other liquid that drains over land onto any part of a facility.

"Secondary containment structure" means any structure or basin intended to contain spills and prevent runoff or leaching from piles, containers, or tanks and related piping.

"SETBACK ZONE" MEANS A GEOGRAPHIC AREA, DESIGNATED PURSUANT TO THIS ACT, CONTAINING A POTABLE WATER SUPPLY WELL OR A POTENTIAL SOURCE OR POTENTIAL ROUTE HAVING A CONTINUOUS BOUNDARY, AND WITHIN WHICH CERTAIN PROHIBITIONS OR REGULATIONS ARE APPLICABLE IN ORDER TO PROTECT GROUNDWATERS. (Section 3.61 of the Act)

"SITE" MEANS ANY LOCATION, PLACE, TRACT OF LAND, AND FACILITIES, INCLUDING BUT NOT LIMITED TO BUILDINGS, AND IMPROVEMENTS USED FOR PURPOSES SUBJECT TO REGULATION OR CONTROL BY THIS ACT OR REGULATIONS THEREUNDER. (Section 3.43 of the Act)

"SLUDGE" MEANS ANY SOLID, SEMI-SOLID, OR LIQUID WASTE GENERATED FROM A MUNICIPAL, COMMERCIAL, OR INDUSTRIAL WASTEWATER TREATMENT PLANT, WATER SUPPLY TREATMENT PLANT, OR AIR POLLUTION CONTROL FACILITY OR ANY OTHER SUCH WASTE HAVING SIMILAR CHARACTERISTICS AND EFFECTS. (Section 3.44 of the Act)

"SPECIAL WASTE" MEANS ANY INDUSTRIAL PROCESS WASTE, POLLUTION CONTROL WASTE OR HAZARDOUS WASTE, EXCEPT AS DETERMINED PURSUANT TO SECTION 22.9 OF The Act and 35 Ill. Adm. Code 808. (Section 3.45 of the Act)

"STORAGE" means the holding or containment of a material,

either on a temporary basis or for a period of years, in such manner as not to constitute disposal of such material.

"Surface impoundment" means a natural topographical depression, man-made excavation, or diked area that is designed to hold liquid wastes or wastes containing free liquids.

"Surface water" means all waters that are open to the atmosphere.

"Tank" means a stationary device, designed to contain an accumulation of material which is constructed of non-earthen materials (e.g., wood, concrete, steel, plastic) which provide structural support. The term "tank" does not include areas used to accumulate materials prior to pumping to tanks or containers (i.e., sump pits) or associated piping. The term "tank" does not include vehicles used to transport material.

"Treatment" means any method, technique or process, including neutralization, designed to change the physical, chemical or biological character or composition of any material so as to neutralize such material, or so as to recover energy or material resources from the material or so as to render such material nonhazardous or less hazardous; safer to transport, store or dispose of, or amenable for recovery, amenable for storage or reduced in volume.

"Underground storage tank" means a storage tank as defined at 35 Ill. Adm. Code 731.101(f).

"UNIT" MEANS ANY DEVICE, MECHANISM, EQUIPMENT, OR AREA (EXCLUSIVE OF LAND UTILIZED ONLY FOR AGRICULTURAL PRODUCTION). (Section 3.62 of the Act)

"Unit boundary" means a line at the land's surface circumscribing the area on which, above which or below which waste, pesticides, fertilizers, road oils or de-icing agents will be placed during the active life of the facility. The space taken up by any liner, dike or other barrier designed to contain waste, pesticides, fertilizers, road oils or de-icing agents falls within the unit boundary.

"WASTE" MEANS ANY GARBAGE, SLUDGE FROM A WASTE TREATMENT PLANT, WATER SUPPLY TREATMENT PLANT, OR AIR POLLUTION CONTROL FACILITY OR OTHER DISCARDED MATERIAL, INCLUDING SOLID, LIQUID, SEMI-SOLID, OR CONTAINED GASEOUS MATERIAL RESULTING FROM INDUSTRIAL, COMMERCIAL, MINING AND

AGRICULTURAL OPERATIONS, AND FROM COMMUNITY ACTIVITIES, BUT DOES NOT INCLUDE:

INDUSTRIAL DISCHARGES WITH NPDES PERMITS ISSUED PURSUANT TO 35 ILL. ADM. CODE 309;

SOURCE, SPENT NUCLEAR, OR BY-PRODUCT MATERIALS AS DEFINED BY THE ATOMIC ENERGY ACT OF 1954 (42 U.S.C. 2014);

ANY SOLID OR DISSOLVED MATERIAL FROM ANY MATERIAL SUBJECT TO 62 ILL. ADM. CODE 1700 THROUGH 1850. (Section 3.53 of the Act)

"Waste pile" means a pile consisting of waste ~~that which~~ has a total volume greater than 10 cubic yards or ~~within which the waste remains for more than which is stored for~~ ever 90 days.

"WATERS" MEANS ALL ACCUMULATIONS OF WATER, SURFACE AND UNDERGROUND, NATURAL, AND ARTIFICIAL, PUBLIC AND PRIVATE, OR PARTS THEREOF, WHICH ARE WHOLLY OR PARTLY WITHIN, FLOW THROUGH, OR BORDER UPON THIS STATE. (Section 3.56 of the Act)

"WELL" MEANS A BORED, DRILLED OR DRIVEN SHAFT, OR DUG HOLE, THE DEPTH OF WHICH IS GREATER THAN THE LARGEST SURFACE DIMENSION. (Section 3.57 of the Act)

Section 615.103 Incorporations by Reference

- a) The Board incorporates the following material by reference:

GPO. Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20401, (202) 783-3238:

National Primary Drinking Water Regulations, Final Rule, 56 Fed. Reg. 3526-3597 (January 30, 1991).

