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POLLUTION CONTROL BOARD

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TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE G: WASTE DISPOSAL  
CHAPTER I: POLLUTION CONTROL BOARD

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SITE REMEDIATION PROGRAM

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AUTHORITY: Implementing Sections 58 through 58.8 and 58.10 through 58.14 and authorized by Sections 58.5, 58.6, 58.7, 58.11 and 58.14 of the Environmental Protection Act [415 ILCS 5/58 through 58.8 and 58.10 through 58.14].

SOURCE: Adopted in R97-11 at 21 Ill. Reg. 7889, effective July 1, 1997; amended in R98-27 at 22 Ill. Reg.19580, effective October 26, 1998; amended in R01- at Ill. Reg. , effective \_\_\_\_\_.

NOTE: Italics Capitalization denotes statutory language. In this Part, the abbreviation ug is used to indicate micrograms.

SUBPART A: GENERAL

Section 740.120 Definitions

Except as stated in this Section, or unless a different meaning of a word or term is clear from the context, the definition of words or terms in this Part shall be the same as that applied to the same words or terms in the Environmental Protection Act.

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"Act" means the Environmental Protection Act [415 ILCS 5].

*"Agency" means the Illinois Environmental Protection Agency.* (Section 3.01 of the Act)

"Agency travel costs" means costs incurred and documented for travel in accordance with 80 Ill. Adm. Code 2800 and 3000 by individuals employed by the Agency. Such costs include costs for lodging, meals, travel, automobile mileage, vehicle leasing, tolls, taxi fares, parking and miscellaneous items.

*"Agrichemical facility" means a site on which agricultural pesticides are stored or handled, or both, in preparation for end use, or distributed. The term does not include basic manufacturing facility sites.* (Section 58.2 of the Act)

*"ASTM" means the American Society for Testing and Materials.* (Section 58.2 of the Act)

"Authorized agent" means a person who is authorized by written consent or by law to act on behalf of an owner, operator, or Remediation Applicant.

"Board" means the Pollution Control Board.

"Contaminant of concern" or *"regulated substance of concern"* means any contaminant that is expected to be present at the site based upon past and current land uses and associated releases that are known to the Remediation Applicant based upon reasonable inquiry. (Section 58.2 of the Act)

"Costs" means all costs incurred by the Agency in providing services pursuant to a Review and Evaluation Services Agreement.

"Groundwater management zone" or "GMZ" means a three-dimensional region containing groundwater being managed to mitigate impairment caused by the release of contaminants of concern at a remediation site.

"Indirect costs" means those costs incurred by the Agency which cannot be attributed directly to a specific site but are necessary to support the site-specific activities, including, but not limited to, such expenses as managerial and administrative services, building rent and maintenance, utilities, telephone and office supplies.

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"Laboratory costs" means costs for services and materials associated with identifying, analyzing, and quantifying chemical compounds in samples at a laboratory.

*"Licensed Professional Engineer" or "LPE" means a person, corporation or partnership licensed under the laws of this State to practice professional engineering. (Section 58.2 of the Act)*

*"Licensed Professional Geologist" or "LPG" means an individual who is licensed under the Professional Geologist Licensing Act to engage in the practice of professional geology in Illinois. (Professional Geologist Licensing Act [225 ILCS 745/15])*

"Other contractual costs" means costs for contractual services not otherwise specifically identified, including, but not limited to, printing, blueprints, photography, film processing, computer services and overnight mail.

"Perfected" means recorded or filed for record so as to place the public on notice.

*"Person" means individual, trust, firm, joint stock company, joint venture, consortium, commercial entity, corporation (including a government corporation), partnership, association, state, municipality, commission, political subdivision of a state, or any interstate body, including the United States Government and each department, agency and instrumentality of the United States. (Section 58.2 of the Act)*

"Personal services costs" means costs relative to the employment of individuals by the Agency. Such costs include, but are not limited to, hourly wages and fringe benefits.

*"Pesticide" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest or any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant. (Illinois Pesticide Act [415 ILCS 60/4])*

"Practical quantitation limit" or "PQL" or "Estimated quantitation limit" means the lowest concentration that can be reliably measured within specified limits of precision and accuracy for a specific laboratory analytical method during routine laboratory operating conditions in accordance with "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods," EPA Publication No. SW-846, incorporated by reference at Section 740.125 of this Part. For filtered water samples, PQL also means the Method Detection Limit or Estimated Detection

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Limit in accordance with the applicable method revision in: "Methods for the Determination of Metals in Environmental Samples," EPA Publication No. EPA/600/4-91/010; "Methods for the Determination of Metals in Environmental Samples, Supplement I," EPA Publication No. EPA/600/R-94/111; "Methods for the Determination of Organic Compounds in Drinking Water," EPA Publication No. EPA/600/4-88/039; "Methods for the Determination of Organic Compounds in Drinking Water, Supplement II," EPA Publication No. EPA/600/R-92/129; or "Methods for the Determination of Organic Compounds in Drinking Water, Supplement III," EPA Publication No. EPA/600/R-95/131, all of which are incorporated by reference at Section 740.125 of this Part.

"Reasonably obtainable" means that a copy or reasonable facsimile of the record must be obtainable from a private entity or government agency by request and upon payment of a processing fee, if any.

"Recognized environmental condition" means the presence or likely presence of any regulated substance or pesticide under conditions that indicate a release, threatened release or suspected release of any regulated substance or pesticide at, on, to or from a remediation site into structures, surface water, sediments, groundwater, soil, fill or geologic materials. The term shall not include de minimis conditions that do not present a threat to human health or the environment.

