

From: [Knudson, Cheryl J.](#)
To: [McGill, Richard](#)
Cc: [Eastvold, Jonathan C.](#)
Subject: [External] RE: First Notice Documents from JCAR
Date: Wednesday, May 25, 2022 4:07:10 PM
Attachments: [35-616NT-P JCAR.docx](#)
[35-616RG-P r01 \(46-22\).docx](#)
[Redline - 35-616RG-P Agency for DELTA and 35-616RG-P r01 \(46-22\).pdf](#)

First Notice documents are attached for your review:

- Notice Page
- **Ist Notice** – Numbered Line Version
- Agency vs. JCAR r01

If you have any questions or concerns, please contact Jonathan Eastvold @ 217-524-9010.

Thank you,
Cheryl

Cheryl Knudson
Joint Committee on Administrative Rules
Illinois General Assembly
700 Stratton Building
Springfield, IL 62706

217.785.8993
cherylk@ilga.gov

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: New Activities in a Setback Zone or Regulated Recharge Area
- 2) Code Citation: 35 Ill. Adm. Code 616
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
616.101	Amendment
616.102	Amendment
616.104	Amendment
616.105	Amendment
616.202	Amendment
616.203	Amendment
616.205	Amendment
616.206	Amendment
616.207	Amendment
616.208	Amendment
616.209	Amendment
616.210	Amendment
616.211	Amendment
616.302	Amendment
616.303	Amendment
616.304	Amendment
616.305	Amendment
616.306	Amendment
616.401	Amendment
616.402	Amendment
616.421	Amendment
616.422	Amendment
616.423	Amendment
616.424	Amendment
616.425	Amendment
616.441	Amendment
616.442	Amendment
616.443	Amendment
616.444	Amendment
616.445	Amendment
616.446	Amendment
616.447	Amendment
616.461	Amendment
616.462	Amendment
616.463	Amendment

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NOTICE OF PROPOSED AMENDMENTS

616.464	Amendment
616.501	Amendment
616.502	Amendment
616.601	Amendment
616.602	Amendment
616.603	Amendment
616.604	Amendment
616.605	Amendment
616.621	Amendment
616.622	Amendment
616.623	Amendment
616.624	Amendment
616.625	Amendment
616.702	Amendment
616.703	Amendment
616.704	Amendment
616.722	Amendment
616.723	Amendment
616.724	Amendment

- 4) Statutory Authority: Implementing Sections 5, 14.4, 21, and 22 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/5, 14.4, 21, 22 and 27].
- 5) A Complete Description of the Subjects and Issues Involved: The rulemaking pertains to the Board's public water supply rules and contain the requirements necessary for owners and official custodians of public water supplies in the State to provide, "continuous operation and maintenance of public water supply facilities to assure that the water is safe in quality, clean, adequate in quantity, and of satisfactory mineral characteristics for ordinary domestic consumption." 35 Ill. Adm. Code 601.101(a). In this rulemaking, the Board proposes non-substantive amendments to remove redundant or unnecessary language, replace outdated language, update statutory references, and reorganize provisions for clarity. The rulemaking also proposes amendments to delete outdated provisions, appropriately match incorporations by reference, eliminate redundancies and correct citations.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: No
- 7) Will this proposed rulemaking replace an emergency rule currently in effect? No

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- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this proposed rulemaking contain incorporations by reference? No
- 10) Are there any proposed rulemakings to this Part pending? No
- 11) Statement of Statewide Policy Objectives: This proposed amendment does not create or enlarge a State mandate as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3].
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comments on this proposal for a period of at least 45 days after the date of publication in the *Illinois Register*. Public comments should refer to Docket R18-26 and be filed electronically through the Clerk's Office On-Line (COOL) on the Board's website at pcb.illinois.gov. Public comments may be addressed to:
- Clerk's Office
Illinois Pollution Control Board
100 W. Randolph St., Suite 11-500
Chicago, IL 60601
- Interested persons may download copies of the Board's opinions and orders in R18-26 from the Board's Web site at pcb.illinois.gov and may also request copies by calling the Clerk's office at 312-814-3620.
- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: The proposed amendments in this rulemaking will not themselves require recordkeeping or reporting procedures for compliance.
- C) Types of Professional skills necessary for compliance: None
- 14) Small Business Impact Analysis: The Board does not expect that the proposed rules will impact small business.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 15) Regulatory Agenda on which this rulemaking was summarized: This rule did not appear in a regulatory agenda.

The full text of the Proposed Amendments begins on the next page:

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

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44 Section

45 616.401 Applicability

46 616.402 Prohibitions

47

48 SUBPART E: ON-SITE LAND TREATMENT UNITS

49

50 Section

51 616.421 Applicability

52 616.422 Prohibitions

53 616.423 Groundwater Monitoring

54 616.424 Design and Operating Requirements

55 616.425 Closure and Post-Closure Care

56

57 SUBPART F: ON-SITE SURFACE IMPOUNDMENTS

58

59 Section

60 616.441 Applicability

61 616.442 Prohibitions

62 616.443 Groundwater Monitoring

63 616.444 Design Requirements

64 616.445 Inspection Requirements

65 616.446 Operating Requirements

66 616.447 Closure and Post-Closure Care

67

68 SUBPART G: ON-SITE WASTE PILES

69

70 Section

71 616.461 Applicability

72 616.462 Prohibitions

73 616.463 Design and Operating Requirements

74 616.464 Closure

75

76 SUBPART H: UNDERGROUND STORAGE TANKS

77

78 Section

79 616.501 Applicability

80 616.502 Design and Operating Requirements

81

82 SUBPART I: PESTICIDE STORAGE AND HANDLING UNITS

83

84 Section

85 616.601 Applicability

86 616.602 Prohibitions

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87 616.603 Groundwater Monitoring
88 616.604 Design and Operating Requirements
89 616.605 Closure and Post-Closure Care

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91 SUBPART J: FERTILIZER STORAGE AND HANDLING UNITS

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93 Section

94 616.621 Applicability
95 616.622 Prohibitions
96 616.623 Groundwater Monitoring
97 616.624 Design and Operating Requirements
98 616.625 Closure and Post-Closure Care

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100 SUBPART K: ROAD OIL STORAGE AND HANDLING UNITS

101

102 Section

103 616.701 Applicability
104 616.702 Prohibitions
105 616.703 Groundwater Monitoring
106 616.704 Design and Operating Requirements for Above-Ground Storage Tanks
107 616.705 Closure

108

109 SUBPART L: DE-ICING AGENT STORAGE AND HANDLING UNITS

110

111 Section

112 616.721 Applicability
113 616.722 Prohibitions
114 616.723 Groundwater Monitoring
115 616.724 Design and Operating Requirements for Indoor Storage Facilities
116 616.725 Closure

117

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

120

121 SOURCE: Adopted in R89-5 at 16 Ill. Reg. 1592, effective January 10, 1992; amended in R89-
122 14(C) at 16 Ill. Reg. 14676, effective September 11, 1992; amended in R92-20 at 17 Ill. Reg.
123 1878, effective January 28, 1993; amended in R96-18 at 21 Ill. Reg. 6543, effective May 8,
124 1997; amended in R18-26 at 46 Ill. Reg. _____, effective _____.

125

126 SUBPART A: GENERAL

127

128 **Section 616.101 Purpose**

129

130 This Part ~~specifies the~~~~prescribes~~ requirements and standards for the protection of groundwater
131 for certain types of new facilities or units located wholly or partially within a setback zone
132 regulated by the Act or within a regulated recharge area ~~underas delineated pursuant to~~ Section
133 17.4 of the Illinois Environmental Protection Act (Act) [415 ILCS 5/17.4].

134
135 (Source: Amended at 46 Ill. Reg. _____, effective _____)

136
137 **Section 616.102 Definitions**

138
139 Except as stated in this Section, and unless a different meaning of a word or term is clear from
140 the context, the definitions of words or terms in this Part will~~shall~~ be the same as those used in
141 35 Ill. Adm. Code 615.102, the Act, or the Illinois Groundwater Protection Act [415 ILCS 55].

142
143 *"New Potential Primary Source" means:*

144
145 *A potential primary source which is not in existence or for which*
146 *construction has not commenced at its location as of January 1, 1988; or*

147
148 *A potential primary source which expands laterally beyond the currently*
149 *permitted boundary or, if the primary source is not permitted, the*
150 *boundary in existence as of January 1, 1988; or*

151
152 *A potential primary source which is part of a facility that undergoes major*
153 *reconstruction. Such reconstruction shall be deemed to have taken place*
154 *where the fixed capital cost of the new components constructed within a 2-*
155 *year period exceed 50% of the fixed capital cost of a comparable entirely*
156 *new facility.*

157
158 (Section 3.59 of the Act)

159
160 *"New Potential Route" means:*

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162 *A potential route which is not in existence or for which construction has*
163 *not commenced at its location as of January 1, 1988; or*

164
165 *A potential route which expands laterally beyond the currently permitted*
166 *boundary or, if the potential route is not permitted, the boundary in*
167 *existence as of January 1, 1988.*

168
169 (Section 3.58 of the Act)

170
171 *"New Potential Secondary Source" means:*

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~~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:~~

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~~Is utilized for the landfilling, land treating, or surface impounding of waste that is generated on the site or at other sites owned, controlled or operated by the same person, other than livestock and landscape waste, and construction and demolition debris; or~~

~~Stores or accumulates at any time more than 25,000 but not more than 75,000 pounds above ground, or more than 2,500 but not more than 7,500 pounds below ground, of any hazardous substances; or~~

~~Stores or accumulates at any time more than 25,000 gallons above ground, or more than 500 gallons below ground, of petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance; or~~

~~Stores or accumulates pesticides, fertilizers, or road oils for purposes of commercial application or for distribution to retail sales outlets; or~~

~~Stores or accumulates at any time more than 50,000 pounds of any de-icing agent; or~~

~~Is utilized for handling livestock waste or for treating domestic wastewaters other than private sewage disposal systems as defined in the Private Sewage Disposal Licensing Act [225 ILCS 225].(Section 3.60 of the Act)~~

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 616.104 Exceptions to Prohibitions

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

- a) ~~The owner of a new potential primary source or a potential secondary source may secure a waiver from the prohibitions specified in Section 616.402(a), 616.422(a), 616.442, 616.462(a), 616.602, 616.622, 616.702 or 616.722(a) against construction or operation within the setback zone for a potable water supply well other than a community water supply. A written request for a waiver shall be made to the owner of the water well and the Agency. Such request shall identify the new or proposed potential source, shall generally describe the possible effect of such potential source upon the water well and any applicable technology-based control which will be utilized to minimize the potential for contamination, and~~

259 shall state whether, and under what conditions, the requestor will provide an
260 alternative potable water supply. Waiver may be granted by the owner of the
261 water well no less than 90 days after receipt unless prior to such time the Agency
262 notifies the well owner that it does not concur with the request. (Section 14.2(b)
263 of the Act)

264
265 b) The Agency shall not concur with any such request which fails to accurately
266 describe reasonably foreseeable effects of the potential source or potential route
267 upon the water well or any applicable technology-based controls. Such
268 notification by the Agency shall be in writing, and shall include a statement of
269 reasons for the none concurrence. Waiver of the minimum setback zone shall
270 extinguish the water well owner's rights under Section 6b of the Illinois Water
271 Well Construction Code but shall not preclude enforcement of any law regarding
272 water pollution. If the owner of the water well has not granted a waiver within
273 120 days after receipt of the request or the Agency has notified the owner that it
274 does not concur with the request, the owner of a potential source or potential
275 route may file a petition for an exception with the Board and the Agency pursuant
276 to subsection (b) of this Section. (Section 14.2(b) of the Act)

277
278 e) No waiver under this Section is required where the potable water supply well is
279 part of a private water system as defined in the Illinois Groundwater Protection
280 Act, and the owner of such well will also be the owner of a new potential
281 secondary source or a potential route. In such instances, a prohibition of 75 feet
282 shall apply and the owner shall notify the Agency of the intended action so that
283 the Agency may provide information regarding the potential hazards associated
284 with location of a potential secondary source or potential route in close proximity
285 to a potable water supply well. (Section 14.2(b) of the Act)

286
287 d) The Board may grant an exception from the setback requirements of this Section
288 and Section 14.3 to the owner of a new potential primary source other than
289 landfilling or land treating, or a new potential secondary source. The owner
290 seeking an exception with respect to a community water supply well shall file a
291 petition with the Board and the Agency. The owner seeking an exception with
292 respect to a potable water supply well shall file a petition with the Board and the
293 Agency, and set forth therein the circumstances under which a waiver has been
294 sought but not obtained pursuant to subsection (a) of this Section. A petition shall
295 be accompanied by proof that the owner of each potable water supply well for
296 which setback requirements would be affected by the requested exception has
297 been notified and been provided with a copy of the petition. A petition shall set
298 forth such facts as may be required to support an exception, including a general
299 description of the potential impacts of such potential source or potential route
300 upon groundwaters and the affected water well, and an explanation of the
301 applicable technology-based controls which will be utilized to minimize the

302 *potential for contamination of the potable water supply well. (Section 14.2(e) of*
303 *the Act)*

- 304
- 305 e) *The Board shall grant an exception, whenever it is found upon presentation of*
306 *adequate proof, that compliance with the setback requirements of this Section*
307 *would pose an arbitrary and unreasonable hardship upon the petitioner, that the*
308 *petitioner will utilize the best available technology controls economically*
309 *achievable to minimize the likelihood of contamination of the potable water*
310 *supply well, that the maximum feasible alternative setback will be utilized, and*
311 *that the location of such potential source or potential route will not constitute a*
312 *significant hazard to the potable water supply well. (Section 14.2(e) of the Act)*
- 313
- 314 f) *A decision made by the Board pursuant to this subsection shall constitute a final*
315 *determination. (Section 14.2(e) of the Act)*
- 316
- 317 g) *The granting of an exception by the Board shall not extinguish the water well*
318 *owner's rights under Section 6b of the Illinois Water Well Construction Code in*
319 *instances where the owner has elected not to provide a waiver pursuant to*
320 *subsection (a) of this Section. (Section 14.2(e) of the Act)*

321
322 (Source: Amended at 46 Ill. Reg. _____, effective _____)

323
324 **Section 616.105 General Exceptions**

- 325
- 326 a) This Part does not apply to any facility or unit, or to the owner or operator of any
327 facility or unit, for which:
 - 328
 - 329 1) The owner or operator obtains certification of minimal hazard
330 underpursuant to Section 14.5 of the Act; or
 - 331
 - 332 2) Alternate requirements are imposed in an adjusted standard proceeding or
333 in a site-specific rulemaking, underpursuant to Title VII of the Act; or
 - 334
 - 335 3) Alternate requirements are imposed in a regulated recharge area
336 proceeding underpursuant to Section 17.4 of the Act; or
 - 337
 - 338 4) The owner or operator of the facility for storage and related handling of
339 pesticides or fertilizers for the purpose of commercial application or at a
340 central location for the purpose of distribution to retail sales outlets that
341 has filed a written notice of intent underpursuant to Section 14.6 of the Act
342 *with the Department of Agriculture by January 1, 1993, or within 6*
343 *months after the date on which a maximum setback zone is established or*
344 *a regulated recharge area regulation is adopted that affects such a*

345 *facility*; or has filed a written certification of intent ~~underpursuant~~ to
346 Section 14.6 of the Act *on the appropriate license or renewal application*
347 *form submitted to the Department of Agriculture or other appropriate*
348 *agency.* ~~[415 ILCS 5/14.6] (Section 14.6(a) of the Act).~~ This exception
349 ~~will~~shall not apply to those facilities that are not in compliance with the
350 program requirements of ~~Sections~~subsections 14.6(b) and 14.6(c) of the
351 Act.