Shippers-General Requirements for Shipments and Packagings, 49 CFR 173 (1990).

NTIS. National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161 (703) 487-4600.

"Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods", EPA Publication No. SW-846 (Third Edition, 1986, as amended by

Revision I (December 1987), Doc. No. PB 89-148076.

- 1) ~~49 CFR 173 (1988).~~
- 2) "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods," EPA Publication No. SW-846 (Third Edition, 1986, as amended by Revision I (December 1987)). ~~(Available from: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20401, (202-783-3238)).~~

- b) This Section incorporates no later amendments or editions.

Section 615.104 Prohibitions

No person shall cause or allow the construction, ~~use~~ or operation of any facility or unit in violation of the Act or regulations adopted by the Board thereunder, including but not limited to this Part.

Section 615.105 General Exceptions

This Part does not apply to any facility or unit, or to the owner or operator of any facility or unit:

- a) For which the owner or operator obtains certification of minimal hazard pursuant to Section 14.5 of the Act; or
- b) For which alternate requirements are imposed in an adjusted standard proceeding or as part of a site-specific rulemaking, pursuant to Title VII of the Act; or
- c) For which alternate requirements are imposed in a regulated recharge area proceeding pursuant to Section 17.4 of the Act; or
- d) That is LOCATED ON THE SAME SITE AS A NON-COMMUNITY WATER SYSTEM WELL AND FOR WHICH THE OWNER IS THE SAME FOR BOTH THE facility or unit AND THE WELL. (Section 14.4(b) of the Act); or
- e) That is located WITHIN A REGULATED RECHARGE AREA AS DELINEATED in 35 Ill. Adm. Code 617, PROVIDED THAT:
- 1) THE BOUNDARY OF THE LATERAL AREA OF INFLUENCE OF A COMMUNITY WATER SUPPLY WELL LOCATED WITHIN THE REGULATED RECHARGE AREA does not INCLUDE SUCH facility or unit THEREIN;

- 2) THE DISTANCE FROM THE WELLHEAD OF THE COMMUNITY WATER SUPPLY TO THE facility or unit EXCEEDS 2500 FEET; AND
- 3) THE COMMUNITY WATER SUPPLY WELL WAS not IN EXISTENCE PRIOR TO JANUARY 1, 1988.

(Section 14.4(b) of the Act).

- f) 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 ~~as part of any adjusted standard proceeding, site specific rulemaking or a regulatory proceeding establishing the regulated recharge area pursuant to the Act.~~

SUBPART B: GROUNDWATER MONITORING REQUIREMENTS

Section 615.201 Applicability

This Subpart applies to:

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

Section 615.202 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 at Section 615.211(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 at Section 615.211(e).
- d) Subsections (b), (c) and (d) notwithstanding, there shall be no post-closure care period if all waste, waste residues, contaminated containment system components and contaminated subsoils are removed or decontaminated at closure, and there is no ongoing corrective action pursuant to Section 615.211.

Section 615.203 Compliance with Groundwater Standards

The owner or operator shall comply with the groundwater standards.

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

Section 615.204 Groundwater Monitoring System

- a) Except as provided otherwise in subsection (b), 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 compliance point or points.
- b) If a potable water well or other water well can be used as a monitoring well pursuant to this subsection, no additional monitoring wells are required under this Section. A potable water well or other water well may be used as a monitoring well if:
 - 1) ~~The unit is located within a setback zone for a potable well other than a community water supply well~~For a potable water well other than a community water supply well, a construction report has been filed with the Illinois Department of Public Health for such well, or such well has been located and constructed (or reconstructed) to meet the Illinois Water Well Construction Code (Ill. Rev. Stat. 1989,

ch. 111 1/2, pars. 116.111 et seq., as amended) and 35 Ill. Adm., Code 920;

- 2) ~~The well has been inspected by a licensed water well contractor;~~ For a water well other than a potable water well (e.g., a livestock watering well or an irrigation well), the owner or operator of the unit seeking to use the well as a monitoring well certifies to the Agency that a construction report has been filed with the Illinois Department of Public Health or the Illinois Department of Mines and Minerals for such well, or that such well has been located and constructed (or reconstructed) to meet the Illinois Water Well Construction Code (Ill. Rev. Stat. 1989, ch. 111 1/2, pars. 116.111 et seq., as amended) and 35 Ill. Adm., Code 920; and
 - 3) ~~The owner or operator of the unit seeking to use the well as a monitoring well certifies to the Agency that the well is constructed in accordance with the Illinois Water Well Construction Code (Ill. Rev. Stat. 1989, ch. 111 1/2, pars. 116.111 et seq., as amended) and 35 Ill. Adm. Code 920, or that the well is constructed in accordance with the criteria adopted by the Agency pursuant to 35 Ill. Adm. Code 602.115; and~~
 - 4) The unit ~~treats and disposes~~ contains solely non-special waste if the unit is a surface impoundment.
- c) 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.
- d) All 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 615.205 Groundwater Monitoring Program

The owner or operator shall 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) A determination of the groundwater head elevation each time groundwater is sampled. A determination of the groundwater head elevation is not required for samples taken from a potable well used as a monitoring well pursuant to Section 615.204(b).
- d) A determination at least annually of 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 shall, within 90 days, make appropriate changes to the program and shall notify the Agency of such changes when submitting the groundwater monitoring reports under Section 615.208.

Section 615.206 Contaminants to be Monitored

- a) The owner or operator shall monitor for all parameters that meet the following criteria, except as provided in subsections (b) and (c):

- 1) Material containing such parameter is stored, disposed, or otherwise handled at the site; and
 - 2) There is a groundwater standard for such parameter.
- b) The owner or operator of a unit subject to Subpart I for the storage and handling of pesticides shall monitor for 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 shall choose the five specific pesticides or five groups based upon the following criteria:
- 1) The volume of material 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) The owner or operator of a unit subject to Subpart J for the storage and handling of fertilizers shall monitor for pH, specific conductance, total organic carbon, nitrates as nitrogen, and ammonia nitrogen.