*"Regulated substance" means any hazardous substance as defined under Section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (P.L. 96-510) and petroleum products, including crude oil or any fraction thereof, natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas). (Section 58.2 of the Act)*

*"Regulated substance of concern" or "contaminant of concern" means any contaminant that is expected to be present at the site based upon past and current land uses and associated releases that are known to the Remediation Applicant based upon reasonable inquiry. (Section 58.2 of the Act)*

*"Release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, but excludes any release which results in exposure to persons solely within a workplace, with respect to a claim which such persons may assert against the employer or such persons; emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, vessel, or pipeline pumping station engine; release of source, byproduct, or special nuclear material from a nuclear incident,*

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*as those terms are defined in the federal Atomic Energy Act of 1954, if such release is subject to requirements with respect to financial protection established by the Nuclear Regulatory Commission under Section 170 of such Act; and the normal application of fertilizer. (Section 3.33 of the Act)*

*"Remedial action" means activities associated with compliance with the provisions of Sections 58.6 and 58.7 of the Act, including, but not limited to, the conduct of site investigations, preparation of work plans and reports, removal or treatment of contaminants, construction and maintenance of engineered barriers, and/or implementation of institutional controls. (Section 58.2 of the Act)*

*"Remediation Applicant" or "RA" means any person seeking to perform or performing investigative or remedial activities under Title XVII of the Act, including the owner or operator of the site or persons authorized by law or consent to act on behalf of or in lieu of the owner or operator of the site. (Section 58.2 of the Act)*

*"Remediation costs" means reasonable costs paid for investigating and remediating regulated substances of concern consistent with the remedy selected for the site. For purposes of Subpart G of this Part, "Remediation Costs" shall not include costs incurred prior to January 1, 1998, costs incurred after the issuance of a No Further Remediation Letter under Subpart F of this Part, or costs incurred more than 12 months prior to acceptance into the Site Remediation Program under this Part. (Section 58.2 of the Act)*

*"Remediation objective" means a goal to be achieved in performing remedial action, including but not limited to the concentration of a contaminant, an engineered barrier or engineered control, or an institutional control established under Section 58.5 of the Act or Section 740.Subpart D of this Part.*

*"Remediation site" means the single location, place, tract of land, or parcel or portion of any parcel of property, including contiguous property separated by a public right-of-way, for which review, evaluation, and approval of any plan or report has been requested by the Remediation Applicant in its application for review and evaluation services. This term also includes, but is not limited to, all buildings and improvements present at that location, place, or tract of land.*

*"Residential property" means any real property that is used for habitation by individuals, or where children have the opportunity for exposure to contaminants through soil ingestion or inhalation at educational facilities, health care facilities, child care facilities, or outdoor recreational areas. (Section 58.2 of the Act)*

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"Review and Evaluation Licensed Professional Engineer" or "RELPE" means the licensed professional engineer with whom a Remediation Applicant (RA) has contracted to perform review and evaluation services under the direction of the Agency.

*"Site" means any single location, place, tract of land or parcel of property or portion thereof, including contiguous property separated by a public right-of-way. (Section 58.2 of the Act) This term also includes, but is not limited to, all buildings and improvements present at that location, place or tract of land.*

"Soil management zone" or "SMZ" means a three dimensional region containing soil being managed to mitigate contamination caused by the release of contaminants at a remediation site.

(Source: Amended at \_\_\_\_ Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 740.125 Incorporations by Reference

The Board incorporates the following material by reference. These incorporations include no later amendments or editions.

- a) ASTM. American Society for Testing Materials, 1916 Race Street, Philadelphia, PA 19103. (610) 832-9500  
  
ASTM E ~~1527-00~~ ~~4527-94~~, Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process, vol. 11.04, approved May 10, 2000. ~~April 15, 1994~~.
- b) U.S. Government Printing Office, Superintendent of Documents, Washington, D.C. 20402. (202) 783-3238  
  
"Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods," EPA Publication No. SW-846 (Third Edition (September 1986), as amended by Update III (June 1997)). ~~I (July 1992)~~.
- c) NTIS. National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161. (703) 605-6000 or 1-800-553-6847 ~~(703) 487-4600~~  
  
"Methods for the Determination of Metals in Environmental Samples," EPA Publication No. EPA/600/4-91/010 (June 1991);  
  
"Methods for the Determination of Metals in Environmental Samples, Supplement I," EPA Publication No. EPA/600/R-94/111 (May 1994);



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"Methods for the Determination of Organic Compounds in Drinking Water," EPA Publication No. EPA/600/4-88/039 (December 1988) (revised July 1991);

"Methods for the Determination of Organic Compounds in Drinking Water, Supplement II," EPA Publication No. EPA/600/R-92/129 (August 1992);

"Methods for the Determination of Organic Compounds in Drinking Water, Supplement III," EPA Publication No. EPA/600/R-95/131 (August 1995).

- d) United States Environmental Protection Agency, Office of Emergency and Remedial Response, Washington, D.C. 20460.

"A Compendium of Superfund Field Operations Methods," EPA/540/0-87-001, OSWER Directive 9355.0-14 (December 1987);

"Subsurface Characterization and Monitoring Techniques: A Desk Reference Guide, Volume I: Solids and Ground Water, Appendices A and B," EPA/625/R-93/003a (May 1993);

"Subsurface Characterization and Monitoring Techniques: A Desk Reference Guide, Volume II: The Vadose Zone, Field Screening and Analytical Methods, Appendices C and D," EPA/625/R-93/003b (May 1993).

(Source: Amended at \_\_\_\_ Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

SUBPART D: SITE INVESTIGATIONS, DETERMINATION OF REMEDIATION OBJECTIVES, PREPARATION OF PLANS AND REPORTS

Section 740.405 Conduct of Site Activities and Preparation of Plans and Reports ~~by Licensed Professional Engineer (LPE)~~

- a) All remediation site activities shall be conducted by, or under the supervision of, a Licensed Professional Engineer (LPE), or, to the extent authorized by the Professional Geologist Licensing Act [225 ILCS 745], by, or under the supervision of, a Licensed Professional Geologist (LPG). ~~All plans and reports submitted for review and evaluation shall be prepared by, or under the supervision of, an LPE.~~

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- b) All plans and reports submitted for review and evaluation shall be prepared by, or under the supervision of, an LPE.

(Source: Amended at \_\_\_\_ Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

Section 740.410 Form and Delivery of Plans and Reports, Signatories and Certifications

- a) All plans and reports prepared under this Part shall be submitted to the Agency on forms prescribed and provided by the Agency with attachments and accompanying documentation as necessary. Plans and reports shall be mailed or delivered to the address designated by the Agency on the forms. Plans and reports that are hand-delivered to the Agency shall be delivered during the Agency's normal business hours.
- b) All plans and reports submitted to the Agency shall include:
- 1) The full legal name, address and telephone number of the Remediation Applicant (RA) or any authorized agent acting on behalf of the RA, and any contact persons to whom inquiries and correspondence must be addressed;
  - 2) The original signature of the RA or of any authorized agent acting on behalf of the RA;
  - 3) The name of the LPE or LPG responsible for remediation site activities and the name of the LPE responsible for the preparation of the plan or report, the date of preparation, registration number, license expiration date, and professional seal; and
  - 4) Except as provided in subsection (c) below, the LPE responsible for ~~the site investigations, remedial activities, and~~ preparation of the plans or reports shall affirm by original signature as follows:

I attest that all site investigations or remedial activities that are the subject of this plan or report were performed under my direction and this document and all attachments were prepared under my direction or reviewed by me, and, to the best of my knowledge and belief, the work described in the plan or report has been designed or completed in accordance with the Act, 35 Ill. Adm. Code 740, and generally accepted engineering practices, and the information presented is accurate and complete.