- 352
353 b) Nothing in this Section ~~limit~~shall limit the authority of the Board to impose
354 requirements on any facility or unit within any portion of any setback zone or
355 regulated recharge area in any adjusted standard proceeding, site-specific
356 rulemaking or a regulatory proceeding establishing the regulated recharge area.
357

358 (Source: Amended at 46 Ill. Reg. _____, effective _____)
359

360 SUBPART B: GROUNDWATER MONITORING REQUIREMENTS

361
362 **Section 616.202 Compliance Period**

363
364 The compliance period is the active life of the unit, including closure and post-closure care
365 periods.
366

- 367 a) The active life begins when the unit first begins operation or one year after the
368 date of first applicability, whichever occurs later, and ends when the post-closure
369 care period ends.
370
371 b) The post-closure care period for units other than pesticide storage and handling
372 units subject to Subpart I and fertilizer storage and handling units subject to
373 Subpart J is five years after closure, except as provided at Section 616.211(e).
374
375 c) The post-closure care period for pesticide storage and handling units subject to
376 Subpart I and for fertilizer storage and handling units subject to Subpart J is three
377 years after closure, except as provided at Section 616.211(e).
378
379 d) ~~Despite subsections~~Subsections (a), (b), and (c) ~~notwithstanding~~, no post-closure
380 care period is required if all waste, waste residues, contaminated containment
381 system components and contaminated subsoils are removed or decontaminated at
382 closure, and no ongoing corrective action is required ~~underpursuant to~~ Section
383 616.211.
384

385 (Source: Amended at 46 Ill. Reg. _____, effective _____)
386

387 **Section 616.203 Compliance With Groundwater Standards**

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389 The owner or operator mustshall comply with the groundwater standards.

390

391 a) The term of compliance is the compliance period.

392

393 b) Compliance mustshall be measured at the compliance point, or compliance points
394 if more than one such point exists.

395

396 (Source: Amended at 46 Ill. Reg. _____, effective _____)

397

398 **Section 616.205 Groundwater Monitoring Program**

399

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

401

402 a) Consistent sampling and analysis procedures that are designed to ensure
403 monitoring results that provide a reliable indication of groundwater quality below
404 the unit. At a minimum the program must include procedures and techniques for:

405

406 1) Sample collection;

407

408 2) Sample preservation and shipment;

409

410 3) Analytical procedures; and

411

412 4) Chain of custody control.

413

414 b) Sampling and analytical methods that are appropriate for groundwater monitoring
415 and that allow for detection and quantification of contaminants specified in this
416 Subpart, and that are consistent with the sampling and analytical methods
417 specified in 35 Ill. Adm. Code 620.

418

419 c) A determination of the groundwater head elevation each time groundwater is
420 sampled.

421

422 d) A determination at least annually of the groundwater flow rate and direction.

423

424 e) If the owner or operator determines that the groundwater monitoring program no
425 longer satisfies the requirements of this Section, the owner or operator mustshall,
426 within 90 days, make appropriate changes to the program. Conditions under
427 which a groundwater monitoring program no longer satisfies the requirements of
428 this Section include, but are not limited to:

429

430 1) A Maximum Allowable Result (MAR) is exceeded in any monitoring well

431 that is being used as a background monitoring well or that the owner or
432 operator has previously determined to be hydraulically upgradient from
433 the facility; or
434

435 2) A redetermination of groundwater flow rate and direction conducted
436 ~~underpursuant to~~ subsection (d) shows that the existing monitoring system
437 is not capable of assessing groundwater quality at the compliance points or
438 points.
439

440 (Source: Amended at 46 Ill. Reg. _____, effective _____)
441

442 **Section 616.206 Reporting**

443
444 The owner or operator ~~mustshall~~ submit results of all monitoring required ~~underpursuant to~~ this
445 Subpart to the Agency within 60 days after ~~completion of~~ sampling ~~is completed~~.
446

447 (Source: Amended at 46 Ill. Reg. _____, effective _____)
448

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

451
452 a) The owner or operator ~~mustshall~~, beginning no later than the beginning of
453 operation of the unit and continuing for a period of at least one year, sample each
454 monitoring well at least every two months and analyze each such sample
455 according to the following program:
456

457 1) For a unit subject to Subpart E (land treatment units), Subpart F (surface
458 impoundments), Subpart K (road oil storage and handling units), or
459 Subpart L (de-icing agent storage and handling units), analysis ~~mustshall~~
460 be for pH, specific conductance, total organic carbon, total organic
461 halogen, and any other parameter that meets the following criteria:
462

463 A) Material containing such parameter is stored, treated or disposed of
464 at the unit; and

465
466 B) There is a groundwater standard for such parameter.
467

468 2) For a unit subject to Subpart I for the storage and handling of pesticides,
469 analysis ~~mustshall~~ be for each pesticide stored or handled at the unit.
470

471 3) For a unit subject to Subpart J for the storage and handling of fertilizer,
472 analysis ~~mustshall~~ be for pH, specific conductance, total organic carbon,
473 nitrates as nitrogen, ammonia nitrogen and for any other parameter that

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474 meets the following criteria:

- 475
476 A) Material containing such parameter is stored or handled at the unit;
477 and
478
479 B) There is a groundwater standard for such parameter.

480
481 b) The results obtained under subsection (a) ~~must~~shall be used to calculate the
482 background mean, background standard deviation and the Maximum Allowable
483 Result (hereinafter referred to as "MAR") for each parameter using the following
484 procedures:

- 485
486 1) Results from all samples collected during the year must be used in the
487 calculations unless the owner or operator demonstrates to the Agency that
488 one or more of the results was due to error in sampling, analysis or
489 evaluation.
490
491 2) All calculations must be based on a minimum of at least six sample
492 measurements per parameter per well.
493
494 3) If any measured value is equal to or greater than its PQL, or if any
495 measured value is greater than its corresponding groundwater standard, the
496 actual measured value must be used calculating the mean and standard
497 deviation.
498
499 4) If any measured value is less than its PQL and less than its corresponding
500 groundwater standard, the PQL rather than the measured value is to be
501 used in calculating the mean and standard deviation.
502
503 5) Except for pH, the MAR is the quantity equal to the measured mean value
504 of the contaminant plus the product of the contaminant's standard
505 deviation times the following constant:

506

<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

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 - 548
 - 549
- 6) For pH, the upper limit for the MAR is the quantity equal to the measured background mean pH plus the product of the calculated background standard deviation of the samples times the constant tabulated in subsection (b)(a)(5).
- 7) For pH, the lower limit of the MAR is the quantity equal to the measured background mean pH minus the product of the calculated background standard deviation of the samples times the constant tabulated in subsection (b)(a)(5).

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 616.208 Continued Sampling

Upon completion of the background sampling required ~~underpursuant to~~ Section 616.207, the owner or operator ~~mustshall~~ 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 ~~mustshall~~ be at least quarterly and analysis ~~mustshall~~ 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 of 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 ~~mustshall~~ be at least quarterly, except as provided in subsection (d), and analysis ~~mustshall~~ 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 ~~mustshall~~ 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;

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- 550 3) The toxicity characteristics of the pesticides stored or handled at the unit;
551
552 4) The history of spillage of the pesticides stored or handled at the unit; and
553
554 5) Any groundwater standards for the pesticides stored or handled at the unit.
555
- 556 c) For a unit subject to Subpart J for the storage and handling of fertilizer, sampling
557 ~~mustshall~~ be at least quarterly, except as provided in subsection (d), and analysis
558 ~~mustshall~~ be for pH, total organic carbon, nitrates as nitrogen, ammonia nitrogen,
559 and specific conductance.
560
- 561 d) ~~Despite subsections~~Subsections (b) and (c) ~~notwithstanding~~, for a unit subject to
562 Subpart I for the storage and handling of pesticides or for a unit subject to Subpart
563 J for the storage and handling of fertilizers, sampling ~~mustshall~~ be at least semi-
564 annually ~~if provided that~~ all of the following conditions are met:
565
- 566 1) The unit is in compliance with the containment requirements of 8 Ill.
567 Adm. Code 255; ~~and~~
568
- 569 2) There have been no detections within the preceding two years in any of
570 the monitoring wells of any contaminant stored or handled at the facility
571 or of any contaminant attributable to operation of the unit; ~~and~~
572
- 573 e) For a unit subject to Subpart K for the storage and handling of road oils or subject
574 to Subpart L for the storage and handling of de-icing agents, sampling ~~mustshall~~
575 be annually and analysis ~~mustshall~~ be for pH, specific conductance, total organic
576 carbon and total organic halogen.
577
- 578 (Source: Amended at 46 Ill. Reg. _____, effective _____)
579

Section 616.209 Preventive Notification and Preventive Response

- 581
- 582 a) Preventive notification is required for each well in which:
583
- 584 1) A MAR ~~is found to be~~ exceeded (except for pH);~~;~~ or
585
- 586 2) There is a detection of any contaminant:
587
- 588 A) Required to be monitored under Section 616.207(a);
589
- 590 B) Listed under 35 Ill. Adm. Code 620.310(a)(3)(A) (except due to
591 natural causes and except for pH);
592

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- 593 C) Denoted as carcinogen under 35 Ill. Adm. Code 620.410(b); or
594
595 D) Subject to a standard under 35 Ill. Adm. Code 620.430 (except due
596 to natural causes).
597
- 598 b) Whenever preventive notification is required under subsection (a), the owner or
599 operator of the unit ~~mustshall~~ confirm the detection by resampling the monitoring
600 well or wells. This resampling ~~mustshall~~ be analyzed for each parameter found to
601 be present in the first sample and be performed within 30 days after the date on
602 which the first sample analyses are received, but no later than 90 days after the
603 results of the first sample are received.
604
- 605 c) If preventive notification is provided under subsection ~~(a)(b)~~ by the owner or
606 operator and the applicable standard has not been exceeded, the Agency ~~mustshall~~
607 determine whether the levels for each parameter as set forth in 35 Ill. Adm. Code
608 620.310(a)(3)(A) are exceeded. If an ~~exceedanceexceedence~~ is determined, the
609 Agency ~~mustshall~~ notify the owner or operator in writing regarding ~~thesueh~~
610 finding.
611
- 612 d) Within 60 days after receiving a notification from the Agency under subsection
613 (c). Upon receipt of a finding that an exceedance has occurred, the owner or
614 operator ~~mustshall~~ submit to the Agency ~~within 60 days~~ a report that ~~includes, at a~~
615 ~~minimum, shall include~~ the degree and extent of contamination and the measures
616 that are being taken to minimize or eliminate ~~thethis~~ contamination, in
617 ~~complianceaeoordance~~ with a prescribed schedule. The owner or operator may
618 also provide a demonstration that:
619
- 620 1) The contamination is the result of contaminants remaining in groundwater
621 from a prior release for which appropriate action was taken in
622 ~~complianceaeoordance~~ with the laws and regulations in existence at the
623 time of the release;
624
- 625 2) The source of contamination is not due to the on-site release of
626 contaminants; or
627
- 628 3) The detection resulted from error in sampling analysis or evaluation.
629
- 630 e) Based upon the report in subsection (d) as well as any other relevant information
631 available to the Agency, the Agency ~~mustshall~~ provide a written response to the
632 owner or operator that specifies either:
633
- 634 1) Concurrence with the preventive response being undertaken; or
635

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- 636 2) Non-concurrence with the preventive response being undertaken and a
637 description of the inadequacies of such action.
638
- 639 f) An owner or operator who receives a written response of concurrence
640 ~~underpursuant to~~ subsection (e) ~~mustshall~~ provide periodic program reports to the
641 Agency regarding the implementation of the preventive response.
642
- 643 g) An owner or operator who receives a written response of non-concurrence
644 ~~underpursuant to~~ subsection (e) ~~mustshall~~ have ~~within~~ 30 days ~~to~~ correct the
645 inadequacies and ~~to~~ resubmit the report to the Agency or to request a conference
646 with the Agency. ~~Within 30 days of~~ Upon receipt of a written request for ~~such a~~
647 conference, the Agency ~~mustshall~~ schedule and hold the conference ~~within 30~~
648 ~~days~~. Following ~~thea~~ conference, the Agency ~~mustshall~~ provide the owner or
649 operator with a final determination regarding the adequacy of the preventive
650 response.
651
- 652 h) An owner or operator ~~mustshall~~ be responsible for implementing adequate
653 preventive response as determined ~~underpursuant to~~ this Section.
654
- 655 i) After completion of preventive response, the concentration of a contamination
656 listed in 35 Ill. Adm. Code 620.310(a)(3)(A) in groundwater may exceed 50
657 percent of the applicable numerical standard in 35 Ill. Adm. Code 620.Subpart D
658 only if the following conditions are met:
659
- 660 1) The ~~exceedanceexceedence~~ has been minimized to the extent practicable;
661
- 662 2) Beneficial use, as appropriate for the class of groundwater, has been
663 assured; and
664
- 665 3) Any threat to public health or the environment has been minimized.
666
- 667 j) Nothing in this Section ~~limitsshall in any way limit~~ the authority of the State or
668 the United States to require or perform any corrective action process.
669