Section 615.207 Sampling Frequency

- a) The owner or operator shall determine whether groundwater standards have been exceeded at each monitoring well at least quarterly during the compliance period, except as provided otherwise in subsections (b), (c) or Section 615.209(b).
- b) The owner or operator of a unit subject to Subpart I for the storage and handling of pesticides or Subpart J for the storage and handling of fertilizer may substitute the quarterly determination of subsection (a) with a determination at least semi-annually provided that eachall of the following conditions is met:
 - 1) The unit is in compliance with the containment

requirements of 8 Ill. Adm. Code 255;

- 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 of any contaminant attributable to operation of the unit; and
 - 3) No reportable agrichemical spills, as defined pursuant to 8 Ill. Adm. Code 255, have occurred at the facility with the previous two years.
- c) The owner or operator of a unit subject to Subpart K for the storage and handling of road oils or Subpart L for the storage and handling of de-icing agents shall determine whether groundwater standards have been exceeded at each monitoring well at least annually during the compliance period, except as provided at Section 615.209(b).

Section 615.208 Reporting

The owner or operator shall submit results of all monitoring required pursuant to this Subpart to the Agency within 60 days after completion of sampling.

Section 615.209 Non-Compliance Response Program

If monitoring results collected pursuant to Sections 615.206 and 615.207 show that a groundwater standard has been exceeded, the owner or operator shall:

- a) Notify the Agency of this finding when submitting the groundwater monitoring results required pursuant to Section 615.208. The notification must indicate which groundwater standards have been exceeded.
- b) Resample the groundwater within 3 days in all monitoring wells where a groundwater standard has been exceeded and redetermine the presence and concentration of each parameter required pursuant to Section 615.206, except that:
 - 1) If the unit is subject to Subpart I for the storage and related handling of pesticides, resample the groundwater within 3 days in all monitoring wells where a groundwater standard has been exceeded and determine the presence and concentration in each such sample of each pesticide previously and presently stored or handled at the unit.
 - 2) If the unit is subject to Subpart J for the storage

and related handling of fertilizers, monitor monthly for the parameters set forth in Section 615.206(c) until the groundwater standard is no longer exceeded.

- c) Submit the results of sampling required under subsection (b) when submitting the groundwater results required pursuant to Section 615.208.
- d), Prepare an engineering feasibility plan for a corrective action program designed to achieve the requirements of Section 615.211. This plan shall be submitted to the Agency in writing within 120 days after the date on which the sample results are submitted to the Agency pursuant to subsection (c), unless:
 - 1) None of the parameters identified under subsection (b) exceed the groundwater standards; or
 - 2) The owner or operator makes a demonstration pursuant to Section 615.210.
- e) Begin the corrective action program specified in subsection (d) within 120 days after the date on which the sample results are submitted to the Agency pursuant to subsection (c), unless:
 - 1) None of the parameters identified under subsection (b) exceed the groundwater standards; or
 - 2) The owner or operator makes a demonstration pursuant to Section 615.210.

Section 615.210 Alternate Non-Compliance Response Program

If the groundwater sampling required pursuant to Section 615.207 shows that a groundwater standard has been exceeded, it is presumed that contamination from the facility or unit that is being monitored is responsible for the standard being exceeded. An owner or operator may overcome that presumption by making a ~~clear and convincing~~ demonstration that a source other than the facility or unit that is being monitored caused the exceedence or that the exceedence resulted from error in sampling, analysis or evaluation. In making such demonstration the owner or operator shall:

- a) Notify the Agency that the owner or operator intends to make a demonstration under this Section when submitting the groundwater monitoring results required pursuant to Section 615.208.
- b) 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 615.208; and

- c) Continue to monitor in accordance with the groundwater monitoring program established pursuant to Sections 615.205, 615.206, and 615.207.

Section 615.211 Corrective Action Program

An owner or operator required to conduct a corrective action program pursuant to this Subpart shall:

- a) Begin corrective action within 120 days after the date on which the sample results are submitted to the Agency pursuant to Section 615.209(c).
- b) Take corrective action that results in compliance with the groundwater standards at the compliance point or points.
- c) Establish and implement a groundwater monitoring program to demonstrate the effectiveness of the corrective action program.
- d) Take corrective action that maintains compliance with the groundwater standards:
 - 1) At all compliance points; and
 - 2) 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.
- e) Continue corrective action measures during the compliance period to the extent necessary to ensure that the groundwater standard is not exceeded at the compliance point or points. If the owner or operator is still conducting corrective action at the end of the compliance period, the owner or operator shall continue that corrective action for as long as necessary to achieve compliance with the groundwater standards. The owner or operator may terminate corrective action measures taken

beyond the compliance period if the owner or operator can demonstrate, based on data from the groundwater monitoring program under subsection (c), that the groundwater standards have not been exceeded for a period of three consecutive years.

- f) Report in writing to the Agency on the effectiveness of the corrective action program. The owner or operator shall submit these reports semi-annually.
- g) 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.

SUBPART C: GENERAL CLOSURE AND POST-CLOSURE REQUIREMENTS

Section 615.301 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 615.302 Closure Performance Standard

The owner or operator shall 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, and 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.

Section 615.303 Certification of Closure

Within 60 days after completion of closure, the owner or operator shall submit to the Agency, by registered or certified mail, a

certification that the unit has been closed in accordance 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.