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- c) If the investigation relies in whole or in part upon investigations or remedial activities conducted before the affirming LPE's assumption of responsibility for site activities, then the LPE is not required to affirm that those portions of the investigation or remedial activities were carried out under his or her direction. However, the LPE shall review the documentation of the prior investigations or remedial activities and evaluate their suitability for compliance with Title XVII of the Act and this Part. Such information may be submitted to the Agency for consideration along with the LPE's written evaluation of suitability, but the Agency shall not be required to accept the information as evidence of compliance with any requirements of the Act or this Part.
- d) *The RA may elect to prepare and submit for review and approval any and all reports and plans required under this Part individually following the completion of each such activity or concurrently following the completion of all activities, or in any other combination.* (Section 58.6(f) of the Act)

(Source: Amended at \_\_\_\_ Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

Section 740.415 Site Investigation -- General

A site investigation shall be performed under this Part to identify, as indicated within the RA's application for review and evaluation services, all or specified recognized environmental conditions existing at the remediation site, the related contaminants of concern, and associated factors that will aid in the identification of risks to human health, safety and the environment, the determination of remediation objectives, and the design and implementation of a Remedial Action Plan.

- a) If the RA has elected under the application for review and evaluation services to obtain a No Further Remediation Letter covering all recognized environmental conditions and related contaminants of concern for the remediation site, then the procedures provided under Sections 740.420 and 740.425 of this Part shall be followed.
- b) If the RA has elected under the application for review and evaluation services to obtain a No Further Remediation Letter covering a limited number of recognized environmental conditions and related contaminants of concern as specified by the RA, then the procedures at Sections 740.430 and 740.435 of this Part shall be followed.
- c) The RA may revise an election at anytime by initiating a modification of the Review and Evaluation Services Agreement under Section 740.220 of this Part and performing the appropriate site investigation, if necessary.

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- d) Site investigations shall satisfy the following data quality objectives for field and laboratory operations to ensure that all data is scientifically valid and of known precision and accuracy:
- 1) All field sampling activities relative to sample collection, documentation, preparation, labeling, storage, shipment and security, quality assurance and quality control, acceptance criteria, corrective action, and decontamination procedures shall be conducted in accordance with "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods" (SW-846), Vol. One, Ch. One (Quality Control) and Vol. Two (Field Manual), incorporated by reference at Section 740.125 of this Part. If approved by the Agency, such activities also may be conducted in accordance with ASTM standards, methods identified in "A Compendium of Superfund Field Operations Methods" (EPA/540/0-87-001, OSWER Directive 9355.0-14, December 1987), "Subsurface Characterization and Monitoring Techniques: A Desk Reference Guide, Volume I: Solids and Ground Water, Appendices A and B" (EPA/625/R-93/003a, May 1993), "Subsurface Characterization and Monitoring Techniques: A Desk Reference Guide, Volume II: The Vadose Zone, Field Screening and Analytical Methods, Appendices C and D" (EPA/625/R-93/003b, May 1993), or other procedures.
  - 2) All field measurement activities relative to equipment and instrument operation, calibration and maintenance, corrective action, and data handling shall be conducted in accordance with "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods" (SW-846), Vol. One, Ch. One (Quality Control), incorporated by reference at Section 740.125 of this Part, or with an equipment or instrument manufacturer's or vendor's published standard operating procedures.
  - 3) All laboratory quantitative analysis of samples to determine concentrations of regulated substances or pesticides shall be conducted fully in accordance with "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods" (SW-846), incorporated by reference at Section 740.125 of this Part, relative to all facilities, equipment and instrumentation, operating procedures, sample management, test methods, equipment calibration and maintenance, quality assurance and quality control, corrective action, data reduction and validation, reporting, and records management. The practical quantitation limit (PQL) of the test methods selected must be less than or equal to the Tier 1 soil remediation objectives for residential properties, applicable groundwater remediation

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~~objectives under 35 Ill. Adm Code 742. Appendix B, or, if already determined, PQL for the Target Compound List at Appendix A of this Part, or, if the site remediation objective concentrations have been determined, the PQL must be less than or equal to the remediation objective concentrations for the site.~~

- 4) All field or laboratory measurements of samples to determine physical or geophysical characteristics shall be conducted in accordance with ASTM standards or other procedures as approved by the Agency.
- 5) All laboratory quantitative analyses of samples to determine concentrations of any regulated substances or pesticides that require more exacting detection limits or cannot be analyzed by standard methods identified in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods" (SW-846), incorporated by reference at Section 740.125 of this Part, shall be conducted in accordance with analytical protocols developed in consultation with and approved by the Agency.
- 6) Effective July 1, 2002, all quantitative analyses of samples collected on or after that date and utilizing any of the approved test methods identified in 35 Ill. Adm. Code 186.180 shall be completed by an accredited laboratory in accordance with the requirements of 35 Ill. Adm. Code 186. Quantitative analyses not utilizing an accredited laboratory in accordance with Part 186 shall be deemed invalid.

(Source: Amended at \_\_\_\_ Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

Section 740.420 Comprehensive Site Investigation

The comprehensive site investigation is designed to identify all recognized environmental conditions and all related contaminants of concern that may be expected to exist at a remediation site. The comprehensive site investigation shall be performed in two phases as set forth below.