670 (Source: Amended at 46 Ill. Reg. _____, effective _____)
671

672 Section 616.210 Corrective Action Program 673

674 Whenever any applicable groundwater standard under 35 Ill. Adm. Code 620.Subpart D is
675 exceeded, an owner or operator ~~mustshall be required to~~ undertake the following corrective
676 action:
677

- 678 a) Notify the Agency of the need to undertake a corrective action program when

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- 679 submitting the groundwater monitoring results required ~~underpursuant to~~ Section
680 616.206. The notification must indicate in which wells and for which parameters
681 a groundwater standard was exceeded.
682
- 683 b) Continue to sample and analyze according to the provisions of Section
684 616.208(a), except that:
- 685
- 686 1) For all units subject to Subpart I for the storage and handling of pesticides,
687 the frequency of all ~~such~~ sampling ~~mustshall~~ be quarterly until no
688 measured values above the groundwater standard have been recorded for
689 any parameter for two consecutive quarters.
- 690
- 691 2) For a unit subject to Subpart J for the storage and handling of fertilizers,
692 sampling ~~mustshall~~ be quarterly for the parameters ~~specifiedset forth~~ in
693 Section 616.207(a)(3) ~~that are~~ stored or handled at the unit until no
694 measured values above the groundwater standard have been recorded for
695 two consecutive quarters.
- 696
- 697 c) If sample values above any groundwater standard are confirmed ~~underpursuant to~~
698 Section 616.209(b), the owner or operator ~~mustshall~~:
- 699
- 700 1) Submit to the Agency an engineering feasibility plan for a corrective
701 action program designed to achieve the requirements of subsection (e)
702 through (i)(+).
- 703
- 704 A) ~~TheSuch~~ feasibility plan ~~mustshall~~ be submitted to the Agency
705 within 180 days after the date of the sample in which a
706 groundwater standard was initially exceeded.
- 707
- 708 B) ~~TheThis~~ requirement ~~under subsection (c)~~ is waived if no
709 groundwater standard is exceeded in any sample taken
710 ~~underpursuant to~~ subsection (b) for two consecutive quarters.
- 711
- 712 d) Except as provided in subsection (c)(1)(B), the Agency ~~mustshall~~ provide a
713 written response to the owner or operator based upon the engineering feasibility
714 plan and any other relevant information that specifies either:
- 715
- 716 1) Concurrence with the feasibility plan for corrective action; or
717
- 718 2) Non-concurrence with the feasibility plan for corrective action and a
719 description of the inadequacies of such plan.
- 720
- 721 e) An owner or operator who receives a written response of concurrence

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- 722 ~~underpursuant to~~ subsection (d) ~~mustshall~~ provide periodic progress reports to the
723 Agency regarding the implementing of the ~~corrective actionpreventive response~~.
- 724
- 725 f) An owner or operator who receives a written response of non-concurrence
726 ~~underpursuant to~~ subsection (d) ~~mustshall~~ have within 30 days of receiving the
727 response~~to~~ correct the inadequacies and ~~to~~ resubmit the report to the Agency or ~~to~~
728 request a conference with the Agency. Upon receipt of a written request for ~~such~~ a
729 conference, the Agency ~~mustshall~~ schedule and hold the conference ~~within 30~~
730 days. Following ~~the~~ conference, the Agency ~~mustshall~~ provide the owner or
731 operator with a final determination regarding the adequacy of the corrective
732 action.
- 733
- 734 g) An owner or operator ~~isshall be~~ responsible for implementing adequate corrective
735 actionpreventive response as determined ~~underpursuant to~~ this Section.
- 736
- 737 h) Except as provided in subsection (c)(1)(B), the owner or operator ~~mustshall~~:
- 738
- 739 1) Begin the corrective action program specified in the engineering
740 feasibility plan no later than the date of receipt of concurrence from the
741 Agency.
- 742
- 743 2) Establish and implement a groundwater monitoring program to
744 demonstrate the effectiveness of the corrective action program.
- 745
- 746 3) Take corrective action that results in compliance with the groundwater
747 standards:
- 748
- 749 A) At all compliance points; and
- 750
- 751 B) Beyond the unit boundary, where necessary to protect human
752 health and the environment, unless the owner or operator
753 demonstrates to the Agency that, despite the owner's or operator's
754 best efforts, the owner or operator was unable to obtain the
755 necessary permission to undertake such action. The owner or
756 operator is not relieved of responsibility to clean up a release that
757 has migrated beyond the unit boundary where off-site access is
758 denied.
- 759
- 760 4) Continue corrective action measures to the extent necessary to ensure that
761 no groundwater standard is exceeded at the compliance point or points.
- 762
- 763 5) The owner or operator may terminate corrective action measures taken
764 beyond the compliance period as identified at Section 616.202 if the

765 owner or operator can demonstrate, based on data from the post-closure
766 groundwater monitoring program under subsection (h)(2), that no
767 groundwater standard has been exceeded for a period of three consecutive
768 years.

769
770 6) Report in writing to the Agency on the effectiveness of the corrective
771 action program. The owner or operator ~~must~~ submit these reports
772 semi-annually.

773
774 7) If the owner or operator determines that the corrective action program no
775 longer satisfies the requirements of this Section, the owner or operator
776 ~~must~~, within 90 days, make any appropriate changes to the program.

777
778 i) Subsections (b), (c) and (f) do not apply if the owner or operator makes an
779 alternative corrective action demonstration ~~under~~ Section 616.211.

780
781 (Source: Amended at 46 Ill. Reg. _____, effective _____)

782
783 **Section 616.211 Alternative Corrective Action Demonstration**

784
785 If a corrective action program is required ~~under~~ Section 616.210, it is presumed that
786 contamination from the facility or unit that is being monitored is responsible for the groundwater
787 standard being exceeded. An owner or operator may overcome that presumption by making a
788 demonstration that a source other than the facility or unit that is being monitored caused the
789 groundwater standard to be exceeded, or that the cause of the groundwater standard being
790 exceeded is due to error in sampling, analysis or evaluation.

791
792 a) In making ~~the~~ demonstration the owner or operator ~~must~~:

793
794 1) Notify the Agency that the owner or operator intends to make a
795 demonstration under this Section when submitting the groundwater
796 monitoring results ~~under~~ Section 616.206; and

797
798 2) Submit a report to the Agency that demonstrates that a source other than a
799 facility or unit for which he is the owner or operator caused the
800 groundwater standard to be exceeded, or that the groundwater standard
801 was exceeded due to an error in sampling, analysis or evaluation.
802 ~~This~~ report must be included with the next submission of
803 groundwater monitoring results required ~~under~~ Section
804 616.206. ~~and~~

805
806 b) The Agency ~~must~~ provide a written response to the owner or operator, based
807 upon the written demonstration and any other relevant information, that specifies

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808 either:

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- 1) Concurrence with the written demonstration for alternative corrective action with requirements to continue to monitor in compliance accordance with the groundwater monitoring program established underpursuant to Sections 616.205 and 616.210; or
 - 2) Non-concurrence with the written demonstration for alternative corrective action and a description of the inadequacies of such demonstration.
- c) An owner or operator who receives a written response of non-concurrence underpursuant to subsection (b) must within(e) shall have 30 days of receiving the responseto se 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 mustshall schedule and hold the conference within 30 days. Following thea conference, the Agency mustshall provide the owner or operator with a final determination regarding the adequacy of the alternative corrective action.
 - d) The owner or operator mustshall begin the corrective action program in compliance accordance with the requirements of Section 616.210(~~f~~).

(Source: Amended at 46 Ill. Reg. _____, effective _____)

SUBPART C: GENERAL CLOSURE AND POST-CLOSURE REQUIREMENTS

Section 616.302 Closure Performance Standard

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

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

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 616.303 Certification of Closure

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851 Within 60 days after ~~the completion of~~ closure of each unit is completed, the owner or operator
852 must shall submit to the Agency, by registered or certified mail, a certification that the unit has
853 been closed in ~~compliance accordance~~ with the closure requirements. The certification must be
854 signed by the owner or operator and by an independent registered professional engineer.
855 Documentation supporting the independent registered professional engineer's certification must
856 be furnished to the Agency upon request.

857
858 (Source: Amended at 46 Ill. Reg. _____, effective _____)
859

Section 616.304 Survey Plat

861
862 a) ~~Before~~No later than the submission of the certification of closure of each unit, the
863 owner or operator must shall submit to any local zoning authority, or authority
864 with jurisdiction over local land use, and to the Agency, and record with land
865 titles, a survey plat indicating the location and dimensions of any waste disposal
866 units, and any pesticide or fertilizer storage and handling units, with respect to
867 permanently surveyed benchmarks. This plat must be prepared and certified by a
868 registered land surveyor.

869
870 b) For pesticide storage and handling units or for fertilizer storage and handling
871 units, records or reports required under any other state or Federal regulatory
872 program and which contain the information required under subsection (a) above
873 may be used to satisfy ~~that this~~ reporting requirement.
874

875 (Source: Amended at 46 Ill. Reg. _____, effective _____)
876

Section 616.305 Post-Closure Notice for Waste Disposal Units

877
878
879 ~~Within~~No later than 60 days after certification of closure of the unit, the owner or operator of a
880 unit subject to Subparts D, E, or F must shall submit to the Agency, to the County Recorder and
881 to any local zoning authority or authority with jurisdiction over local land use, a record of the
882 type, location and quantity of wastes disposed of within each cell or other area of the unit.
883

884 (Source: Amended at 46 Ill. Reg. _____, effective _____)
885

Section 616.306 Certification of Completion of Post-closure Care

886
887
888 ~~Within~~No later than 60 days after completion of the established post-closure care period, the
889 owner or operator must shall submit to the Agency, by registered or certified mail, a certification
890 that the post-closure care period for the unit was performed in ~~compliance accordance~~ with the
891 specifications in the approved post-closure plan. The certification must be signed by the owner
892 or operator and an independent registered professional engineer. Documentation supporting the
893 independent registered professional engineer's certification must be furnished to the Agency

894 upon request.

895
896 (Source: Amended at 46 Ill. Reg. _____, effective _____)

897
898 **SUBPART D: ON-SITE LANDFILLS**

899
900 **Section 616.401 Applicability**

901
902 This Subpart applies to new landfill units which are located wholly or partially within a setback
903 zone or regulated recharge area and that contain special waste or other waste generated on-site,
904 except that this Subpart does not apply to any new landfill unit that:

- 905
- 906 a) Contains solely one or more of the following: hazardous waste, livestock waste,
907 landscape waste, or construction and demolition debris; or
 - 908
 - 909 b) Is exempt from this Part ~~underpursuant to~~ Section 616.105.

910
911 (Source: Amended at 46 Ill. Reg. _____, effective _____)

912
913 **Section 616.402 Prohibitions**

- 914
- 915 a) ~~UnderPursuant to~~ Sections 14.2(a), 14.2(c) and 14.3(e) of the Act, a person must
916 ~~notno person shall~~ cause or allow the construction or operation of any landfill unit
917 that is:
 - 918
 - 919 1) Located wholly or partially within a minimum setback zone and that is
920 either a new potential primary source or a new potential secondary source,
921 except as specified in Sections 616.104(a) and (b); or
 - 922
 - 923 2) Located wholly or partially within a maximum setback zone and that is a
924 new potential primary source, except as specified in Section 616.104(b).
 - 925
 - 926 b) A person must not~~No person shall~~ cause or allow the disposal of special waste in
927 a new on-site landfill unit within a regulated recharge area if the distance from the
928 wellhead of the community water supply well to the landfill unit is 2500 feet or
929 less, except as provided at Section 616.105.

930
931 (Source: Amended at 46 Ill. Reg. _____, effective _____)

932
933 **SUBPART E: ON-SITE LAND TREATMENT UNITS**

934
935 **Section 616.421 Applicability**

936

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937 This Subpart applies to new land treatment units that are located wholly or partially within a
938 setback zone or regulated recharge area and that treat or dispose of special waste or other waste
939 generated on-site, except that this Subpart does not apply to any new land treatment unit that:

940
941 a) Contains solely one or more of the following: hazardous waste, livestock waste,
942 landscape waste, or construction and demolition debris; or

943
944 b) Is exempt from this Part ~~underpursuant to~~ Section 616.105.

945
946 (Source: Amended at 46 Ill. Reg. _____, effective _____)

947

948 **Section 616.422 Prohibitions**

949

950 a) ~~UnderPursuant to~~ Sections 14.2(a), 14.2(c) and 14.3(e) of the Act, a person must
951 ~~not~~ no person shall cause or allow the construction or operation of any land
952 treatment unit that is:

953

954 1) Located wholly or partially within a minimum setback zone and that is
955 either a new potential primary source or a new potential secondary source,
956 except as specified in Sections 616.104(a) ~~and (b)~~; or

957

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

960

961 b) Nothing in this Section ~~prohibits~~ ~~shall prohibit~~ land treatment within a maximum
962 setback zone regulated by the Act of sludge resulting from the treatment of
963 domestic wastewater or of sludge resulting from the treatment of water to produce
964 potable water, if land treatment issuesh activities are conducted in
965 complianceaceordance with the Act and 35 Ill. Adm. Code: Subtitle C.

966

967 (Source: Amended at 46 Ill. Reg. _____, effective _____)

968

969 **Section 616.423 Groundwater Monitoring**

970

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

972

973 (Source: Amended at 46 Ill. Reg. _____, effective _____)

974

975 **Section 616.424 Design and Operating Requirements**

976

977 The owner or operator mustshall design and operate the land treatment site in
978 complianceaceordance with 35 Ill. Adm. Code: Subtitle C and 35 Ill. Adm. Code: Subtitle G.