Section 615.304 Survey Plat

- a) No, later than the submission of the certification of closure of each unit, the owner or operator shall submit to any local zoning authority, or authority with jurisdiction over local land use, and to the Agency, and record with land titles, a survey plat indicating the location and dimensions of any waste disposal units, and any pesticide and/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 for fertilizer storage and handling units records or reports required under any other State or Federal regulatory program and which contain the information required above may be used to satisfy this reporting requirement.

Section 615.305 Post-Closure Notice for Waste Disposal Units

No later than 60 days after certification of closure of the unit, the owner or operator of a unit subject to Subpart D or F shall submit to the Agency, to the County Recorder and to 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.

Section 615.306 Certification of Completion of Post-Closure Care

No later than 60 days after completion of the established post-closure care period, the owner or operator shall submit to the Agency, by registered or certified mail, a certification that the post-closure care period for the unit was performed in accordance 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.

Section 615.307 Post-Closure Care Period

The post-closure care period is as defined at Section 615.202.

SUBPART D: ON-SITE LANDFILLS

Section 615.401 Applicability

This Subpart applies to existing landfill 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 existing 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 pursuant to Section 615.105.

Section 615.402 Required Closure of Units Located Within
Minimum Setback Zones

No person shall cause or allow the ~~use or~~ operation within a minimum setback zone of any landfill unit commencing two years after the effective date of this Part. Closure shall be completed three years after the effective date of this Part. ~~This Section does not apply to any landfill unit that the Board expressly finds, in an adjusted standard proceeding, poses no significant hazard to a community water supply well or other potable water supply well.~~

Section 615.403 Required Closure of Units Located Within
Maximum Setback Zones

No person shall cause or allow the ~~use or~~ operation within a maximum setback zone of any landfill unit at which special waste is disposed, commencing two years after the effective date of the ordinance or regulation that establishes the maximum setback zone. Closure shall be completed within three years after the effective date of the ordinance or regulation that establishes the maximum setback zone. ~~This Section does not apply to any landfill unit that the Board expressly finds, in an adjusted standard proceeding, poses no significant hazard to a community water supply well or other potable water supply well.~~

Section 615.404 Required Closure of Units Located Within
Regulated Recharge Areas

No person shall cause or allow the ~~use or~~ operation within a regulated recharge area of any landfill unit that contains special waste and for which the distance from the wellhead of the community water supply well to any part of the landfill unit is 2500 feet or less. This provision becomes effective four years after the date on which the Board establishes the regulated recharge area. Closure shall be completed within five years after the date on which the Board establishes the regulated recharge area. ~~This Section does not apply to any existing landfill unit that the Board~~

~~expressly finds, in an adjusted standard proceeding, poses no significant hazard to a community water supply well or other potable water supply well.~~

SUBPART E: ON-SITE LAND TREATMENT UNITS

Section 615.421 Applicability

This Subpart applies to existing land treatment units that are located wholly or partially within a setback zone or regulated recharge area and that treat or dispose special waste or other waste generated on-site, except that this Subpart does not apply to any existing 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 pursuant to Section 615.105.

Section 615.422 Required Closure of Units Located Within Minimum Setback Zones

No person shall cause or allow the ~~use or~~ operation within a minimum setback zone of any land treatment unit commencing two years after the effective date of this Part. Closure shall be completed within three years after the effective date of this Part. ~~This Section does not apply to any land treatment unit that the Board expressly finds, in an adjusted standard proceeding, poses no significant hazard to a community water supply well or other potable water supply well.~~

Section 615.423 Required Closure of Units Located Within Maximum Setback Zones

No person shall cause or allow the ~~use or~~ operation within a maximum setback zone of any land treatment unit at which special waste is treated or disposed, commencing two years after the effective date of the ordinance or regulation that establishes the maximum setback zone. Closure shall be completed within three years after the effective date of the ordinance or regulation that establishes the maximum setback zone. ~~This Section does not apply to any land treatment unit that the Board expressly finds, in an adjusted standard proceeding, poses no significant hazard to a community water supply well or other potable water supply well.~~

Section 615.424 Land Treatment of Sludges in Maximum Setback Zones

Nothing in this Subpart shall prohibit land treatment within a maximum setback zone 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.

Section 615.425 Closure and Post-Closure Care

The owner or operator shall comply with the requirements of Sections 615.302 and 615.303.

SUBPART F: ~~ON-SITE~~ SURFACE IMPOUNDMENTS

Section 615.441 Applicability

This Subpart applies to existing 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 existing 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 pursuant to Section 615.105.

Section 615.442 Required Closure of Units Located Within Minimum Setback Zones

No person shall cause or allow the ~~use or~~ operation within a minimum setback zone of any surface impoundment unit commencing two years after the effective date of this Part. Closure shall be completed within three years after the effective date of this Part. ~~This Section does not apply to any surface impoundment unit that the Board expressly finds, in an adjusted standard proceeding, poses no significant hazard to a community water supply well or other potable water supply well.~~

Section 615.443 Required Closure of Units Located Within Maximum Setback Zones

No person shall cause or allow the ~~use or~~ operation within a maximum setback zone of any surface impoundment unit at which special waste is stored, treated or disposed, commencing two years after the effective date of the ordinance or regulation that establishes the maximum setback zone. Closure shall be completed within three years after the effective date of the ordinance or regulation that establishes the maximum setback zone. ~~This Section does not apply to any surface impoundment unit that the Board expressly finds, in an adjusted standard proceeding, poses no significant hazard to a community water supply well or other potable water supply well.~~

Section 615.444 Groundwater Monitoring

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

Section 615.445 Inspection Requirements

While a surface impoundment is in operation, it must be inspected weekly and after storms to detect evidence of any of the following:

- a), Deterioration, malfunctions or improper operation of overtopping control systems;
- b) Sudden drops in the level of the impoundment's contents;
- c) Severe erosion or other signs of deterioration in dikes or other containment devices; or
- d) A leaking dike.