- a) Unless an alternative is approved by the Agency, the phase I environmental site assessment shall be designed and implemented in accordance with the procedures for such assessments set forth in "Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process" (ASTM E 1527-00 ~~1527-94~~), incorporated by reference at Section 740.125 of this Part.
- b) The phase II environmental site assessment shall determine the nature, concentration, direction and rate of movement, and extent of the contaminants of

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concern at the remediation site and the significant physical features of the remediation site and vicinity that may affect contaminant fate and transport and risk to human health, safety and the environment. At a minimum, the phase II environmental site assessment shall include:

- 1) Sampling, analyses, and field screening measurements indicating the concentrations of contaminants, if any, from the Target Compound List at Appendix A of this Part and any other contaminants whose presence has been indicated by the phase I environmental site assessment. Based on the phase I environmental site assessment, the Agency may add or delete contaminants from the Target Compound List for sampling, analyses, and field screening measurements;
- 2) Characterization of sources and potential sources of recognized environmental conditions and the related contaminants of concern, identifying:
  - A) The sources or potential sources of contamination;
  - B) The contaminants of concern;
  - C) Statutory or regulatory classification of the contaminants of concern and contaminated materials (e.g., hazardous waste, hazardous substance, special waste);
- 3) Characterization of the extent of contaminants of concern, identifying:
  - A) The actual contaminated medium or media;
  - B) The three-dimensional configuration of contaminants of concern with concentrations delineated; and
  - C) The nature, direction, and rate of movement of the contaminants of concern;
- 4) Characterization of present and post-remediation exposure routes, identifying:
  - A) All natural and man-made pathways that are on the remediation site, in rights-of-way attached to the remediation site, or in any areas surrounding the remediation site that may be adversely affected as a result of a release (from the recognized environmental conditions) and whether there is evidence of migration of contaminants of concern, in either solution or vapors, along such pathways that may potentially threaten human or environmental

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receptors or that may cause explosions in basements, crawl spaces, utility conduits, storm or sanitary sewers, vaults or other spaces;

- B) The locations of any human and environmental receptors and receptor exposure routes; and
  - C) Current and post-remediation uses of affected or potentially affected land, groundwater, surface water, and sensitive habitats; and
- 5) Characterization of significant physical features of the remediation site and vicinity that may affect contaminant fate and transport and risk to human health, safety and the environment.

(Source: Amended at \_\_\_\_ Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

Section 740.425 Site Investigation Report -- Comprehensive Site Investigation

- a) Site investigation results for both phase I and phase II of the comprehensive site investigation shall be combined into one Site Investigation Report.
- b) A Site Investigation Report for a comprehensive site investigation shall include, but not be limited to, the following chapters:
  - 1) Executive summary. This chapter shall identify the objectives of the site investigation and the technical approach utilized to meet such objectives. It shall state whether recognized environmental conditions were identified and the data limitations in the assessment;
  - 2) Site characterization. This chapter shall include the compilation of all sources reviewed and information obtained as a result of the site investigation under Section 740.420 of this Part, including but not limited to:
    - A) Sources consulted or reviewed. This subchapter shall contain a list of reference documents used in completing the site investigation;
    - B) Site history. This subchapter shall present a chronological summary of the historic uses of the remediation site as prescribed by "Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process" (ASTM E ~~1527-00~~ 1527-94), incorporated by reference at Section 740.125 of this Part;

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- C) Site description. This subchapter shall describe the regional location, pertinent boundary features, general facility physiography, geology, hydrogeology, existing and potential migration pathways and exposure routes, and current and post-remediation uses of the remediation site and surrounding areas that are immediately adjacent to the remediation site;
  - D) Site base map(s) meeting the requirements of Section 740.210(a)(7) and including the following:
    - i) The sources or potential sources of the contaminants of concern, spill areas, and other suspected areas for any or all contaminants of concern;
    - ii) On-site and off-site injection and withdrawal wells; and
    - iii) All buildings, tanks, piles, utilities, paved areas, easements, rights-of-way and other features, including all known past and current product and waste underground tanks or piping; and
  - E) A legal description or reference to a plat showing the boundaries of the remediation site;
- 3) Site-specific sampling plan. This chapter shall indicate those applicable physical and chemical methods utilized for contaminant source investigations, soil and sediment investigations, hydrogeological investigations, surface water investigations, and potential receptor investigations;
- 4) Documentation of field activities. This chapter shall include the results of the field activities to determine physical characteristics. At a minimum, this chapter shall include the following elements:
- A) Narrative description of the field activities conducted during the investigation;
  - B) The quality assurance project plan utilized to document all monitoring procedures (e.g., sampling, field measurements and sample analyses) performed during the investigation, so as to ensure that all information, data and resulting decisions are technically sound, statistically valid, and properly documented; and



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- C) Presentation of the data in an appropriate format (e.g., tabular and graphical displays) such that all information is organized and presented logically and that relationships between the different investigations for each medium are apparent;
- 5) Endangerment assessment. This chapter shall analyze the results of the field activities and characterize the extent of contamination (qualitative and quantitative) for contaminants of concern and compare the remediation site information with the applicable provisions of 35 Ill. Adm. Code 742. This chapter shall:
  - A) Describe any recognized environmental conditions, evaluate exposure routes, including threatened releases, and evaluate exposure routes excluded under 35 Ill. Adm. Code 742;
  - B) Describe all conditions the LPE or LPG has determined to be de minimis along with the rationale for each such de minimis determination;
  - C) Describe the nature, concentration and extent of contaminants of concern within all environmental media at the remediation site and assess the observed and potential contaminant fate and transport;
  - D) Describe the significant physical features of the remediation site and vicinity that may affect contaminant transport and risk to human health, safety and the environment; and
  - E) Compare the concentrations of the contaminants of concern with the corresponding Tier 1 remediation objectives under 35 Ill. Adm. Code 742;
- 6) Conclusion. This chapter shall assess the sufficiency of the data in the report and recommend future steps;
- 7) Appendices. References and data sources, including but not limited to field logs, well logs, and reports of laboratory analyses, shall be incorporated into the appendices with reports containing laboratory analyses of samples collected on or after July 1, 2002, including the following: ~~and~~
  - A) Accreditation status of the laboratory performing the quantitative analyses;

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B) Certification by an authorized agent of the laboratory that all analyses have been performed in accordance with the requirements of 35 Ill. Adm. Code 186 and the scope of accreditation; and

- 8) Licensed Professional Engineer affirmation in accordance with Section 740.410 of this Part.