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980 (Source: Amended at 46 Ill. Reg. _____, effective _____)

981

982 Section 616.425 Closure and Post-Closure

983

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

985

986 (Source: Amended at 46 Ill. Reg. _____, effective _____)

987

988 SUBPART F: ON-SITE SURFACE IMPOUNDMENTS

989

990 Section 616.441 Applicability

991

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

996

997 a) Contains solely one or more of the following: hazardous waste, livestock waste,
998 landscape waste, or construction and demolition debris; or

999

1000 b) Is exempt from this Part underpursuant to Section 616.105.

1001

1002 (Source: Amended at 46 Ill. Reg. _____, effective _____)

1003

1004 Section 616.442 Prohibitions

1005

1006 UnderPursuant to Sections 14.2(a), 14.2(c) and 14.3(e) of the Act, a person must notno person
1007 shall cause or allow the construction or operation of any surface impoundment unit that is:

1008

1009 a) Located wholly or partially within a minimum setback zone and that is either a
1010 new potential primary source or a new potential secondary source, except as
1011 specified in Sections 616.104(a) and (b); or

1012

1013 b) Located wholly or partially within a maximum setback zone and that is a new
1014 potential primary source, except as specified in Section 616.104(b).

1015

1016 (Source: Amended at 46 Ill. Reg. _____, effective _____)

1017

1018 Section 616.443 Groundwater Monitoring

1019

1020 The owner or operator mustshall comply with the requirements of Subpart B.

1021

1022 (Source: Amended at 46 Ill. Reg. _____, effective _____)

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Section 616.444 Design Requirements

- a) The owner or operator of a surface impoundment ~~must~~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 ~~is considered~~shall be deemed to satisfy ~~the~~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 $1 \times 10^{(-7)}$ centimeter per second.

- b) A surface impoundment must be designed, constructed, maintained and operated to prevent overtopping resulting from normal or abnormal operations; overfilling; wind and wave action; rainfall; run-on; malfunctions of level controllers, alarms and other equipment; and human error.

- c) A surface impoundment must have dikes that are designed, constructed and maintained with sufficient structural integrity to prevent massive failure of the dikes. In ensuring structural integrity, it must not be presumed that the liner system will function without leakage during the active life of the surface impoundment.

- d) The owner or operator ~~must~~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.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

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

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- 1066 joints and the absence of tears, punctures and blisters; and
1067
1068 2) Soil-based and admixed liners and covers must be inspected for
1069 imperfections including lenses, cracks, channels, root holes or other
1070 structural non-uniformities that may cause an increase in the permeability
1071 of that liner or cover.
1072
1073 b) During operation, While a surface impoundment ~~is in operation, it~~ must be
1074 inspected weekly and after storms to detect evidence of any of the following:
1075
1076 1) Deterioration, malfunctions or improper operation of overtopping control
1077 systems;
1078
1079 2) Sudden drops in the level of the impoundment's contents;
1080
1081 3) Severe erosion or other signs of deterioration in dikes or other
1082 containment devices; or
1083
1084 4) A leaking dike.

1085
1086 (Source: Amended at 46 Ill. Reg. _____, effective _____)
1087

Section 616.446 Operating Requirements

- 1088
1089
1090 a) A person must not~~No person shall~~ cause or allow incompatible materials to be
1091 placed in the same surface impoundment unit.
1092
1093 b) A surface impoundment unit must be removed from service in
1094 compliance~~accordance~~ with subsection (c) when:
1095
1096 1) The level of liquids in the unit suddenly drops and the drop is not known
1097 to be caused by changes in the flows into or out of the unit; or
1098
1099 2) The dike leaks.
1100
1101 c) When a surface impoundment unit ~~is~~must be removed from service as required by
1102 subsection (b), the owner or operator must~~shall~~:
1103
1104 1) Shut off the flow or stop the addition of wastes into the impoundment unit;
1105
1106 2) Contain any surface leakage that has occurred or is occurring;
1107
1108 3) Stop the leak;

- 1109
- 1110 4) Take any other necessary steps to stop or prevent catastrophic failure;
- 1111
- 1112 5) If a leak cannot be stopped by any other means, empty the impoundment
- 1113 unit; and
- 1114
- 1115 6) Notify the Agency of the removal from service and corrective actions that
- 1116 were taken, ~~such notice to be given~~ within 10 days after the removal from
- 1117 service.
- 1118
- 1119 d) ~~A~~ surface impoundment unit that has been removed from service in
- 1120 ~~compliance~~ with the requirements of this Section may be restored to
- 1121 service ~~only if~~ the portion of the unit that failed has been repaired.
- 1122
- 1123 e) A surface impoundment unit that has been removed from service in
- 1124 ~~compliance~~ with the requirements of this Section and that is not being
- 1125 repaired must be closed in ~~compliance~~ with the provisions of Section
- 1126 616.447.
- 1127

1128 (Source: Amended at 46 Ill. Reg. _____, effective _____)

1129

1130 **Section 616.447 Closure and Post-Closure Care**

- 1131
- 1132 a) If closure is to be by removal, the owner or operator ~~must~~ remove all waste,
- 1133 all waste residues, contaminated containment system components (liners, etc.),
- 1134 contaminated subsoils and structures and equipment contaminated with waste and
- 1135 leachate; and, if disposed of in the State of Illinois, dispose of them at a disposal
- 1136 site permitted by the Agency under the Act.
- 1137
- 1138 b) If closure is not to be by removal, the owner or operator ~~must~~ comply with
- 1139 the requirements of Subpart C and ~~must~~:
- 1140
- 1141 1) Eliminate free liquids by removing liquid wastes or solidifying the
- 1142 remaining wastes and waste residues.
- 1143
- 1144 2) Stabilize remaining wastes to a bearing capacity sufficient to support final
- 1145 cover.
- 1146
- 1147 3) Cover the surface impoundment unit with a final cover designed and
- 1148 constructed to:
- 1149
- 1150 A) Provide long-term minimization of the migration of liquids through
- 1151 the closed impoundment unit;

- 1152
- 1153 B) Function with minimum maintenance;
- 1154
- 1155 C) Promote drainage and minimize erosion or abrasion of the final
- 1156 cover;
- 1157
- 1158 D) Accommodate settling and subsidence so that the cover's integrity
- 1159 is maintained; and
- 1160
- 1161 E) Have a permeability less than or equal to the permeability of any
- 1162 bottom liner system.
- 1163

1164 c) If some waste residues or contaminated materials are left in place at final closure,
1165 the owner or operator ~~must~~shall comply with the requirements of Subpart C ~~and~~
1166 ~~shall~~ for a period of 5 years after closure must:

- 1167
- 1168 1) Maintain the integrity and effectiveness of the final cover, including
- 1169 making repairs to the cap as necessary to correct the effects of settling,
- 1170 subsidence, erosion or other events;
- 1171
- 1172 2) Maintain and monitor the groundwater monitoring system; and
- 1173
- 1174 3) Prevent run-on and run-off from eroding or otherwise damaging the final
- 1175 cover.
- 1176

1177 (Source: Amended at 46 Ill. Reg. _____, effective _____)

1178

1179 **SUBPART G: ON-SITE WASTE PILES**

1180

1181 **Section 616.461 Applicability**

1182

1183 This Subpart applies to new waste piles that are located wholly or partially within a setback zone
1184 or regulated recharge area and that contain special waste or other waste generated on-site, except
1185 that this Subpart does not apply to any new waste pile that:

- 1186
- 1187 a) Contains solely one or more of the following: hazardous waste, livestock waste,
- 1188 landscape waste, or construction and demolition debris; or
- 1189
- 1190 b) Consists of sludge resulting from the treatment of domestic wastewater from a
- 1191 POTW and the sludge pile is situated on an underdrained pavement and operated
- 1192 in ~~compliance~~accordance with the Act, 35 Ill. Adm. Code: Subtitle C and 35 Ill.
- 1193 Adm. Code: Subtitle G; or
- 1194

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1195 c) Is exempt from this Part ~~underpursuant to~~ Section 616.105.

1196
1197 (Source: Amended at 46 Ill. Reg. _____, effective _____)
1198

1199 Section 616.462 Prohibitions

1200
1201 a) ~~UnderPursuant to~~ Sections 14.2(a), 14.2(c) and 14.3(e) of the Act, a person must
1202 ~~notno person shall~~ cause or allow the construction or operation of any waste pile
1203 that is:

- 1204
1205 1) Located wholly or partially within a minimum setback zone and that is
1206 either a new potential primary source or a new potential secondary source,
1207 except as specified in Sections 616.104(a) and (b); or
1208
1209 2) Located wholly or partially within a maximum setback zone and that is a
1210 new potential primary source, except as specified in Section 616.104(b).
1211

1212 b) A person must not~~No person shall~~ cause or allow the disposal of special waste in
1213 a new waste pile within a regulated recharge area if the distance from the
1214 wellhead of the community water supply well to the waste pile is 2500 feet or
1215 less, except as provided at Section 616.105
1216

1217 c) Nothing in this Section ~~prohibitsshall prohibit~~ a waste pile, within a maximum
1218 setback zone regulated by the Act, of sludge resulting from the treatment of
1219 domestic wastewater or of sludge resulting from the treatment of water to produce
1220 potable water, if such activities are conducted in ~~complianceaeoordance~~ with the
1221 Act, 35 Ill. Adm. Code: Subtitle C, ~~SubtitleSubtile~~ F, and Subtitle G.
1222

1223 (Source: Amended at 46 Ill. Reg. _____, effective _____)
1224

1225 Section 616.463 Design and Operating Requirements

1226
1227 a) A person must not~~No person shall~~ cause or allow:

- 1228
1229 1) Disposal or storage in the waste pile of liquids or materials containing free
1230 liquids; or
1231
1232 2) Migration and runoff of leachate into adjacent soil, surface water, or
1233 groundwater.
1234

1235 b) A waste pile must comply with the following standards:

- 1236
1237 1) The waste pile must be under an impermeable membrane or cover that

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- 1238 provides protection from precipitation;
1239
1240 2) The waste pile must be protected from surface water run-on; and
1241
1242 3) The waste pile must be designed and operated to control wind dispersal of
1243 waste by a means other than wetting.
1244

1245 (Source: Amended at 46 Ill. Reg. _____, effective _____)
1246

1247 Section 616.464 Closure

1248
1249 The owner or operator ~~must complete~~~~shall accomplish~~ closure by removing and disposing of all
1250 wastes and containment system components (liners, etc.). If disposed of in the State of Illinois,
1251 the waste and containment system components must be disposed of at a disposal site permitted
1252 by the Agency under the Act.
1253

1254 (Source: Amended at 46 Ill. Reg. _____, effective _____)
1255

1256 SUBPART H: UNDERGROUND STORAGE TANKS

1257 Section 616.501 Applicability

1258
1259 This Subpart applies to new underground storage tanks that are located wholly or partially within
1260 a setback zone or regulated recharge area and that contain special waste, except that this Subpart
1261 does not apply to any new underground storage tank that:
1262

- 1263
1264 a) ~~Under Pursuant to~~ 35 Ill. Adm. Code 731.110(a) must meet the requirements ~~set~~
1265 ~~forth~~ in 35 Ill. Adm. Code 731, unless such a tank is excluded from those
1266 requirements ~~under pursuant to~~ 35 Ill. Adm. Code 731.110(b); ~~or~~
1267
1268 b) ~~Has Must have~~ interim status or a RCRA permit under 35 Ill. Adm. Code: Subtitle
1269 G; or
1270
1271 c) Is exempt from this Part ~~under pursuant to~~ Section 616.105.
1272

1273 (Source: Amended at 46 Ill. Reg. _____, effective _____)
1274

1275 Section 616.502 Design and Operating Requirements

1276
1277 Owners and operators of new underground storage tanks that store special waste ~~must~~~~shall~~ meet
1278 the requirements ~~set forth~~ in 35 Ill. Adm. Code 731. ~~These Such~~ requirements must be met even
1279 if the tanks are excluded from coverage under ~~35 Ill. Adm. Code 731 by~~ 35 Ill. Adm. Code
1280 731.110(b). The exclusions ~~set forth~~ in 35 Ill. Adm. Code 731.110(b) ~~doesshall~~ not apply to any

1281 underground storage tank that stores special waste.

1282
1283 (Source: Amended at 46 Ill. Reg. _____, effective _____)
1284

1285 **SUBPART I: PESTICIDE STORAGE AND HANDLING UNITS**

1286
1287 **Section 616.601 Applicability**

- 1288
1289 a) This Subpart applies to any new unit for the storage and handling of pesticides
1290 that is located wholly or partially within a setback zone or regulated recharge area
1291 and that:
1292
1293 1) Is operated for the purpose of commercial application; or
1294
1295 2) Stores or accumulates pesticides prior to distribution to retail sales outlets,
1296 including ~~but not limited to~~ a unit that is a warehouse or bulk terminal.
1297
1298 b) ~~Despite subsections~~Subsections (a)(1) and (a)(2)~~notwithstanding~~, this Subpart
1299 does not apply to any unit exempt ~~underpursuant to~~ Section 616.105.

1300
1301 (Source: Amended at 46 Ill. Reg. _____, effective _____)
1302

1303 **Section 616.602 Prohibitions**

1304
1305 ~~UnderPursuant to~~ Sections 14.2(a), 14.2(c) and 14.3(e) of the Act, ~~a person must not~~~~person~~
1306 ~~shall~~ cause or allow the construction or operation of any unit for the storage and handling of
1307 pesticides that is:

- 1308
1309 a) Located wholly or partially within a minimum setback zone and that is either a
1310 new potential primary source or a new potential secondary source, except as
1311 specified in Section 616.104(a) and (b); or
1312
1313 b) Located wholly or partially within a maximum setback zone and that is a new
1314 potential primary source, except as specified in Section 616.104(b).

1315
1316 (Source: Amended at 46 Ill. Reg. _____, effective _____)
1317

1318 **Section 616.603 Groundwater Monitoring**

1319
1320 The owner or operator ~~mustshall~~ comply with the requirements of Subpart B.

1321
1322 (Source: Amended at 46 Ill. Reg. _____, effective _____)
1323

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1324 Section 616.604 Design and Operating Requirements

1325

1326 The owner or operator mustshall:

1327

1328 a) Maintain a written record inventorying all pesticides stored or handled at the unit.