Section 615.446 Operating Requirements

- a) No person shall 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 accordance 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 must be removed from service as required by subsection (b), the owner or operator shall:
 - 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, such notice to be given within 10 days after the removal from service.

- d) No surface impoundment unit that has been removed from service in accordance with the requirements of this Section may be restored to service unless the portion of the unit that failed has been repaired.
- e) A surface impoundment unit that has been removed from service in accordance with the requirements of this Section and that is not being repaired must be closed in accordance with the provisions of ~~this~~ Section 615.447.

Subpart 615.447 Closure and Post-Closure Care

- a) If closure is to be by removal, the owner or operator shall remove all waste, all waste residues, contaminated containment system components (liners, etc.), contaminated subsoils and structures and equipment contaminated with waste and leachate; and, if disposed 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 shall comply with the requirements of Subpart C and shall:
 - 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 consisting of at least a 2-foot thick layer of compacted clay with a permeability of no more than 1×10^{-7} centimeters per second and 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; and
 - D) Accommodate settling and subsidence so that the cover's integrity is maintained.

- c) If some waste residues or contaminated materials are left in place at final closure, the owner or operator shall comply with the requirements of Subpart C and shall:
- 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.

SUBPART G: ON-SITE WASTE PILES

Section 615.461 Applicability

This Subpart applies to existing 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 existing 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 wastewater from a POTW and the sludge pile is situated on an underdrained pavement and operated in accordance with the Act, 35 Ill. Adm. Code: Subtitle C and 35 Ill. Adm. Code: Subtitle G; or
- c) Is exempt from this Part pursuant to Section 615.105.

Section 615.462 Required Closure

A waste pile is deemed to be a landfill and thereby subject to the closure requirements of Subpart E unless the operator can demonstrate to the Agency that the wastes are not accumulated over time for disposal. At the minimum, such demonstration shall include photographs, records, or other observable or discernable information, maintained on a yearly basis, that show that within the preceding year the waste has been removed for utilization or disposed elsewhere.

Section 615.463 Design and Operating Requirements

For a waste piles not subject to Section 615.462,

- a) The owner or operator shall 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) ~~The~~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.
- c) This Section becomes applicable six months after the date of first applicability.

Section 615.4643 Closure

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

SUBPART H: UNDERGROUND STORAGE TANKS

Section 615.501 Applicability

This Subpart applies to existing 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 existing underground storage tank that:

- a) Pursuant to 35 Ill. Adm. Code 731.110(a) must meet the requirements set forth in 35 Ill. Adm. Code 731, unless such a tank is excluded from those requirements pursuant to 35 Ill. Adm. Code 731.110(b); or
- b) Must have interim status or a RCRA permit under 35 Ill. Adm. Code: Subtitle G; or
- c) Is exempt from this Part pursuant to Section 615.105.

Section 615.502 Design and Operating Requirements

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

SUBPART I: PESTICIDE STORAGE AND HANDLING UNITS

Section 615.601 Applicability

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

- a) Is operated for the purpose of commercial application; or
- b) Stores or accumulates pesticides prior to distribution to retail sales outlets, including but not limited to a unit that is a warehouse or bulk terminal.
- c) Subsections (a) and (b) notwithstanding, this Subpart does not apply to any unit exempt pursuant to Section 615.105.

Section 615.602 Groundwater Monitoring

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

Section 615.603 Design and Operating Requirements

The owner or operator shall:

- 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 shall 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 such containers are stored outside of a roofed structure or enclosed warehouse. For the purpose of this subsection a pesticide secondary containment structure is a structure that complies with the design standards set forth in 8 Ill. Adm. Code 255.
- d) Maintain all written records required under this Section at the site. The owner or operator shall provide any such record 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).

Section 615.604 Closure and Post-Closure Care

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

SUBPART J: FERTILIZER STORAGE AND HANDLING UNITS

Section 615.621 Applicability

This Subpart applies to any existing 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 the purpose of commercial application; or
- b) Stores or accumulates fertilizers prior to distribution to retail sales outlets, including but not limited to a unit that is a warehouse or bulk terminal.
- c) Subsections (a) and (b) notwithstanding, this Subpart does not apply to any unit exempt pursuant to Section 615.105.

Section 615.622 Groundwater Monitoring

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

Section 615.623 Design and Operating Requirements

The owner or operator shall:

- 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 shall immediately repair or replace the device. The owner or operator shall 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 such containers are stored outside of a roofed structure or enclosed warehouse. For the purpose of this subsection a fertilizer secondary containment structure is a structure that complies with the design standards set forth in 8 Ill. Adm. Code 255.
- d) Maintain all written records required under this Section at the site. The owner or operator shall provide any such record 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).

Section 615.624 Closure and Post-Closure Care

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

SUBPART K: ROAD OIL STORAGE AND HANDLING UNITS

Section 615.701 Applicability

This Subpart applies to any existing 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 615.105.

Section 615.702 Required Closure of Units Located Within Minimum Setback Zones

- a) No person shall cause or allow the ~~use or~~ operation within a minimum setback zone of any road oil storage and handling unit ~~if the road oils stored and handled at the unit contain wastes.~~
- b) Subsection (a) is effective two years after the effective date of this Part. Closure must be completed within

three years after the effective date of this Part.

- ~~e) Subsections (a) and (b) do not apply to any unit that the Board expressly findss, in an adjusted standard proceeding, poses no significant hazard to a community water supply well or other potable water supply well.~~

Section 615.703 Groundwater Monitoring

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

Section 615.704 Design and Operating Requirements for Above-Ground Storage Tanks

- a) The owner or operator 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 on 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 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 runoff from the secondary containment area immediately after a precipitation event.
 - 3) Handle contaminated storm water runoff 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.
- f) This Section becomes applicable two years after the date of first applicability.