(Source: Amended at \_\_\_\_ Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

Section 740.435 Site Investigation Report -- Focused Site Investigation

- a) Data and results from the focused site investigation shall be combined into one Site Investigation Report.
- b) A Site Investigation Report for the focused site investigation shall include the results and methodologies of the investigation performed pursuant to Section 740.430 of this Part and the following chapters:
- 1) Executive summary. This chapter shall identify the objectives of the site investigation and the technical approach utilized to meet such objectives. It shall state the recognized environmental conditions and related contaminants of concern specified by the RA and the data limitations in the assessment;
  - 2) Site description.
    - A) If a phase I environmental site assessment has been completed in accordance with Section 740.420(a) of this Part, then the results may be submitted in accordance with Section 740.425 of this Part;
    - B) This subchapter shall state the method used for the evaluation of the remediation site and areas immediately adjacent to the remediation site and document the observations obtained (e.g., grid patterns or other systematic approaches used for large properties). It shall describe the regional location, pertinent boundary features, general facility physiography, geology, hydrogeology, and current and post-remediation uses of the remediation site and areas immediately adjacent to the remediation site;
    - C) Site base map(s) meeting the requirements of Section 740.210(a)(7) and including the following:

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- i) The sources or potential sources of the contaminants of concern, spill areas, and other suspected areas for the specified contaminants of concern;
  - ii) On-site and off-site injection and withdrawal wells; and
  - iii) All buildings, tanks, piles, utilities, paved areas, easements, rights-of-way and other features, including all known past and current product and waste underground tanks or piping;
- D) A legal description or reference to a plat showing the boundaries of the remediation site;
- 3) Enforcement or response actions. This chapter shall include the following information as relevant to the recognized environmental conditions:
  - A) A summary of environmental enforcement actions for the remediation site and areas immediately adjacent to the remediation site and their subsequent responses;
  - B) Any previous response actions conducted by either local, State, federal or private parties at those sites; and
  - C) A list of documents and studies prepared for those sites;
- 4) Site-specific sampling plan. This chapter shall indicate those applicable physical and chemical methods utilized for contaminant source investigations, soil and sediment investigations, hydrogeological investigations, surface water investigations, and potential receptor investigations;
- 5) Documentation of field activities. This chapter shall include the results of the field activities to determine physical characteristics. At a minimum, this chapter shall include the following elements:
  - A) Narrative description of the field activities conducted during the investigation;
  - B) The quality assurance project plan utilized to document all monitoring procedures (e.g., sampling, field measurements and sample analysis) performed during the investigation, so as to ensure that all information, data and resulting decisions are

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technically sound, statistically valid, and properly documented;  
and

- C) Presentation of the data in an appropriate format (e.g., tabular and graphical displays) such that all information is organized and presented logically and that relationships between the different investigations for each medium are apparent;
- 6) Endangerment assessment. This chapter shall analyze the results of the field activities and characterize the extent of contamination (qualitative and quantitative) for contaminants of concern related to the recognized environmental conditions and compare the site information with the applicable provisions of 35 Ill. Adm. Code 742. This chapter shall:
- A) Describe any recognized environmental conditions, evaluate exposure routes, including threatened releases, and evaluate exposure routes excluded under 35 Ill. Adm. Code 742;
  - B) Describe the nature, concentration and extent of contaminants of concern within all environmental media at the remediation site and assess the observed and potential contaminant fate and transport;
  - C) Describe the significant physical features of the remediation site and vicinity that may affect contaminant transport and risk to human health, safety and the environment; and
  - D) Compare the concentrations of the contaminants of concern with the corresponding Tier 1 remediation objectives under 35 Ill. Adm. Code 742;
- 7) Conclusion. This chapter shall assess the sufficiency of the data in the report and recommend future steps;
- 8) Appendices. Supporting documentation, references and data sources, including, but not limited to, field logs, well logs, and reports of laboratory analyses, shall be incorporated into the appendices with reports containing laboratory analyses of samples collected on or after July 1, 2002, including the following: ~~and~~
- A) Accreditation status of the laboratory performing the quantitative analyses;

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B) Certification by an authorized agent of the laboratory that all analyses have been performed in accordance with the requirements of 35 Ill. Adm. Code 186 and the scope of accreditation; and

- 9) Licensed Professional Engineer affirmation in accordance with Section 740.410 of this Part.

(Source: Amended at \_\_\_\_ Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

Section 740.450 Remedial Action Plan

*If the approved remediation objectives for any regulated substance of concern established under Sections 740.440 and 740.445 of this Part are less than the levels at the remediation site prior to any remedial action, the RA shall prepare a Remedial Action Plan. The plan shall describe the proposed remedy and evaluate its ability and effectiveness to achieve the remediation objectives approved for the remediation site (Section 58.6(d) of the Act), including but not limited to:*

- a) Executive summary. This chapter shall identify the objectives of the Remedial Action Plan and the technical approach utilized to meet such objectives. At a minimum, this chapter shall include the following elements:
- 1) The major components (e.g., treatment, containment, removal actions) of the Remedial Action Plan;
  - 2) The scope of the problems to be addressed by the proposed remedial action(s) including the specific contaminants of concern and the physical area to be addressed by the Remedial Action Plan; and
  - 3) Schedule of activities with estimated dates of completion through the recording of the No Further Remediation Letter;
- b) Statement of remediation objectives or reference to Remediation Objectives Report;
- c) Remedial technologies selected. This chapter shall describe how each major remedial technology identified in the Remedial Action Plan fits into the overall strategy for addressing the recognized environmental conditions at the remediation site, including but not limited to:
- 1) Feasibility of implementation;
  - 2) Whether the technologies will perform satisfactorily and reliably until the remediation objectives are achieved; and

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- 3) Whether remediation objectives will be achieved within a reasonable period of time;
- 4) If applicable, a request for a soil management zone under Section 740.535 of this Part describing the steps that will be taken to ensure compliance with the requirements for soil management zones;
- d) Confirmation sampling plan. This chapter shall describe how the effectiveness of the remedial action will be measured. At a minimum, a site-specific sampling plan and quality assurance project plan must be prepared in accordance with the provisions set forth in Section 740.415(d) of this Part;
- e) Current and post-remediation use of the property;
- f) Applicable engineered barriers, institutional controls, and groundwater monitoring. This chapter shall describe any such controls selected or relied upon in determining or achieving remediation objectives, including long-term reliability, operating and maintenance plans, and monitoring procedures;
- g) Appendices. References and other informational sources should be incorporated into the appendices; and
- h) Licensed Professional Engineer affirmation in accordance with Section 740.410 of this Part.