1329

1330 b) At least weekly when pesticides are being stored, inspect storage containers,
1331 tanks, vents, valves, and appurtenances for leaks or deterioration caused by
1332 corrosion or other factors. If a leak or deterioration is found in any of these
1333 devices, the owner or operator must immediately repair or replace the device.

1334 The owner or operator mustshall maintain a written record of all inspections
1335 conducted under this Section and of all maintenance relating to leaks and
1336 deterioration of these devices.

1337

1338 c) Store all containers containing pesticides within a pesticide secondary
1339 containment structure, if ~~such~~ containers are stored outside of a roofed structure
1340 or enclosed warehouse. For the purpose of this subsection, a pesticide secondary
1341 containment structure is a structure that complies with the design standards ~~set~~
1342 forth in 8 Ill. Adm. Code 255.

1343

1344 d) Maintain all written records required under this Section at the site. The owner or
1345 operator mustshall provide written records ~~any such record~~ to the Agency upon
1346 request.

1347

1348 (Board Note: Owners or operators of facilities or units subject to this Part may also be
1349 subject to regulations under 8 Ill. Adm. Code 255.)

1350

1351 (Source: Amended at 46 Ill. Reg. _____, effective _____)

1352

1353 Section 616.605 Closure and Post-Closure Care

1354

1355 The owner or operator mustshall comply with the requirements of Subpart C.

1356

1357 (Source: Amended at 46 Ill. Reg. _____, effective _____)

1358

1359 SUBPART J: FERTILIZER STORAGE AND HANDLING UNITS

1360

1361 Section 616.621 Applicability

1362

1363 This Subpart applies to any new unit for the storage and handling of fertilizers that is located
1364 wholly or partially within a setback zone or regulated recharge area and that:

1365

1366 a) Is operated for the purpose of commercial application; or

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- 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) ~~Despite subsections~~Subsections (1) and (2) ~~notwithstanding~~, this Subpart ~~doesshall~~ not apply to any unit exempt ~~underpursuant to~~ Section 616.105.
- (Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 616.622 Prohibitions

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- ~~UnderPursuant to~~ Sections 14.2(a), 14.2(c) and 14.3(e) of the Act, ~~a person must not~~~~no person shall~~ cause or allow the construction or operation of any unit for the storage and handling of fertilizers that is:
- a) Located wholly or partially within a minimum setback zone and that is either a new potential primary source or a new potential secondary source, except as specified in Sections 616.104~~(a) and (b)~~; or
- b) Located wholly or partially within a maximum setback zone and that is a new potential primary source, except as specified in Section 616.104~~(b)~~.
- (Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 616.623 Groundwater Monitoring

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- The owner or operator ~~mustshall~~ comply with the requirements of Subpart B.
- (Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 616.624 Design and Operating Requirements

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- The owner or operator ~~mustshall~~:
- 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 ~~mustshall~~ immediately repair or replace the device. The owner or operator ~~mustshall~~ maintain a written record of all inspections conducted under this Section and of all maintenance relating to leaks and deterioration of these devices.

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- c) Store all containers containing fertilizers (except anhydrous ammonia) within a fertilizer secondary containment structure, if ~~thesueh~~ 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 ~~mustshall~~ provide ~~written recordsany 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.)

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 616.625 Closure and Post-Closure Care

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

(Source: Amended at 46 Ill. Reg. _____, effective _____)

SUBPART K: ROAD OIL STORAGE AND HANDLING UNITS

Section 616.702 Prohibitions

~~UnderPursuant to~~ Sections 14.2(a), 14.2(c) and 14.3(e) of the Act, ~~a person must notno person shall~~ cause or allow the construction or operation of any unit for the storage and handling of road oils that is:

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

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 616.703 Groundwater Monitoring

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

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1453 (Source: Amended at 46 Ill. Reg. _____, effective _____)

1454

1455 Section 616.704 Design and Operating Requirements for Above-Ground Storage Tanks

1456

1457

a) The owner or operator of a tank ~~must~~ not cause or allow:

1458

1459

1) Materials to be placed in a tank if such materials could cause the tank to rupture, leak, corrode, or otherwise fail.

1460

1461

1462

2) Uncovered tanks to be placed or operated so as to maintain less than 60 centimeters (2 feet) of freeboard unless:

1463

1464

1465

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

1466

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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.

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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).

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4) Incompatible materials to be placed in the same tank.

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1478

5) Material to be placed in a tank that previously held an incompatible material unless the incompatible material has been washed from the tank.

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6) Ignitable or reactive material to be placed in a tank unless:

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1484

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

1485

1486

1487

B) The tank is used solely for emergencies.

1488

1489

b) The owner or operator ~~must~~ provide and maintain primary containment for the tank such that:

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1491

1492

1) The tank has a minimum shell thickness that ensures that the tank will not fail (i.e., collapse, rupture, etc.).

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- 2) The tank is compatible with the material to be placed in the tank or the tank is lined with a substance that is compatible with the material to be placed in the tank.
 - c) The owner or operator mustshall 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 mustshall also:
 - 1) Test above-ground tanks and associated piping every five years for structural integrity.
 - 2) Remove uncontaminated storm water run off from the secondary containment area immediately after a precipitation event.
 - 3) Handle contaminated storm water run off in complianceaceordanee 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.

1539 (Source: Amended at 46 Ill. Reg. _____, effective _____)
1540

1541 SUBPART L: DE-ICING AGENT STORAGE AND HANDLING UNITS
1542

1543 **Section 616.722 Prohibitions**
1544

- 1545 a) ~~Under~~Pursuant to Sections 14.2(a), 14.2(c) and (14.3(e) of the Act, a person must
1546 not~~no person shall~~ cause or allow the construction or operation of any unit for the
1547 storage and handling of de-icing agents that is:
1548
- 1549 1) Located wholly or partially within a minimum setback zone and that is
1550 either a new potential primary source or a new potential secondary source,
1551 except as specified in Sections 616.104(a) and (b); or
1552
 - 1553 2) Located wholly or partially within a maximum setback zone and that is a
1554 new potential primary source, except as specified in Section 616.104(b).
1555
- 1556 b) A person must not~~No person shall~~ cause or allow the construction or operation
1557 within any setback zone of any outdoor facility for the storage and handling of de-
1558 icing agents, except as provided at Section 616.105.
1559

1560 (Source: Amended at 46 Ill. Reg. _____, effective _____)
1561

1562 **Section 616.723 Groundwater Monitoring**
1563

1564 The owner or operator must~~shall~~ comply with the requirements of Subpart B.
1565

1566 (Source: Amended at 46 Ill. Reg. _____, effective _____)
1567

1568 **Section 616.724 Design and Operating Requirements for Indoor Storage Facilities**
1569

- 1570 a) The base of the facility must be constructed of materials capable of containing de-
1571 icing agents (i.e., bituminous or concrete pad).
1572
- 1573 b) The roof and walls of the facility must be constructed of materials capable of
1574 protecting the storage pile from precipitation and capable of preventing dissolved
1575 de-icing agents from entering into the adjacent soil, surface water, or
1576 groundwater. The walls of the facility must be constructed of materials
1577 compatible with the de-icing agents to be placed in the facility. Run-off from the
1578 roof must be diverted away from the loading pad.
1579
- 1580 c) The loading pad of the facility must be constructed of materials capable of
1581 containing a spill (i.e., concrete or bituminous pad). The borders of the loading

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- 1582 pad must be curbed to prevent dry or dissolved de-icing agents from migrating
1583 from the loading pad into the adjacent soils, surface water, or groundwater. The
1584 loading pad must be covered by a roof of sufficient size to provide the pad and de-
1585 icing agents with protection from precipitation to prevent run-off or dissolved de-
1586 icing agents from entering into the adjacent soil, surface water, or groundwater.
1587
1588 d) All areas surrounding the storage pile, including ~~but not limited to~~ the loading
1589 pad, must be routinely inspected to determine whether any release of de-icing
1590 agents has occurred. ~~These~~ areas ~~must~~ shall be cleaned as necessary. Spilled
1591 de-icing agents must be placed back under the protective covering of the indoor
1592 storage pile. The storage pile must be reshaped as often as necessary to prevent
1593 leaching.
1594
1595 e) The integrity of the facility and loading pad must be maintained.
1596
1597 f) All areas surrounding the storage facility must be inspected daily to determine
1598 whether any release of de-icing agents has occurred. Spilled de-icing agents must
1599 be placed back into the storage facility.

1600
1601

(Source: Amended at 46 Ill. Reg. _____, effective _____)



~~POLLUTION CONTROL BOARD~~

~~NOTICE OF PROPOSED AMENDMENTS~~

0	TITLE 35: ENVIRONMENTAL PROTECTION
1	SUBTITLE F: PUBLIC WATER SUPPLIES
2	CHAPTER I: POLLUTION CONTROL BOARD
3	
4	PART 616
5	NEW ACTIVITIES IN A SETBACK ZONE OR REGULATED RECHARGE AREA
6	
7	SUBPART A: GENERAL
8	
9	Section
10	10616.101 Purpose
11	11616.102 Definitions
12	12616.104 Exceptions to Prohibitions
13	13616.105 General Exceptions
14	
15	SUBPART B: GROUNDWATER MONITORING REQUIREMENTS
16	
17	Section
18	18616.201 Applicability
19	19616.202 Compliance Period
20	20616.203 Compliance With Groundwater Standards
21	21616.204 Groundwater Monitoring System
22	22616.205 Groundwater Monitoring Program
23	23616.206 Reporting
24	24616.207 Determining Background Values and Maximum Allowable Results
25	25 ("MARs")
26	26616.208 Continued Sampling
27	27616.209 Preventive Notification and Preventive Response
28	28616.210 Corrective Action Program
29	29616.211 Alternative Corrective Action Demonstration
30	
31	SUBPART C: GENERAL CLOSURE AND POST-CLOSURE REQUIREMENTS
32	
33	Section
34	34616.301 Applicability
35	35616.302 Closure Performance Standard
36	36616.303 Certification of Closure
37	37616.304 Survey Plat

~~POLLUTION CONTROL BOARD~~

~~NOTICE OF PROPOSED AMENDMENTS~~

38616.305	Post-Closure Notice for Waste Disposal Units
39616.306	Certification of Completion of Post-Closure Care
40616.307	Post-Closure Care Period
41	
42	SUBPART D: ON-SITE LANDFILLS
43	
44Section	
45616.401	Applicability
46616.402	Prohibitions
47	
48	SUBPART E: ON-SITE LAND TREATMENT UNITS
49	
50Section	
51616.421	Applicability
52616.422	Prohibitions
53616.423	Groundwater Monitoring
54616.424	Design and Operating Requirements
55616.425	Closure and Post-Closure Care
56	
57	SUBPART F: ON-SITE SURFACE IMPOUNDMENTS
58	
59Section	
60616.441	Applicability
61616.442	Prohibitions
62616.443	Groundwater Monitoring
63616.444	Design Requirements
64616.445	Inspection Requirements
65616.446	Operating Requirements
66616.447	Closure and Post-Closure Care
67	
68	SUBPART G: ON-SITE WASTE PILES
69	
70Section	
71616.461	Applicability
72616.462	Prohibitions
73616.463	Design and Operating Requirements
74616.464	Closure
75	

~~POLLUTION CONTROL BOARD~~

~~NOTICE OF PROPOSED AMENDMENTS~~

76	SUBPART H: UNDERGROUND STORAGE TANKS
77	
78	Section
79	616.501 Applicability
80	616.502 Design and Operating Requirements
81	
82	SUBPART I: PESTICIDE STORAGE AND HANDLING UNITS
83	
84	Section
85	616.601 Applicability
86	616.602 Prohibitions
87	616.603 Groundwater Monitoring
88	616.604 Design and Operating Requirements
89	616.605 Closure and Post-Closure Care
90	
91	SUBPART J: FERTILIZER STORAGE AND HANDLING UNITS
92	
93	Section
94	616.621 Applicability
95	616.622 Prohibitions
96	616.623 Groundwater Monitoring
97	616.624 Design and Operating Requirements
98	616.625 Closure and Post-Closure Care
99	
100	SUBPART K: ROAD OIL STORAGE AND HANDLING UNITS
101	
102	Section
103	616.701 Applicability
104	616.702 Prohibitions
105	616.703 Groundwater Monitoring
106	616.704 Design and Operating Requirements for Above-Ground Storage Tanks
107	616.705 Closure
108	
109	SUBPART L: DE-ICING AGENT STORAGE AND HANDLING UNITS
110	
111	Section
112	616.721 Applicability
113	616.722 Prohibitions

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- 114616.723 Groundwater Monitoring
- 115616.724 Design and Operating Requirements for Indoor Storage Facilities
- 116616.725 Closure

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118AUTHORITY: Implementing Sections 5, 14.4, 21, and 22, and authorized by Section 27 of the
119Environmental Protection Act [415 ILCS 5/5, 14.4, 21, 22, 27].

120

121SOURCE: Adopted in R89-5 at 16 Ill. Reg. 1592, effective January 10, 1992; amended in
122R89-14(C) at 16 Ill. Reg. 14676, effective September 11, 1992; amended in R92-20 at 17 Ill.
123Reg. 1878, effective January 28, 1993; amended in R96-18 at 21 Ill. Reg. 6543, effective May 8,
1241997; amended in R18-26 at 46 Ill. Reg. , effective .

125

SUBPART A: GENERAL

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127

128Section 616.101 Purpose

129

130This Part specifies the requirements and standards for the protection of groundwater for certain
131types of new facilities or units located wholly or partially within a setback zone regulated by the
132Act or within a regulated recharge area under Section 17.4 of the Illinois Environmental
133Protection Act (Act) [415 ILCS 5/17.4].

134

(Source: Amended at 46 Ill. Reg. , effective)

136

137Section 616.102 Definitions

138

139Except as stated in this Section, and unless a different meaning of a word or term is clear from
140the context, the definitions of words or terms in this Part will be the same as those used in 35 Ill.
141Adm. Code 615.102, the Act, or the Illinois Groundwater Protection Act [415 ILCS 55].