Section 615.705 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 in the State of Illinois must be disposed at a disposal site permitted by the Agency under the Act.

SUBPART L: DE-ICING AGENT STORAGE AND HANDLING UNITS

Section 615.721 Applicability

This Subpart applies to any existing unit 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 615.105. For the purpose of this Subpart:

- a) An indoor storage unit means a storage unit with a roof capable of protecting 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 615.722 Groundwater Monitoring

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

Section 615.723 Design and Operating Requirements

- a) Indoor facilities must comply with the following standards beginning two years after the date of first

applicability:

- 1) The base of the facility must be constructed of materials capable of containing de-icing agents (i.e., bituminous or concrete pad).
 - 2) The roof and walls of the facility must be constructed of materials capable of protecting the storage pile from precipitation and capable of preventing dissolved de-icing agents from entering into the adjacent soil, surface water, or groundwater. The walls of the facility must be constructed of materials compatible with the de-icing agents to be placed in the facility. Run-off from the roof must be diverted away from the loading pad.
 - 3) All areas surrounding the storage pile, including but not limited to the loading pad, must be routinely inspected to determine whether any release of de-icing agents has occurred. Such areas shall be cleaned as necessary. Spilled de-icing agents must be placed back under the protective covering of the indoor storage pile. The storage pile must be reshaped as often as necessary to prevent leaching.
 - 4) The integrity of the facility and loading pad must be maintained.
 - 5) All areas surrounding the storage facility must be inspected daily to determine whether any release of de-icing agents has occurred. Spilled de-icing agents must be placed back into the storage facility.
- b) Outdoor facilities or units must comply with the following standards beginning two years after the date of first applicability:
- 1) An impermeable membrane or cover must be placed over all storage piles to protect the piles from precipitation and surface water run-on. The membrane or cover must prevent run-off and leachate from being generated by the outdoor storage piles. The piles must be formed in a conical shape, covered and stored on a paved pad capable of preventing leachate from entering adjacent soil, surface water, or groundwater.
 - 2) Surface drainage must be directed to prevent flow through the base of the storage piles. De-icing

agents must not be stored where drainage may enter into water supplies, farm lands or streams.

- 3) All areas surrounding the storage piles must be cleaned and must be inspected daily to determine whether any release of de-icing agents has occurred. Spilled de-icing agents must be placed back under the protective covering of the outdoor storage piles. The storage piles must be reshaped as often as necessary to prevent leaching.
- 4) The storage piles must be designed and operated to control wind dispersal of the product by means other than wetting.

Section 615.724 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 in the State of Illinois must be disposed at a disposal site permitted by the Agency under the Act.

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 and Operating 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 (Ill. Rev. Stat. 1989, ch. 111 1/2, pars. 1005, 1014.4, 1021, 1022, and 1027).

SOURCE: Adopted at R89-5 ____ Ill. Reg. _____, effective _____.

NOTE: Capitalization denotes statutory language.

SUBPART A: GENERAL

Section 616.101 Purpose

This Part prescribes 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 Act or within a regulated recharge area as delineated pursuant to Section 17.4 of the Illinois Environmental Protection Act (Act), Ill. Rev. Stat. 1989, ch. 111 1/2, pars. 1001 et seq.

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 definition 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 (Ill. Rev. Stat. 1989, ch. 111 1/2, pars. 7451 et seq.).

"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, Ill. Rev. Stat. 1989, ch. 111 1/2, par. 116.301 et seq.

(Section 3.60 of the Act)

Section 616.104 Exceptions to Prohibitions

- 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, ~~use~~ 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 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)

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

Section 616.105 General Exceptions

This Part does not apply to any facility or unit, or to the owner or operator of any facility or unit for which:

- a) The owner or operator obtains certification of minimal hazard pursuant to Section 14.5 of the Act; or
- b) Alternate requirements are imposed in an adjusted standard proceeding or in a site-specific rulemaking, pursuant to Title VII of the Act; or
- c) Alternate requirements are imposed in a regulated recharge area proceeding pursuant to Section 17.4 of the Act.
- d) 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.

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 at 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 at Section 616.211(e).
- d) Subsections (b), (c), and (d) notwithstanding, there shall be no post-closure care period if all waste, waste residues, contaminated containment system components and contaminated subsoils are removed or decontaminated at closure, and there is no ongoing corrective action pursuant to Section 616.211.

Section 616.203 Compliance With Groundwater Standards

The owner or operator shall comply with the groundwater standards.

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

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 shall 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) A determination of the groundwater head elevation each time groundwater is sampled.

- d) A determination at least annually of 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 shall, 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, but are not limited to:
 - 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 pursuant to subsection (d) shows that the existing monitoring system is not capable of assessing groundwater quality at the compliance points or points.

Section 616.206 Reporting

The owner or operator shall submit results of all monitoring required pursuant to this Subpart to the Agency within 60 days after completion of sampling.

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 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 measure 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:

<u>Sample Size</u>	<u>Constant</u>
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 (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 (a)(5).