(Source: Amended at \_\_\_\_ Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

Section 740.455 Remedial Action Completion Report

- a) Except as provided in subsection (b) below, *upon completion of the Remedial Action Plan, the RA shall prepare a Remedial Action Completion Report. The report shall demonstrate whether the remedial action was completed in accordance with the approved Remedial Action Plan and whether the remediation objectives, as well as any other requirements of the plan, have been attained.* (Section 58.6(e)(1) of the Act) The report shall include, but not be limited to:
  - 1) Executive summary. This chapter shall identify the overall objectives of the remedial action and the technical approach utilized to meet those objectives, including:

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- A) A brief description of the remediation site, including the recognized environmental conditions, the contaminants of concern, the contaminated media, and the extent of contamination;
  - B) The major components of the Remedial Action Completion Report;
  - C) The scope of the problems corrected or mitigated by the proposed remedial action(s); and
  - D) The anticipated post-remediation uses of the remediation site and areas immediately adjacent to the remediation site;
- 2) Field activities. This chapter shall provide a narrative description of the:
- A) Field activities conducted during the investigation;
  - B) Remedial actions implemented at the remediation site and the performance of each remedial technology utilized; and
  - C) Measures that were taken to ensure compliance with the requirements for soil management zones under Section 740.535 of this Part, if a soil management zone was used;
- 3) Special conditions. This chapter shall provide a description of any:
- A) Engineered barriers utilized in accordance with 35 Ill. Adm. Code 742 to achieve the approved remediation objectives;
  - B) Institutional controls accompanying engineered barriers or industrial/commercial property uses in accordance with Section 740.450 of this Part and 35 Ill. Adm. Code 742, including a legible copy of any such controls, as appropriate;
  - C) Post-remedial monitoring, including:
    - i) Conditions to be monitored;
    - ii) Purpose;
    - iii) Locations;
    - iv) Frequency; and

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- v) Contingencies in the event of an exceedence; and
- D) Other conditions, if any, necessary for protection of human health and the environment that are related to the issuance of a No Further Remediation Letter;
- 4) Results. This chapter shall analyze the effectiveness of the remedial actions by comparing the results of the confirmation sampling with the remediation objectives prescribed in the Agency-approved Remedial Action Plan. The data shall state the remediation objectives or reference the Remediation Objectives Report and be presented in an appropriate format (e.g., tabular and graphical displays) such that all information is organized and presented logically and that relationships between the different investigations for each medium are apparent;
- 5) Conclusion. This chapter shall identify the success meeting objectives. This chapter shall assess the accuracy and completeness of the data in the report and, if applicable, future work;
- 6) Appendices. References, data sources, and a completed environmental notice form as provided by the Agency shall be incorporated into the appendices. Field logs, well logs and reports of laboratory analyses shall be organized and presented logically with reports of laboratory analyses of samples collected on or after July 1, 2002, including the following: and
  - A) Accreditation status of the laboratory performing the quantitative analyses;
  - B) Certification by an authorized agent of the laboratory that all analyses have been performed in accordance with the requirements of 35 Ill. Adm. Code 186 and the scope of accreditation; and
- 7) Licensed Professional Engineer affirmation in accordance with Section 740.410 of this Part.
- b) *If the approved remediation objectives for the regulated substances of concern established under Sections 740.440 and 740.445 of this Part are equal to or above the levels existing at the site prior to any remedial action, notification and documentation of such, including a description of any engineered barriers, institutional controls, and post-remedial monitoring, shall constitute the entire Remedial Action Completion Report for purposes of this Part. (Section 58.6(e)(2) of the Act)*



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(Source: Amended at \_\_\_\_ Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

SUBPART E: SUBMITTAL AND REVIEW OF PLANS AND REPORTS

Section 740.525 Standards for Review of Remedial Action Completion Reports and Related Activities

When reviewing Remedial Action Completion Reports and related activities, the Agency or the RELPE shall consider:

- a) Whether the report is complete and has been accompanied by the information and supporting documentation necessary to evaluate the implementation of the Remedial Action Plan and the attainment of the applicable remediation objectives;
- b) *Whether the remedial activities have been completed in accordance with the approved Remedial Action Plan and whether the applicable remediation objectives have been attained* (Section 58.7(e)(4) of the Act); ~~and~~
- c) If engineered barriers and institutional controls have been relied on, or if monitoring is required, whether the long-term maintenance, operation and enforcement provisions have been established; and -
- d) If a soil management zone was used, whether the requirements for the use of soil management zones have been satisfied.

(Source: Amended at \_\_\_\_ Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

Section 740.535 Establishment of Soil Management Zones

- a)
  - 1) The purpose of a soil management zone is to allow consideration and approval of on-site solutions to on-site soil contamination without violating the solid waste disposal regulations at 35 Ill. Adm. Code 807 or 811 - 815.
  - 2) The uses of soil management zones include, but are not limited to, the following:
    - A) Placement of contaminated soils for structural fill or land reclamation;
    - B) Consolidation of contaminated soils within a remediation site; and

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- C) Removal and re-deposit of contaminated soils following on-site treatment that has reduced contaminant concentrations.
- b) Upon approval by the Agency of a Remedial Action Plan under Subpart E of this Part, soil that is the subject of a request for a soil management zone shall be classified as a soil management zone if the Remedial Action Plan demonstrates that the following requirements will be satisfied:
- 1) All contaminants of concern within the remediation site shall be identified by a comprehensive site investigation under Section 740.420 of this Part;
  - 2) The horizontal and vertical dimensions of the soil management zone shall be defined;
  - 3) The uses of the soil management zone shall be defined;
  - 4) All contaminants of concern within the soil management zone shall satisfy the requirements of 35 Ill. Adm. Code 742.305(a) through (f);
  - 5) All applicable requirements of 35 Ill. Adm. Code 742 shall be satisfied within the soil management zone, (e.g., all exposure routes must be addressed; institutional controls and engineered barriers shall be in full compliance with 35 Ill. Adm. Code 742.Subparts J and K);
  - 6) The soil management zone shall be constructed, operated and maintained in a manner that:
    - A) Prevents odor from occurring;
    - B) Minimizes fugitive emissions of particulate matter in accordance with 35 Ill. Adm. Code 212.Subpart K and dust generation;
    - C) Prevents the generation of potentially contaminated runoff; and
    - D) Does not provide a breeding place or food source for vectors;
  - 7) Within the soil management zone, management of soil containing hazardous wastes shall comply with the applicable requirements of the Resource Conservation and Recovery Act [42 U.S.C.A. §§ 6901 - 6992k] and 35 Ill. Adm. Code 700 - 730; and
  - 8) Soil containing contaminants of concern above the concentrations in 35 Ill. Adm. Code 742.Appendix B: Table A (Tier 1 objectives for residential

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properties) or approved by the Agency pursuant to 35 Ill. Adm. Code 742.510(c) may not be:

- A) Treated or placed in any area where all contaminants of concern within the remediation site are at or below the concentrations in 35 Ill. Adm. Code 742.Appendix B: Table A (Tier 1 objectives for residential properties) or approved by the Agency pursuant to 35 Ill. Adm. Code 742.510(c); or
  - B) Treated or placed closer to any residential property contiguous to the remediation site.
- c) The three-dimensional boundaries of the soil management zone shall be as defined in the approved Remedial Action Plan. The size of the soil management zone may be modified in an amended Remedial Action Plan. The soil management zone may not extend beyond the boundaries of the remediation site.
- d) Soil management zones designated under this Section shall remain in effect for the shortest of the following:
- 1) A period of time as set forth by the Agency in the Remedial Action Plan approval letter based on the schedule of activities provided under Section 740.425(a)(3). The time may be revised in an amended Remedial Action Plan as approved by the Agency;
  - 2) Until an Agreement is terminated under Sections 740.225 or 740.230 of this Part; or
  - 3) Until the NFR Letter is perfected in accordance with Section 740.620 of this Part.
- e) In addition to any other legal remedies available under the Act and implementing regulations, the Agency may terminate a soil management zone and require alternative remediation plans to be submitted in an amended Remedial Action Plan upon a failure to comply with any requirements of subsection (b) of this Section.
- 1) Notice of the termination shall be in accordance with Section 740.215(b) of this Part and shall state the reasons for the termination.