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[225 ILCS 225]

(Source: Amended at 46 Ill. Reg. , effective)

Section 616.104 Exceptions to Prohibitions

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

(Source: Amended at 46 Ill. Reg. , effective)

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190

191 **Section 616.105 General Exceptions**

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193

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

194

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196

- 1) The owner or operator obtains certification of minimal hazard under Section 14.5 of the Act; or

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199

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

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201

202

- 3) Alternate requirements are imposed in a regulated recharge area proceeding under Section 17.4 of the Act; or

203

204

205

- 4) The owner or operator of the facility for storage and related handling of pesticides or fertilizers for the purpose of commercial application or at a central location for the purpose of distribution to retail sales outlets that has filed a written notice of intent under Section 14.6 of the Act *with the Department of Agriculture by January 1, 1993, or within 6 months after the date on which a maximum setback zone is established or a regulated recharge area regulation is adopted that affects such a facility*; or has filed a written certification of intent under to Section 14.6 of the Act *on the appropriate license or renewal application form submitted to the Department of Agriculture or other appropriate agency.* [415 ILCS 5/14.6] - This exception will not apply to those facilities that are not in compliance with the program requirements of Sections 14.6(b) and 14.6(c) of the Act.

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

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(Source: Amended at 46 Ill. Reg. ~~---~~, effective)

224

225

SUBPART B: GROUNDWATER MONITORING REQUIREMENTS

226

227

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228Section 616.202 Compliance Period

229

230The compliance period is the active life of the unit, including closure and post-closure care
231periods.

232

233 a) The active life begins when the unit first begins operation or one year after the
234 date of first applicability, whichever occurs later, and ends when the post-closure
235 care period ends.

236

237 b) The post-closure care period for units other than pesticide storage and handling
238 units subject to Subpart I and fertilizer storage and handling units subject to
239 Subpart J is five years after closure, except as provided at Section 616.211(e).

240

241 c) The post-closure care period for pesticide storage and handling units subject to
242 Subpart I and for fertilizer storage and handling units subject to Subpart J is three
243 years after closure, except as provided at Section 616.211(e).

244

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

249

250 (Source: Amended at 46 Ill. Reg. , effective)

251

252Section 616.203 Compliance With Groundwater Standards

253

254The owner or operator must comply with the groundwater standards.

255

256 a) The term of compliance is the compliance period.

257

258 b) Compliance must be measured at the compliance point, or compliance points if
259 more than one such point exists.

260

261 (Source: Amended at 46 Ill. Reg. , effective)

262

263Section 616.205 Groundwater Monitoring Program

264

265The owner or operator must develop a groundwater monitoring program that consists of:

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- 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 must, within 90 days, make appropriate changes to the program. Conditions under which a groundwater monitoring program no longer satisfies the requirements of this Section include:
 - 1) A Maximum Allowable Result (MAR) is exceeded in any monitoring well that is being used as a background monitoring well or that the owner or operator has previously determined to be hydraulically upgradient from the facility; or
 - 2) A redetermination of groundwater flow rate and direction conducted under subsection (d) shows that the existing monitoring system is not capable of assessing groundwater quality at the compliance points or points.

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304 (Source: Amended at 46 Ill. Reg. , effective)

305

306 Section 616.206 Reporting

307

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

310

311 (Source: Amended at 46 Ill. Reg. , effective)

312

313 Section 616.207 Determining Background Values and Maximum Allowable Results

314 ("MARs")

315

316 a) The owner or operator must, beginning no later than the beginning of operation
317 of the unit and continuing for a period of at least one year, sample each
318 monitoring well at least every two months and analyze each such sample
319 according to the following program:

320

321 1) For a unit subject to Subpart E (land treatment units), Subpart F (surface
322 impoundments), Subpart K (road oil storage and handling units), or
323 Subpart L (de-icing agent storage and handling units), analysis must be
324 for pH, specific conductance, total organic carbon, total organic halogen,
325 and any other parameter that meets the following criteria:

326

327 A) Material containing such parameter is stored, treated or disposed of
328 at the unit; and

329

330 B) There is a groundwater standard for such parameter.

331

332 2) For a unit subject to Subpart I for the storage and handling of pesticides,
333 analysis must be for each pesticide stored or handled at the unit.

334

335 3) For a unit subject to Subpart J for the storage and handling of fertilizer,
336 analysis must be for pH, specific conductance, total organic carbon,
337 nitrates as nitrogen, ammonia nitrogen and for any other parameter that
338 meets the following criteria:

339

340 A) Material containing such parameter is stored or handled at the unit;
341 and

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B) There is a groundwater standard for such parameter.

b) The results obtained under subsection (a) must be used to calculate the background mean, background standard deviation and the Maximum Allowable Result (hereinafter referred to as "MAR") for each parameter using the following procedures:

- 1) Results from all samples collected during the year must be used in the calculations unless the owner or operator demonstrates to the Agency that one or more of the results was due to error in sampling, analysis or evaluation.
- 2) All calculations must be based on a minimum of at least six sample measurements per parameter per well.
- 3) If any measured value is equal to or greater than its PQL, or if any measured value is greater than its corresponding groundwater standard, the actual measured value must be used calculating the mean and standard deviation.
- 4) If any measured value is less than its PQL and less than its corresponding groundwater standard, the PQL rather than the measured value is to be used in calculating the mean and standard deviation.
- 5) Except for pH, the MAR is the quantity equal to the measured mean value of the contaminant plus the product of the contaminant's standard deviation times the following constant:

~~Sample Size Constant~~

6	2.10
7	2.03
8	1.97
9	1.93
10	1.90
11	1.88
12	1.85

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~~13 — 1.84~~
~~14 — 1.82~~

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

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

(Source: Amended at 46 Ill. Reg. ~~—~~ _____, effective _____)

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Section 616.208 Continued Sampling

397

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

401

- a) For a unit subject to Subpart E (land treatment units) or Subpart F (surface impoundments), sampling must be at least quarterly and analysis must be for pH, specific conductance, total organic carbon, total organic halogen, and any other parameter that meets the following criteria:

405
406

- 1) Material containing such parameter is stored, treated or disposed of at the

407

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- 408 unit; and
409
410 2) The Board has adopted a groundwater standard for such parameter.
411
412 b) For a unit subject to Subpart I for the storage and handling of pesticides, sampling
413 must be at least quarterly, except as provided in subsection (d), and analysis must
414 be for five specific pesticides or five groups of chemically-similar pesticides
415 stored or handled at the unit that are the most likely to enter into the groundwater
416 from the unit and that are the most toxic. The owner or operator must choose the
417 five specific pesticides or five groups based upon the following criteria:
418
419 1) The volume of the pesticides stored or handled at the unit;
420
421 2) The leachability characteristics of the pesticides stored or handled at the
422 unit;
423
424 3) The toxicity characteristics of the pesticides stored or handled at the unit;
425
426 4) The history of spillage of the pesticides stored or handled at the unit; and
427
428 5) Any groundwater standards for the pesticides stored or handled at the unit.
429
430 c) For a unit subject to Subpart J for the storage and handling of fertilizer, sampling
431 must be at least quarterly, except as provided in subsection (d), and analysis must
432 be for pH, total organic carbon, nitrates as nitrogen, ammonia nitrogen, and
433 specific conductance.
434
435 d) Despite subsections (b) and (c), for a unit subject to Subpart I for the storage and
436 handling of pesticides or for a unit subject to Subpart J for the storage and
437 handling of fertilizers, sampling must be at least semi-annually if all of the
438 following conditions are met:
439
440 1) The unit is in compliance with the containment requirements of 8 Ill.
441 Adm. Code 255; and
442
443 2) There have been no detections within the preceding two years in any of the
444 monitoring wells of any contaminant stored or handled at the facility or of
445 any contaminant attributable to operation of the unit.

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- 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 must be annually and analysis must be for pH, specific conductance, total organic carbon and total organic halogen.

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(Source: Amended at 46 Ill. Reg. , effective)

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Section 616.209 Preventive Notification and Preventive Response

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- a) Preventive notification is required for each well in which:
 - 1) A MAR 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 must confirm the detection by resampling the monitoring well or wells. This resampling must be analyzed for each parameter found to be present in the first sample and be performed within 30 days after the date on which the first sample analyses are received, but no later than 90 days after the results of the first sample are received.
- c) If preventive notification is provided under subsection (a) by the owner or operator and the applicable standard has not been exceeded, the Agency must determine whether the levels for each parameter as set forth in 35 Ill. Adm. Code 620.310(a)(3)(A) are exceeded. If an ~~exceedence~~exceedance is determined, the Agency must notify the owner or operator in writing regarding the finding.

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- d) Within 60 days after receiving a notification from the Agency under subsection (c), the owner or operator must submit to the Agency a report that includes the degree and extent of contamination and the measures that are being taken to minimize or eliminate the contamination, in compliance with a prescribed schedule. The owner or operator may also provide a demonstration that:
 - 1) The contamination is the result of contaminants remaining in groundwater from a prior release for which appropriate action was taken in compliance with the laws and regulations in existence at the time of the release;
 - 2) The source of contamination is not due to the on-site release of contaminants; or
 - 3) The detection resulted from error in sampling analysis or evaluation.
- e) Based upon the report in subsection (d) as well as any other relevant information available to the Agency, the Agency must provide a written response to the owner or operator that specifies either:
 - 1) Concurrence with the preventive response being undertaken; or
 - 2) Non-concurrence with the preventive response being undertaken and a description of the inadequacies of such action.
- f) An owner or operator who receives a written response of concurrence under subsection (e) must provide periodic program reports to the Agency regarding the implementation of the preventive response.
- g) An owner or operator who receives a written response of non-concurrence under subsection (e) must have within 30 days correct the inadequacies and resubmit the report to the Agency or to request a conference with the Agency. Within 30 days of receipt of a written request for conference, the Agency must schedule and hold the conference. Following the conference, the Agency must provide the owner or operator with a final determination regarding the adequacy of the preventive response.
- h) An owner or operator must be responsible for implementing adequate preventive

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522 response as determined under this Section.

523

524 i) After completion of preventive response, the concentration of a contamination
525 listed in 35 Ill. Adm. Code 620.310(a)(3)(A) in groundwater may exceed 50
526 percent of the applicable numerical standard in 35 Ill. Adm. Code 620.Subpart D
527 only if the following conditions are met:

528

529 1) The ~~exceedence~~exceedance has been minimized to the extent practicable;

530

531 2) Beneficial use, as appropriate for the class of groundwater, has been
532 assured; and

533

534 3) Any threat to public health or the environment has been minimized.

535

536 j) Nothing in this Section limits the authority of the State or the United States to
537 require or perform any corrective action process.

538

539 (Source: Amended at 46 Ill. Reg. ~~—~~ _____, effective _____)

540

541 **Section 616.210 Corrective Action Program**

542

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

545

546 a) Notify the Agency of the need to undertake a corrective action program when
547 submitting the groundwater monitoring results required under Section 616.206.
548 The notification must indicate in which wells and for which parameters a
549 groundwater standard was exceeded.

550

551 b) Continue to sample and analyze according to the provisions of Section
552 616.208(a), except that:

553

554 1) For all units subject to Subpart I for the storage and handling of pesticides,
555 the frequency of all sampling must be quarterly until no measured values
556 above the groundwater standard have been recorded for any parameter for
557 two consecutive quarters.

558

559 2) For a unit subject to Subpart J for the storage and handling of fertilizers,

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- 560 sampling must be quarterly for the parameters specified in Section
561 616.207(a)(3) that are stored or handled at the unit until no measured
562 values above the groundwater standard have been recorded for two
563 consecutive quarters.
564
- 565 c) If sample values above any groundwater standard are confirmed under Section
566 616.209(b), the owner or operator must :
- 567
- 568 1) Submit to the Agency an engineering feasibility plan for a corrective
569 action program designed to achieve the requirements of subsection (e)
570 through (i).
571
- 572 A) The feasibility plan must be submitted to the Agency within 180
573 days after the date of the sample in which a groundwater standard
574 was initially exceeded.
575
- 576 B) The requirement under subsection (c) is waived if no groundwater
577 standard is exceeded in any sample taken under subsection (b) for
578 two consecutive quarters.
579
- 580 d) Except as provided in subsection (c)(1)(B), the Agency must provide a written
581 response to the owner or operator based upon the engineering feasibility plan and
582 any other relevant information that specifies either:
583
- 584 1) Concurrence with the feasibility plan for corrective action; or
585
- 586 2) Non-concurrence with the feasibility plan for corrective action and a
587 description of the inadequacies of such plan.
588
- 589 e) An owner or operator who receives a written response of concurrence under
590 subsection (d) must provide periodic progress reports to the Agency regarding the
591 implementing of the corrective action .
592
- 593 f) An owner or operator who receives a written response of non-concurrence under
594 subsection (d) must have within 30 days of receiving the response_ correct the
595 inadequacies and resubmit the report to the Agency or request a conference with
596 the Agency. Upon receipt of a written request for a conference, the Agency must
597 schedule and hold the conference. Following the conference, the Agency must

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- 598 provide the owner or operator with a final determination regarding the adequacy
599 of the corrective action.
600
601 g) An owner or operator is responsible for implementing adequate corrective action
602 as determined under this Section.
603
604 h) Except as provided in subsection (c)(1)(B), the owner or operator must :
605
606 1) Begin the corrective action program specified in the engineering feasibility
607 plan no later than the date of receipt of concurrence from the Agency.
608
609 2) Establish and implement a groundwater monitoring program to
610 demonstrate the effectiveness of the corrective action program.
611
612 3) Take corrective action that results in compliance with the groundwater
613 standards:
614
615 A) At all compliance points; and
616
617 B) Beyond the unit boundary, where necessary to protect human
618 health and the environment, unless the owner or operator
619 demonstrates to the Agency that, despite the owner's or operator's
620 best efforts, the owner or operator was unable to obtain the
621 necessary permission to undertake such action. The owner or
622 operator is not relieved of responsibility to clean up a release that
623 has migrated beyond the unit boundary where off-site access is
624 denied.
625
626 4) Continue corrective action measures to the extent necessary to ensure that
627 no groundwater standard is exceeded at the compliance point or points.
628
629 5) The owner or operator may terminate corrective action measures taken
630 beyond the compliance period as identified at Section 616.202 if the
631 owner or operator can demonstrate, based on data from the post-closure
632 groundwater monitoring program under subsection (h)(2), that no
633 groundwater standard has been exceeded for a period of three consecutive
634 years.
635