Section 616.208 Continued Sampling

Upon completion of the background sampling required pursuant to Section 616.207, the owner or operator shall 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) sampling shall be at least quarterly and analysis shall be for pH, specific conductance, total organic carbon, total organic halogen, and any other parameter that meets the following criteria:
 - 1) Material containing such parameter is stored, treated or disposed at the unit; and
 - 2) The Board has adopted a groundwater standard for such parameter.
- b) For a unit subject to Subpart I for the storage and handling of pesticides sampling shall be at least quarterly, except as provided in subsection (d), and analysis shall be for 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 shall 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 sampling shall be at least quarterly, except as provided in subsection d), and analysis shall be for pH, total organic carbon, nitrates as nitrogen, ammonia nitrogen, and specific conductance.
- d) Subsections (b) and (c) notwithstanding, for a unit subject to Subpart I for the storage and handling of pesticides or for a unit subject to Subpart J for the storage and handling of fertilizers, sampling shall be at least semi-annually provided that eachall of the following conditions is met:
- 1) The unit is in compliance with the containment requirements of 8 Ill. Adm. Code 255;
 - 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 of any contaminant attributable to operation of the unit; and
- 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 sampling shall be annually and analysis shall be for pH, specific conductance, total organic carbon and total organic halogen.

Section 616.209 Preventive Notification and Preventive Response

- a) Preventive notification is required for each well in which:
- 1) A MAR is found to be 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 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 shall confirm the detection by resampling the monitoring well or wells. This resampling shall be analyzed for each parameter found to be present in the first sample and be performed within 30 days of the date on which the first sample analyses are received, but no later than 90 days after the results of the first sample were 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 shall determine whether the levels for each parameter as set forth in 35 Ill. Adm. Code 620.310(a)(3)(A) are exceeded. If an exceedence is determined, the Agency shall notify the owner or operator in writing regarding such finding.
- d) Upon receipt of a finding that an exceedence has occurred, the owner or operator shall submit to the Agency within 60 days a report that, at a minimum, shall include the degree and extent of contamination and the measures that are being taken to minimize or eliminate this contamination, in accordance 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 accordance 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 shall 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 received a written response of concurrence pursuant to subsection (e) shall 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 pursuant to subsection (e) 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 preventive response.
- h) An owner or operator shall be responsible for implementing adequate preventive response as determined pursuant to this Section.
- i) After completion of preventive response, the concentration of a contamination 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 Subpart D, only if the following conditions are met:
 - 1) The exceedence had 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 shall in any way limit the authority of the State or the United States to require or perform any corrective action process.

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 (j).
 - 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 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 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 actions 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 alternate corrective action demonstration pursuant to Section 616.211.

Section 616.211 Alternate 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 ~~clear and convincing~~ 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. In making such demonstration the owner or operator shall:

- a) Notify the Agency that the owner or operator intends to make a demonstration under this Section when submitting the groundwater monitoring results required pursuant to Section 616.206.
- b) 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

- c) 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 alternate 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 alternate corrective action and a description of the inadequacies of such demonstration.
- d) An owner or operator who receives a written response of non-concurrence pursuant to subsection (c) 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 alternate corrective action.
- e) The owner or operator shall begin the corrective action program in accordance with the requirements of Section 616.210(f).

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 shall 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, and 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.

Section 616.303 Certification of Closure

Within 60 days after completion of closure of each unit, the owner or operator shall submit to the Agency, by registered or certified mail, a certification that the unit has been closed in accordance 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.

Section 616.304 Survey Plat

a) No later than the submission of the certification of closure of each unit, the owner or operator shall submit to any local zoning authority, or authority with jurisdiction over local land use, and to the Agency, and record with land titles, a survey plat indicating the location and dimensions of any waste disposal units, and any pesticide and/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 for fertilizer storage and handling units records or reports required under any other State or Federal regulatory program and which contain the information required above may be used to satisfy this reporting requirement.

Section 616.305 Post-Closure Notice for Waste Disposal Units

No later than 60 days after certification of closure of the unit, the owner or operator of a unit subject to Subparts D, E, or F shall submit to the Agency, to the County Recorder and to 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.

Section 616.306 Certification of Completion of Post-closure Care

No later than 60 days after completion of the established post-closure care period, the owner or operator shall submit to the Agency, by registered or certified mail, a certification that the post-closure care period for the unit was performed in accordance 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.

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 pursuant to Section 616.105.

Section 616.402 Prohibitions

- a) Pursuant to Sections 14.2(a), 14.2(d) and 14.3(e) of the Act, no person shall cause or allow the construction, ~~use~~ 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.

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 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 pursuant to Section 616.105.

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, ~~use~~ 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.

Section 616.423 Groundwater Monitoring

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

Section 616.424 Design and Operating Requirements

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

Section 616.425 Closure and Post-Closure

The owner or operator shall comply with the requirements of Subpart

C.

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 pursuant to Section 616.105.

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, ~~use~~ 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).

Section 616.443 Groundwater Monitoring

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

Section 616.444 Design and Operating Requirements

- a) The owner or operator of a surface impoundment shall install two or more liners and a leachate collection system between such liners. The requirement for the installation of two or more liners in this subsection may be satisfied by the installation of a top liner designed, operated, and constructed of materials to prevent the migration of any constituent into such liner during the period such facility remains in operation (including any post-closure monitoring period), and a lower liner designed, operated and constructed to prevent the migration of any constituent through such liner during such period. For the purpose of the preceding

sentence, a lower liner shall be deemed to satisfy such 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 1×10^{-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 shall 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.

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) While a surface impoundment is in operation, it 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.

Section 616.446 Operating Requirements

- a) No person shall 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 accordance 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 must be removed from service as required by subsection (b), the owner or operator shall:
 - 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, such notice to be given within 10 days after the removal from service.
- d) No surface impoundment unit that has been removed from service in accordance with the requirements of this Section may be restored to service unless the portion of the unit that failed has been repaired.
- e) A surface impoundment unit that has been removed from service in accordance with the requirements of this

Section and that is not being repaired must be closed in accordance with the provisions of Section 616.447.

Subpart 616.447 Closure and Post-Closure Care

- a) If closure is to be by removal, the owner or operator shall remove all waste, all waste residues, contaminated containment system components (liners, etc.), contaminated subsoils and structures and equipment contaminated with waste and leachate; and, if disposed 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 shall comply with the requirements of Subpart C and shall:
 - 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 shall comply with the requirements of Subpart C and shall for a period of 5 years after closure:
 - 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.