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- 2) The RA may file an appeal to the Board within 35 days after receipt of the notice. Appeals to the Board shall be in the manner provided for the review of permit decisions in Section 40 of the Act.
- f) If implementation of an approved Remedial Action Plan with a soil management zone fails to achieve the remediation objectives developed under Section 740.440 of this Part, alternative soil remediation objectives, and, if necessary, an amended Remedial Action Plan, shall be developed under Subpart D of this Part.
- 1) Upon the development of alternative soil remediation objectives, the Remediation Objectives Report shall be amended accordingly and submitted to the Agency for review and approval.
  - 2) Upon approval of the Remediation Objective Report, the Remedial Action Plan shall be amended and submitted to the Agency for review and approval unless the RA can demonstrate that the alternative soil remediation objectives have been achieved. In that case, the RA shall submit a Remedial Action Completion Report documenting the achievement of the alternative soil remediation objectives.
- g) Any otherwise applicable standards or requirements under 35 Ill. Adm. Code 807 or 811 through 815 shall not be applicable to the management of contaminated soil that is the subject of the soil management zone if:
- 1) The SMZ is in effect and management of the contaminated soil within the SMZ is in compliance with the requirements of this Section and the approved Remedial Action Plan; or
  - 2) A No Further Remediation Letter addressing the contaminants that were the subject of the SMZ has been perfected under Section 740.620 of this Part and remains in effect and management of the contaminated soil within the area formerly encompassed by the SMZ is in compliance with the terms of that No Further Remediation Letter.

(Source: Added at \_\_\_\_ Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

SUBPART F: NO FURTHER REMEDIATION LETTERS AND RECORDING  
REQUIREMENTS

Section 740.605 Issuance of No Further Remediation Letter

- a) Except as provided in Section 740.615 below, *within 30 days after the Agency's approval of a Remedial Action Completion Report, the Agency shall issue a No*

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*Further Remediation Letter applicable to the remediation site. In the event that the Agency fails to issue the No Further Remediation Letter within 30 days after approval of the Remedial Action Completion Report, the No Further Remediation Letter shall issue by operation of law. (Section 58.10(b) of the Act) The No Further Remediation Letter shall have the legal effect prescribed in Section 58.10 of the Act.*

- b) The No Further Remediation Letter shall be issued only to Remediation Applicants who have completed all requirements and received final approval of the Remedial Action Completion Report by the Agency or on appeal.
- c) The Agency shall mail the No Further Remediation Letter by registered or certified mail, post-marked with a date stamp and with return receipt requested. If the RA is not the sole owner of the Remediation Site, the Agency shall send a copy of the No Further Remediation Letter simultaneously to the owner(s) by first class mail. Final action shall be deemed to have taken place on the post-marked date that the letter is mailed.
- d) The Agency at any time may correct errors in No Further Remediation Letters arising from oversight, omission or clerical mistake. Upon correction of the No Further Remediation Letter, the Agency shall mail the corrected letter to the RA, the property owner(s), or both as set forth in subsection (c) of this Section. The corrected letter shall become effective and shall be perfected as provided in Sections 740.620 or 740.621 of this Part.

(Source: Amended at \_\_\_\_ Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

Section 740.615      Payment of Fees

- a) *The Agency may deny or void a No Further Remediation Letter if fees applicable under the Review and Evaluation Services Agreement have not been paid in full. (Section 58.10(c) of the Act) The manner of payment shall be in accordance with Section 740.320 of this Part.*
- b) In addition to the fees applicable under the Review and Evaluation Services Agreement, *the recipient of the No Further Remediation Letter shall forward to the Agency a No Further Remediation Assessment in the amount of the lesser of \$2500 or an amount equal to the costs incurred for the site by the Agency under the Agreement. (Section 58.10(g) of the Act)*
  - 1) The No Further Remediation Assessment shall be mailed or delivered to the Agency at the address designated by the Agency on the request for

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payment service forms no later than 45 days following the receipt of the request for payment. Payments that are hand-delivered shall be delivered during the Agency's normal business hours.

- 2) The No Further Remediation Assessment shall be made by check or money order payable to "Treasurer - State of Illinois for Deposit in the Hazardous Waste Fund." The check or money order shall include the Illinois inventory identification number as assigned and the Federal Employer Identification Number or Social Security Number of the RA.
- 3) The No Further Remediation Letter shall be voidable in accordance with Section 740.625 if the No Further Remediation Assessment is not paid within 45 days after the receipt of the request for payment.

(Source: Amended at \_\_\_\_ Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

Section 740.620 Duty to Record No Further Remediation Letter

- a) Except as provided in Section 740.621 of this Part, the RA receiving a No Further Remediation Letter from the Agency pursuant to Title XVII of the Act and this Subpart F shall submit the letter, and, where the RA is not the sole owner of the remediation site, an owner certification in accordance with subsection (d) below, to the Office of the Recorder or the Registrar of Titles of the county in which the remediation site is located within 45 days after receipt of the letter. (Section 58.8(a) of the Act)
  - 1) *The Office of the Recorder or the Registrar of Titles shall accept and record that letter and, where applicable, the owner certification under subsection (d) below in accordance with Illinois law so that it forms a permanent part of the chain of title for the site.* (Section 58.8(a) of the Act)
  - 2) *In the event that a No Further Remediation Letter issues by operation of law pursuant to Title XVII of the Act and this Subpart F, the RA may record an affidavit stating that the letter issued by operation of law.* (Section 58.8 (d) of the Act) Attached to the affidavit shall be the following information:
    - A) An acknowledgment that the requirements of the Remedial Action Plan and the Remedial Action Completion Report were satisfied;