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- 636 6) Report in writing to the Agency on the effectiveness of the corrective
637 action program. The owner or operator must submit these reports
638 semi-annually.
- 639
- 640 7) If the owner or operator determines that the corrective action program no
641 longer satisfies the requirements of this Section, the owner or operator
642 must , within 90 days, make any appropriate changes to the program.
- 643
- 644 i) Subsections (b), (c) and (f) do not apply if the owner or operator makes an
645 alternative corrective action demonstration under Section 616.211.
- 646
- 647 (Source: Amended at 46 Ill. Reg. ~~---~~ _____, effective _____)
- 648

649 **Section 616.211 Alternative Corrective Action Demonstration**

650

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

657

- 658 a) In making the demonstration the owner or operator must :
659
- 660 1) Notify the Agency that the owner or operator intends to make a
661 demonstration under this Section when submitting the groundwater
662 monitoring results under Section 616.206; and
663
- 664 2) Submit a report to the Agency that demonstrates that a source other than a
665 facility or unit for which he is the owner or operator caused the
666 groundwater standard to be exceeded, or that the groundwater standard
667 was exceeded due to an error in sampling, analysis or evaluation. This
668 report must be included with the next submission of groundwater
669 monitoring results required under Section 616.206.
- 670
- 671 b) The Agency must provide a written response to the owner or operator, based
672 upon the written demonstration and any other relevant information, that specifies
673 either:

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- 1) Concurrence with the written demonstration for alternative corrective action with requirements to continue to monitor in compliance with the groundwater monitoring program established under Sections 616.205 and 616.210; or
- 2) Non-concurrence with the written demonstration for alternative corrective action and a description of the inadequacies of such demonstration.
- c) An owner or operator who receives a written response of non-concurrence under subsection (b) must within 30 days of receiving the response respond to the Agency in writing or request a conference with the Agency. Upon receipt of a written request for a conference, the Agency must schedule and hold the conference within 30 days. Following the conference, the Agency must provide the owner or operator with a final determination regarding the adequacy of the alternative corrective action.
- d) The owner or operator must begin the corrective action program in compliance with the requirements of Section 616.210.

(Source: Amended at 46 Ill. Reg. , effective)

SUBPART C: GENERAL CLOSURE AND POST-CLOSURE REQUIREMENTS

Section 616.302 Closure Performance Standard

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

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

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712 (Source: Amended at 46 Ill. Reg. , effective)

713

714 Section 616.303 Certification of Closure

715

716 Within 60 days after the closure of each unit is completed, the owner or operator must submit to
717 the Agency, by registered or certified mail, a certification that the unit has been closed in
718 compliance with the closure requirements. The certification must be signed by the owner or
719 operator and by an independent registered professional engineer. Documentation supporting the
720 independent registered professional engineer's certification must be furnished to the Agency
721 upon request.

722

723 (Source: Amended at 46 Ill. Reg. , effective)

724

725 Section 616.304 Survey Plat

726

727 a) Before the submission of the certification of closure of each unit, the owner or
728 operator must submit to any local zoning authority, or authority with jurisdiction
729 over local land use, and to the Agency, and record with land titles, a survey plat
730 indicating the location and dimensions of any waste disposal units, and any
731 pesticide or fertilizer storage and handling units, with respect to permanently
732 surveyed benchmarks. This plat must be prepared and certified by a registered
733 land surveyor.

734

735 b) For pesticide storage and handling units or for fertilizer storage and handling
736 units, records or reports required under any other state or Federal regulatory
737 program and which contain the information required under subsection (a) may be
738 used to satisfy that reporting requirement.

739

740 (Source: Amended at 46 Ill. Reg. , effective)

741

742 Section 616.305 Post-Closure Notice for Waste Disposal Units

743

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

748

749 (Source: Amended at 46 Ill. Reg. , effective)

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750

751 Section 616.306 Certification of Completion of Post-closure Care

752

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

759

760 (Source: Amended at 46 Ill. Reg. , effective)

761

SUBPART D: ON-SITE LANDFILLS

762

764 Section 616.401 Applicability

765

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

769

770 a) Contains solely one or more of the following: hazardous waste, livestock waste,
771 landscape waste, or construction and demolition debris; or

772

773 b) Is exempt from this Part under Section 616.105.

774

775 (Source: Amended at 46 Ill. Reg. , effective)

776

777 Section 616.402 Prohibitions

778

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

781

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

785

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

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788

789

- b) A person must not cause or allow the disposal of special waste in a new on-site landfill unit within a regulated recharge area if the distance from the wellhead of the community water supply well to the landfill unit is 2500 feet or less, except as provided at Section 616.105.

790

791

792

793

794

(Source: Amended at 46 Ill. Reg. , effective)

795

796

SUBPART E: ON-SITE LAND TREATMENT UNITS

797

Section 616.421 Applicability

799

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

803

804

- a) Contains solely one or more of the following: hazardous waste, livestock waste, landscape waste, or construction and demolition debris; or

805

806

807

- b) Is exempt from this Part under Section 616.105.

808

809

(Source: Amended at 46 Ill. Reg. , effective)

810

Section 616.422 Prohibitions

812

813

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

814

815

816

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

817

818

819

820

- 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.

821

822

823

- b) Nothing in this Section prohibits 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

824

825

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826 water, if land treatment is conducted in compliance_ with the Act and 35 Ill.
827 Adm. Code: Subtitle C.

828

829 (Source: Amended at 46 Ill. Reg. ~~---~~ _____, effective _____)

830

831 **Section 616.423 Groundwater Monitoring**

832

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

834

835 (Source: Amended at 46 Ill. Reg. ~~---~~ _____, effective _____)

836

837 **Section 616.424 Design and Operating Requirements**

838

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

841

842 (Source: Amended at ~~44~~46 Ill. Reg. ~~---~~ _____, effective _____)

843

844 **Section 616.425 Closure and Post-Closure ~~Care~~**

845

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

847

848 (Source: Amended at 46 Ill. Reg. ~~---~~ _____, effective _____)

849

850 **SUBPART F: ON-SITE SURFACE IMPOUNDMENTS**

851

852 **Section 616.441 Applicability**

853

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

858

859 a) Contains solely one or more of the following: hazardous waste, livestock waste,
860 landscape waste, or construction and demolition debris; or

861

862 b) Is exempt from this Part under Section 616.105.

863

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864 (Source: Amended at 46 Ill. Reg. ~~—~~ _____, effective _____)

865

866Section 616.442 Prohibitions

867

868Under Sections 14.2(a), 14.2(c) and 14.3(e) of the Act, a person must not cause or allow the
869construction or operation of any surface impoundment unit that is:

870

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

874

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

877

878 (Source: Amended at 46 Ill. Reg. ~~—~~ _____, effective _____)

879

880Section 616.443 Groundwater Monitoring

881

882The owner or operator must comply with the requirements of Subpart B.

883

884 (Source: Amended at 46 Ill. Reg. ~~—~~ _____, effective _____)

885

886Section 616.444 Design Requirements

887

888 a) The owner or operator of a surface impoundment must install two or more liners
889 and a leachate collection system between such liners. The requirement for the
890 installation of two or more liners in this subsection may be satisfied by the
891 installation of a top liner designed, operated, and constructed of materials to
892 prevent the migration of any constituent into such liner during the period such
893 facility remains in operation (including any post-closure monitoring period), and a
894 lower liner designed, operated and constructed to prevent the migration of any
895 constituent through such liner during such period. For the purpose of the
896 preceding sentence, a lower liner is considered to satisfy the requirement if it is
897 constructed of at least a 5-foot thick layer of recompacted clay or other natural
898 material with a permeability of no more than $1 \times 10^{(-7)}$ centimeter per second.

899

900 b) A surface impoundment must be designed, constructed, maintained and operated
901 to prevent overtopping resulting from normal or abnormal operations; overfilling;

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902 wind and wave action; rainfall; run-on; malfunctions of level controllers, alarms
903 and other equipment; and human error.

904

905 c) A surface impoundment must have dikes that are designed, constructed and
906 maintained with sufficient structural integrity to prevent massive failure of the
907 dikes. In ensuring structural integrity, it must not be presumed that the liner
908 system will function without leakage during the active life of the surface
909 impoundment.

910

911 d) The owner or operator must maintain the following items:

912

913 1) Records describing the contents of the impoundment; and

914

915 2) A map showing the exact location and dimensions of the impoundment,
916 including depth with respect to permanently surveyed benchmarks.

917

918 (Source: Amended at 46 Ill. Reg. , effective)

919

920 Section 616.445 Inspection Requirements

921

922 a) During construction and installation, liners must be inspected for uniformity,
923 damage and imperfections (e.g., holes, cracks, thin spots or foreign materials).
924 Immediately after construction or installation:

925

926 1) Synthetic liners and covers must be inspected to ensure tight seams and
927 joints and the absence of tears, punctures and blisters; and

928

929 2) Soil-based and admixed liners and covers must be inspected for
930 imperfections including lenses, cracks, channels, root holes or other
931 structural non-uniformities that may cause an increase in the permeability
932 of that liner or cover.

933

934 b) During operation, a surface impoundment must be inspected weekly and after
935 storms to detect evidence of any of the following:

936

937 1) Deterioration, malfunctions or improper operation of overtopping control
938 systems;

939

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978 were taken within 10 days after the removal from service.

979

980 d) A surface impoundment unit that has been removed from service in compliance
981 with the requirements of this Section may be restored to service only if the
982 portion of the unit that failed has been repaired.

983

984 e) A surface impoundment unit that has been removed from service in compliance
985 with the requirements of this Section and that is not being repaired must be closed
986 in compliance with the provisions of Section 616.447.

987

988 (Source: Amended at 46 Ill. Reg. ~~_____~~, effective _____)

989

990 **Section 616.447 Closure and Post-Closure Care**

991

992 a) If closure is to be by removal, the owner or operator must remove all waste, all
993 waste residues, contaminated containment system components (liners, etc.),
994 contaminated subsoils and structures and equipment contaminated with waste and
995 leachate; and, if disposed of in the State of Illinois, dispose of them at a disposal
996 site permitted by the Agency under the Act.

997

998 b) If closure is not to be by removal, the owner or operator must comply with the
999 requirements of Subpart C and must :

1000

1001 1) Eliminate free liquids by removing liquid wastes or solidifying the
1002 remaining wastes and waste residues.

1003

1004 2) Stabilize remaining wastes to a bearing capacity sufficient to support final
1005 cover.

1006

1007 3) Cover the surface impoundment unit with a final cover designed and
1008 constructed to:

1009

1010 A) Provide long-term minimization of the migration of liquids
1011 through the closed impoundment unit;

1012

1013 B) Function with minimum maintenance;

1014

1015 C) Promote drainage and minimize erosion or abrasion of the final

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- 1016 cover;
- 1017
- 1018 D) Accommodate settling and subsidence so that the cover's integrity
- 1019 is maintained; and
- 1020
- 1021 E) Have a permeability less than or equal to the permeability of any
- 1022 bottom liner system.
- 1023
- 1024 c) If some waste residues or contaminated materials are left in place at final closure,
- 1025 the owner or operator must comply with the requirements of Subpart C for a
- 1026 period of 5 years after closure must:
- 1027
- 1028 1) Maintain the integrity and effectiveness of the final cover, including
- 1029 making repairs to the cap as necessary to correct the effects of settling,
- 1030 subsidence, erosion or other events;
- 1031
- 1032 2) Maintain and monitor the groundwater monitoring system; and
- 1033
- 1034 3) Prevent run-on and run-off from eroding or otherwise damaging the final
- 1035 cover.

1036

1037 (Source: Amended at 46 Ill. Reg. ~~—~~ _____, effective _____)

1038

1039 SUBPART G: ON-SITE WASTE PILES

1040

1041 **Section 616.461 Applicability**

1042

1043 This Subpart applies to new waste piles that are located wholly or partially within a setback zone

1044 or regulated recharge area and that contain special waste or other waste generated on-site, except

1045 that this Subpart does not apply to any new waste pile that:

- 1046
- 1047 a) Contains solely one or more of the following: hazardous waste, livestock waste,
- 1048 landscape waste, or construction and demolition debris; or
- 1049
- 1050 b) Consists of sludge resulting from the treatment of domestic wastewater from a
- 1051 POTW and the sludge pile is situated on an underdrained pavement and operated
- 1052 in compliance with the Act, 35 Ill. Adm. Code: Subtitle C and 35 Ill. Adm.
- 1053 Code: Subtitle G; or

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1054

1055 c) Is exempt from this Part under Section 616.105.

1056

1057 (Source: Amended at 46 Ill. Reg. ~~---~~ _____, effective _____)

1058

1059 **Section 616.462 Prohibitions**

1060

1061 a) Under Sections 14.2(a), 14.2(c) and 14.3(e) of the Act, a person must not cause
1062 or allow the construction or operation of any waste pile that is:

1063

1064 1) Located wholly or partially within a minimum setback zone and that is
1065 either a new potential primary source or a new potential secondary source,
1066 except as specified in Sections 616.104; or

1067

1068 2) Located wholly or partially within a maximum setback zone and that is a
1069 new potential primary source, except as specified in Section 616.104.

1070

1071 b) A person must not cause or allow the disposal of special waste in a new waste
1072 pile within a regulated recharge area if the distance from the wellhead of the
1073 community water supply well to the waste pile is 2500 feet or less, except as
1074 provided at Section 616.105

1075

1076 c) Nothing in this Section prohibits a waste pile, within a maximum setback zone
1077 regulated by the Act, of sludge resulting from the treatment of domestic
1078 wastewater or of sludge resulting from the treatment of water to produce potable
1079 water, if such activities are conducted in compliance with the Act, 35 Ill. Adm.
1080 Code: Subtitle C, Subtitle F, and Subtitle G.