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 and the sludge pile is situated on an underdrained pavement and operated in accordance with the Act, 35 Ill. Adm. Code: Subtitle C and 35 Ill. Adm. Code: Subtitle G; or~~
- ~~c) Is exempt from this Part pursuant to Section 616.105.~~

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, ~~use~~ 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, ~~and~~ 35 Ill. Adm.~~

Code: Subtitle C, Subtitle F, and Subtitle G.

Section 616.463 Design and Operating Requirements

- a) No person shall 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.

Section 616.464 Closure

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

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

Section 616.502 Design and Operating Requirements

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

SUBPART I: PESTICIDE STORAGE AND HANDLING UNITS

Section 616.601 Applicability

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:

- a) Is operated for the purpose of commercial application; or
- b) Stores or accumulates pesticides prior to distribution to retail sales outlets, including but not limited to a unit that is a warehouse or bulk terminal.
- c) Subsections (a) and (b) notwithstanding, this Subpart does not apply to any unit exempt pursuant to Section 616.105.

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, ~~use~~ 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).

Section 616.603 Groundwater Monitoring

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

Section 616.604 Design and Operating Requirements

The owner or operator shall:

- 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 shall 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 such containers are stored outside of a roofed structure or enclosed warehouse. For the purpose of this subsection a pesticide secondary containment structure is a structure that complies with the design standards set forth in 8 Ill. Adm. Code 255.
- d) Maintain all written records required under this Section at the site. The owner or operator shall provide any such record 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).

Section 616.605 Closure and Post-Closure Care

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

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 the purpose of commercial application;
or
- b) Stores or accumulates fertilizers prior to distribution to retail sales outlets, including but not limited to a unit that is a warehouse or bulk terminal.
- c) Subsections (a) and (b) notwithstanding, this Subpart

shall not apply to any unit exempt pursuant to Section 616.105.

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, ~~use~~ 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).

Section 616.623 Groundwater Monitoring

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

Section 616.624 Design and Operating Requirements

The owner or operator shall:

- 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 shall immediately repair or replace the device. The owner or operator shall 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 such containers are stored outside of a roofed structure or enclosed warehouse. For the purpose of this subsection a fertilizer secondary containment structure is a structure that complies with the design standards set forth in 8 Ill. Adm. Code 255.
- d) Maintain all written records required under this Section at the site. The owner or operator shall provide any such record 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).

Section 616.625 Closure and Post-Closure Care

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

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, ~~use~~ 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 on 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 runoff the secondary containment area immediately after a precipitation event.
 - 3) Handle contaminated storm water runoff 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 in the State of Illinois must be disposed 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 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 616.722 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, ~~use~~ 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, ~~use~~ 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.

Section 616.723 Groundwater Monitoring

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

Section 616.724 Design and Operating Requirements for Indoor Storage Facilities

- a) The base of the facility must be constructed of materials capable of containing de-icing agents (i.e., bituminous or concrete pad).
- b) The roof and walls of the facility must be constructed of materials capable of protecting the storage pile from

precipitation and capable of preventing dissolved de-icing agents from entering into the adjacent soil, surface water, or groundwater. The walls of the facility must be constructed of materials compatible with the de-icing agents to be placed in the facility. Run-off from the roof must be diverted away from the loading pad.

- c) The loading pad of the facility must be constructed of materials capable of containing a spill (i.e., concrete or bituminous pad). The borders of the loading pad must be curbed to prevent dry or dissolved de-icing agents from migrating from the loading pad into the adjacent soils, surface water, or groundwater. The loading pad must be covered by a roof of sufficient size to provide the pad and de-icing agents with protection from precipitation to prevent run-off or dissolved de-icing agents from entering into the adjacent soil, surface water, or groundwater.
- d) All areas surrounding the storage pile, including but not limited to the loading pad, must be routinely inspected to determine whether any release of de-icing agents has occurred. Such areas shall be cleaned as necessary. Spilled de-icing agents must be placed back under the protective covering of the indoor storage pile. The storage pile must be reshaped as often as necessary to prevent leaching.
- e) The integrity of the facility and loading pad must be maintained.
- f) All areas surrounding the storage facility must be inspected daily to determine whether any release of de-icing agents has occurred. Spilled de-icing agents must be placed back into the storage facility.

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 in the State of Illinois must be disposed at a disposal site permitted by the Agency under the Act.

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

PART 617
REGULATED RECHARGE AREAS

SUBPART A: GENERAL

Section
617.101 Purpose
617.102 Definitions

AUTHORITY: Implementing Section 17.4 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 111 1/2, pars. 1017.4 and 1027).

SOURCE: Adopted in R89-5 at _____ Ill. Reg. _____, effective _____.

SUBPART A: GENERAL

Section 617.101 Purpose

This Part sets out regulated recharge areas as delineated pursuant to Section 17.4 of the Illinois Environmental Protection Act (Act), Ill. Rev. Stat. 1989, ch. 111 1/2, pars. 1001 et seq.

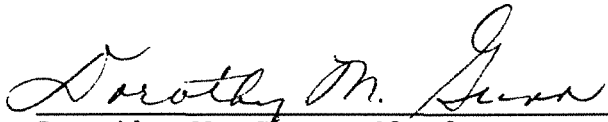
Section 617.102 Definitions

Unless a different meaning of a word or term is clear from the context, the definition 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 (Ill. Rev. Stat. 1989, ch. 111 1/2, pars. 7451 et seq.).

IT IS SO ORDERED.

Board Members J.D. Dumelle and B. Forcade concurred.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 12th day of September, 1991, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board