1081

1082 (Source: Amended at 46 Ill. Reg. ~~---~~ _____, effective _____)

1083

1084 **Section 616.463 Design and Operating Requirements**

1085

1086 a) A person must not cause or allow:

1087

1088 1) Disposal or storage in the waste pile of liquids or materials containing free
1089 liquids; or

1090

1091 2) Migration and runoff of leachate into adjacent soil, surface water, or

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1092 groundwater.

1093

1094 b) A waste pile must comply with the following standards:

1095

1096 1) The waste pile must be under an impermeable membrane or cover that
1097 provides protection from precipitation;

1098

1099 2) The waste pile must be protected from surface water run-on; and

1100

1101 3) The waste pile must be designed and operated to control wind dispersal of
1102 waste by a means other than wetting.

1103

1104 (Source: Amended at 46 Ill. Reg. ~~—~~ _____, effective _____)

1105

1106 **Section 616.464 Closure**

1107

1108 The owner or operator must complete closure by removing and disposing of all wastes and
1109 containment system components (liners, etc.). If disposed of in the State of Illinois, the waste
1110 and containment system components must be disposed of at a disposal site permitted by the
1111 Agency under the Act.

1112

1113 (Source: Amended at 46 Ill. Reg. ~~—~~ _____, effective _____)

1114

1115 **SUBPART H: UNDERGROUND STORAGE TANKS**

1116

1117 **Section 616.501 Applicability**

1118

1119 This Subpart applies to new underground storage tanks that are located wholly or partially within
1120 a setback zone or regulated recharge area and that contain special waste, except that this Subpart
1121 does not apply to any new underground storage tank that:

1122

1123 a) Under 35 Ill. Adm. Code 731.110(a) must meet the requirements in 35 Ill. Adm.
1124 Code 731, unless such a tank is excluded from those requirements under 35 Ill.
1125 Adm. Code 731.110(b);

1126

1127 b) Has interim status or a RCRA permit under 35 Ill. Adm. Code: Subtitle G; or

1128

1129 c) Is exempt from this Part under Section 616.105.

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1130

1131 (Source: Amended at 46 Ill. Reg. , effective)

1132

1133 Section 616.502 Design and Operating Requirements

1134

1135 Owners and operators of new underground storage tanks that store special waste must meet the
1136 requirements in 35 Ill. Adm. Code 731. These requirements must be met even if the tanks are
1137 excluded from coverage under 35 Ill. Adm. Code 731.110(b). The exclusions in 35 Ill. Adm.
1138 Code 731.110(b) does not apply to any underground storage tank that stores special waste.

1139

1140 (Source: Amended at 46 Ill. Reg. , effective)

1141

SUBPART I: PESTICIDE STORAGE AND HANDLING UNITS

1142

1144 Section 616.601 Applicability

1145

1146 a) This Subpart applies to any new unit for the storage and handling of pesticides
1147 that is located wholly or partially within a setback zone or regulated recharge area
1148 and that:

1149

1) Is operated for the purpose of commercial application; or

1150

2) Stores or accumulates pesticides prior to distribution to retail sales outlets,
including a unit that is a warehouse or bulk terminal.

1151

1152 b) Despite subsections (a)(1) and (a)(2), this Subpart does not apply to any unit
1153 exempt under Section 616.105.

1154

1155 (Source: Amended at 46 Ill. Reg. , effective)

1156

1160 Section 616.602 Prohibitions

1161

1162 Under Sections 14.2(a), 14.2(c) and 14.3(e) of the Act, a person must not cause or allow the
1163 construction or operation of any unit for the storage and handling of pesticides that is:

1164

1165 a) Located wholly or partially within a minimum setback zone and that is either a
1166 new potential primary source or a new potential secondary source, except as
1167 specified in Section 616.104(a) and (b); or

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1168

1169 b) Located wholly or partially within a maximum setback zone and that is a new
1170 potential primary source, except as specified in Section 616.104(b).

1171

1172 (Source: Amended at 46 Ill. Reg. ~~---~~ _____, effective _____)

1173

1174 **Section 616.603 Groundwater Monitoring**

1175

1176 The owner or operator must comply with the requirements of Subpart B.

1177

1178 (Source: Amended at 46 Ill. Reg. ~~---~~ _____, effective _____)

1179

1180 **Section 616.604 Design and Operating Requirements**

1181

1182 The owner or operator must :

1183

1184 a) Maintain a written record inventorying all pesticides stored or handled at the unit.

1185

1186 b) At least weekly when pesticides are being stored, inspect storage containers,
1187 tanks, vents, valves, and appurtenances for leaks or deterioration caused by
1188 corrosion or other factors. If a leak or deterioration is found in any of these
1189 devices, the owner or operator must immediately repair or replace the device.
1190 The owner or operator must maintain a written record of all inspections
1191 conducted under this Section and of all maintenance relating to leaks and
1192 deterioration of these devices.

1193

1194 c) Store all containers containing pesticides within a pesticide secondary
1195 containment structure, if containers are stored outside of a roofed structure or
1196 enclosed warehouse. For the purpose of this subsection, a pesticide secondary
1197 containment structure is a structure that complies with the design standards in 8
1198 Ill. Adm. Code 255.

1199

1200 d) Maintain all written records required under this Section at the site. The owner or
1201 operator must provide written records to the Agency upon request.

1202

1203 (Board Note: Owners or operators of facilities or units subject to this Part may also be
1204 subject to regulations under 8 Ill. Adm. Code 255.)

1205

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1206 (Source: Amended at 46 Ill. Reg. ~~—~~ _____, effective _____)

1207

1208 **Section 616.605 Closure and Post-Closure Care**

1209

1210 The owner or operator must comply with the requirements of Subpart C.

1211

1212 (Source: Amended at 46 Ill. Reg. ~~—~~ _____, effective _____)

1213

1214 SUBPART J: FERTILIZER STORAGE AND HANDLING UNITS

1215

1216 **Section 616.621 Applicability**

1217

1218 This Subpart applies to any new unit for the storage and handling of fertilizers that is located

1219 wholly or partially within a setback zone or regulated recharge area and that:

1220

1221 a) Is operated for the purpose of commercial application; or

1222

1223 b) Stores or accumulates fertilizers prior to distribution to retail sales outlets,
1224 including but not limited to a unit that is a warehouse or bulk terminal.

1225

1226 c) Despite subsections (~~a~~1) and (~~b~~2), this Subpart does not apply to any unit exempt
1227 under Section 616.105.

1228

1229 (Source: Amended at 46 Ill. Reg. ~~—~~ _____, effective _____)

1230

1231 **Section 616.622 Prohibitions**

1232

1233 Under Sections 14.2(a), 14.2(c) and 14.3(e) of the Act, a person must not cause or allow the

1234 construction or operation of any unit for the storage and handling of fertilizers that is:

1235

1236 a) Located wholly or partially within a minimum setback zone and that is either a
1237 new potential primary source or a new potential secondary source, except as
1238 specified in Sections 616.104; or

1239

1240 b) Located wholly or partially within a maximum setback zone and that is a new
1241 potential primary source, except as specified in Section 616.104.

1242

1243 (Source: Amended at 46 Ill. Reg. ~~—~~ _____, effective _____)

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1244

1245 **Section 616.623 Groundwater Monitoring**

1246

1247 The owner or operator must comply with the requirements of Subpart B.

1248

1249 (Source: Amended at 46 Ill. Reg. ~~—~~ _____, effective _____)

1250

1251 **Section 616.624 Design and Operating Requirements**

1252

1253 The owner or operator must :

1254

1255 a) Maintain a written record inventorying all fertilizers stored or handled at the unit.

1256

1257 b) At least weekly when fertilizers are being stored, inspect storage containers,
1258 tanks, vents, valves, and appurtenances for leaks or deterioration caused by
1259 corrosion or other factors. If a leak or deterioration is found in any of these
1260 devices, the owner or operator must immediately repair or replace the device.

1261 The owner or operator must maintain a written record of all inspections
1262 conducted under this Section and of all maintenance relating to leaks and
1263 deterioration of these devices.

1264

1265 c) Store all containers containing fertilizers (except anhydrous ammonia) within a
1266 fertilizer secondary containment structure, if the containers are stored outside of a
1267 roofed structure or enclosed warehouse. For the purpose of this subsection, a
1268 fertilizer secondary containment structure is a structure that complies with the
1269 design standards in 8 Ill. Adm. Code 255.

1270

1271 d) Maintain all written records required under this Section at the site. The owner or
1272 operator must provide written records to the Agency upon request.

1273

1274 (Board Note: Owners or operators of facilities or units subject to this Part may also be
1275 subject to regulations under 8 Ill. Adm. Code 255.)

1276

1277 (Source: Amended at 46 Ill. Reg. ~~—~~ _____, effective _____)

1278

1279 **Section 616.625 Closure and Post-Closure Care**

1280

1281 The owner or operator must comply with the requirements of Subpart C.

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1282

1283 (Source: Amended at 46 Ill. Reg. ~~---~~ _____, effective _____)

1284

1285 SUBPART K: ROAD OIL STORAGE AND HANDLING UNITS

1286

1287 **Section 616.702 Prohibitions**

1288

1289 Under Sections 14.2(a), 14.2(c) and 14.3(e) of the Act, a person must not cause or allow the
1290 construction or operation of any unit for the storage and handling of road oils that is:

1291

1292 a) Located wholly or partially within a minimum setback zone and that is either a
1293 new potential primary source or a new potential secondary source, except as
1294 specified in Sections 616.104; or

1295

1296 b) Located wholly or partially within a maximum setback zone and that is a new
1297 potential primary source, except as specified in Section 616.104.

1298

1299 (Source: Amended at 46 Ill. Reg. ~~---~~ _____, effective _____)

1300

1301 **Section 616.703 Groundwater Monitoring**

1302

1303 The owner or operator must comply with the requirements of Subpart B.

1304

1305 (Source: Amended at 46 Ill. Reg. ~~---~~ _____, effective _____)

1306

1307 **Section 616.704 Design and Operating Requirements for Above-Ground Storage Tanks**

1308

1309 a) The owner or operator of a tank must not cause or allow:

1310

1311 1) Materials to be placed in a tank if such materials could cause the tank to
1312 rupture, leak, corrode, or otherwise fail.

1313

1314 2) Uncovered tanks to be placed or operated so as to maintain less than 60
1315 centimeters (2 feet) of freeboard unless:

1316

1317 A) The tank is equipped with a containment structure (e.g., dike or
1318 trench), a drainage control system, or a diversion structure (e.g.,
1319 standby tank); and

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- 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 must provide and maintain primary containment for the tank such that:
 - 1) The tank has a minimum shell thickness that ensures that the tank will not fail (i.e., collapse, rupture, etc.).
 - 2) The tank is compatible with the material to be placed in the tank or the tank is lined with a substance that is compatible with the material to be placed in the tank.
- c) The owner or operator must provide and maintain secondary containment for the tank that:
 - 1) Is capable of containing the volume of the largest tank or 10% of the total volume for all tanks, whichever is greater;

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- 1358 2) Is constructed of material capable of containing a spill until cleanup
1359 occurs (e.g., concrete or clay). The base of the secondary containment
1360 area must be capable of minimizing vertical migration of a spill until
1361 cleanup occurs (e.g., concrete or clay);
1362
- 1363 3) Has cover (e.g., crushed rock or vegetative growth) on earthen
1364 embankments sufficient to prevent erosion; and
1365
- 1366 4) Isolates the tank from storm water drains and from combined storm water
1367 drains and sanitary sewer drains.
1368
- 1369 d) If incompatible materials are handled at the site, secondary containment sufficient
1370 to isolate the units containing the incompatible materials must be provided.
1371
- 1372 e) The owner or operator of a tank must also:
1373
- 1374 1) Test above-ground tanks and associated piping every five years for
1375 structural integrity.
1376
- 1377 2) Remove uncontaminated storm water run off from the secondary
1378 containment area immediately after a precipitation event.
1379
- 1380 3) Handle contaminated storm water run off in compliance with 35 Ill. Adm.
1381 Code 302.Subpart A.
1382
- 1383 4) Provide a method for obtaining a sample from each tank.
1384
- 1385 5) Install, maintain, and operate a material level indicator on each tank.
1386
- 1387 6) When not in use, lock all gauges and valves that are used to inspect levels
1388 in the tank. All such devices must be located within the containment
1389 structure.
1390

(Source: Amended at 46 Ill. Reg. ~~_____~~, effective ~~_____~~)

SUBPART L: DE-ICING AGENT STORAGE AND HANDLING UNITS

1395 **Section 616.722 Prohibitions**

POLLUTION CONTROL BOARD

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1397

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

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

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- 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.

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- b) A person must not cause or allow the construction or operation within any setback zone of any outdoor facility for the storage and handling of de-icing agents, except as provided at Section 616.105.

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(Source: Amended at 46 Ill. Reg. , effective)

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Section 616.723 Groundwater Monitoring

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

1417

(Source: Amended at 46 Ill. Reg. , effective)

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Section 616.724 Design and Operating Requirements for Indoor Storage Facilities

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- a) The base of the facility must be constructed of materials capable of containing de-icing agents (i.e., bituminous or concrete pad).

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- 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.

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- 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

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- 1434 pad must be curbed to prevent dry or dissolved de-icing agents from migrating
1435 from the loading pad into the adjacent soils, surface water, or groundwater. The
1436 loading pad must be covered by a roof of sufficient size to provide the pad and
1437 de-icing agents with protection from precipitation to prevent run-off or dissolved
1438 de-icing agents from entering into the adjacent soil, surface water, or
1439 groundwater.
1440
1441 d) All areas surrounding the storage pile, including the loading pad, must be
1442 routinely inspected to determine whether any release of de-icing agents has
1443 occurred. These areas must be cleaned as necessary. Spilled de-icing agents
1444 must be placed back under the protective covering of the indoor storage pile. The
1445 storage pile must be reshaped as often as necessary to prevent leaching.
1446
1447 e) The integrity of the facility and loading pad must be maintained.
1448
1449 f) All areas surrounding the storage facility must be inspected daily to determine
1450 whether any release of de-icing agents has occurred. Spilled de-icing agents must
1451 be placed back into the storage facility.
1452

1454 (Source: Amended at 46 Ill. Reg. ~~—~~ _____, effective _____)

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