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- B) A description of the location of the remediation site by adequate legal description or by reference to a plat showing its boundaries;
- C) The level of the remediation objectives, specifying, as appropriate, any land use limitation imposed as a result of such remediation efforts;
- D) A statement that the No Further Remediation Letter signifies a release from further responsibilities under the Act in performing the approved remedial action and shall be considered prima facie evidence that the following, as identified in the scope of work and the approved Remedial Action Plan, does not constitute a threat to human health and the environment and does not require further remediation under the Act if utilized in accordance with the terms of the No Further Remediation Letter:
  - i) The remediation site;
  - ii) Selected recognized environmental conditions and related contaminants of concern at the remediation site; and
  - iii) A combination of (D)(i) or (D)(ii) above;
- E) The prohibition against the use of any remediation site in a manner inconsistent with any property use limitation imposed as a result of such remediation efforts without additional appropriate remedial activities;
- F) A description of any preventive, engineering, and institutional controls or monitoring required in the approved Remedial Action Plan and notification that failure to manage the controls or monitoring in full compliance with the terms of the Remedial Action Plan may result in voidance of the No Further Remediation Letter;
- G) The opportunity to request a change in the recorded land use pursuant to Title XVII of the Act and subsection (c) below;
- H) Notification that further information regarding the remediation site can be obtained from the Agency through a request under the Freedom of Information Act [5 ILCS 140] ; and

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- I) An owner certification in accordance with subsection (d) below, where applicable.
- b) Except as provided in Section 740.621 of this Part, a No Further Remediation Letter or the affidavit filed under subsection (a)(2) above shall be perfected upon the date of the official recording of the letter or affidavit. An unperfected No Further Remediation Letter is effective only as between the Agency and the Remediation Applicant. The Agency may, pursuant to Section 740.625 of this Part, void a No Further Remediation Letter for failure to perfect in a timely manner in accordance with subsection (a) of this Section. ~~shall not become effective until officially recorded along with the owner certification under subsection (d) below, where applicable, in accordance with subsection (a) above.~~ (Section 58.8(b) of the Act) The RA shall obtain and submit to the Agency, within 30 days after recording, a copy of the letter or affidavit and the owner certification under subsection (d) below, where applicable, demonstrating that the recording requirements have been satisfied.
- c) *At no time shall any remediation site for which a land use limitation has been imposed as a result of remediation activities under Title XVII of the Act be used in a manner inconsistent with the land use limitation unless further investigation or remedial action has been conducted that documents the attainment of objectives appropriate for the new land use and a new No Further Remediation Letter obtained and recorded in accordance with Title XVII of the Act and this Part. (Section 58.8(c) of the Act)*
- d) Where the RA is not the sole owner of the remediation site, the RA shall obtain the certification by original signature of each owner, or the authorized agent of the owner(s), of the remediation site or any portion thereof who is not an RA. The certification shall be recorded in accordance with this Section, along with the No Further Remediation Letter or an affidavit under subsection (a)(2) above. The certification shall read as follows:

I hereby certify that I have reviewed the attached No Further Remediation Letter [or "affidavit" if filed under subsection (a)(2) above], and that I accept the terms and conditions and any land use limitations set forth in the letter [or "affidavit"].

(Source: Amended at \_\_\_\_ Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

Section 740.621 Requirements for No Further Remediation Letters Issued to Illinois Department of Transportation Remediation Sites Located in Rights-of-Way



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- a) To perfect a No Further Remediation Letter for a remediation site of the Illinois Department of Transportation (IDOT) located in whole or in part in an IDOT right-of-way, IDOT shall enter into a Memorandum of Agreement (MOA) with the Agency. If IDOT and the Agency have entered into a master MOA, the parties' addition of the site to the master agreement shall satisfy the requirements of this Section. The MOA shall include, but is not limited to:
- 1) The name of the remediation site, if any, and any IDOT and Agency identifiers (e.g., incident number, Illinois inventory identification number);
  - 2) The address of the remediation site (or other description sufficient to identify the location of the site with certainty);
  - 3) A copy of the NFR Letter for each site subject to the MOA;
  - 4) Procedures for tracking remediation sites subject to the MOA so that all IDOT bureaus whose responsibilities (e.g., land acquisition, maintenance, construction, utility permits) may affect land use limitations will have notice of any environmental concerns and land use limitations applicable to a remediation site;
  - 5) Provisions addressing future conveyances (including title or any lesser form of interest) or jurisdictional transfers of the remediation site to any other agency, private person or entity and the steps that will be taken to ensure the long-term integrity of any land use limitations including, but not limited to, the following:
    - A) Upon creation of a deed, the recording of the NFR Letter and any other land use limitations requiring recording under 35 Ill. Adm. Code 742 with copies of the recorded instruments sent to the Agency within 30 days of recording;
    - B) Any other arrangements necessary to ensure that property that is conveyed or transferred remains subject to any land use limitations approved and implemented as part of the Remedial Action Plan and the NFR Letter;
    - C) Notice to the Agency at least 60 days prior to any such intended conveyance or transfer indicating the mechanism(s) to be used to ensure that any land use limitations will be operated or maintained as required in the Remedial Action Plan and NFR Letter; and

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- 6) Provisions for notifying the Agency if any actions taken by IDOT or its permittees at the remediation site result in the failure or inability to restore the remediation site to meet the requirements of the Remedial Action Plan and the NFR Letter.
- b) An NFR Letter issued to an IDOT remediation site in an IDOT right-of-way shall be incorporated into a MOA within 45 days after its receipt.
- c) At no time shall any remediation site for which a land use limitation has been imposed as a result of remediation activities under Title XVII of the Act be used in a manner inconsistent with the land use limitation unless further investigation or remedial action has been conducted that documents the attainment of objectives appropriate for the new land use and a new No Further Remediation Letter obtained. If title to the remediation site remains with IDOT, the new No Further Remediation Letter shall be incorporated into the MOA and the MOA amended accordingly.
- d) In addition to any other legal remedies that may be available, failure to comply with the requirements of this Section may result in avoidance of the No Further Remediation Letter in accordance with Section 740.625 of this Part.

(Source: Added at \_\_\_\_ Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

Section 740.625      Voidance of No Further Remediation Letter

- a) *The No Further Remediation Letter shall be voidable if the remediation site activities are not managed in full compliance with the provisions of Title XVII of the Act, this Part, or the approved Remedial Action Plan or remediation objectives upon which the issuance of the No Further Remediation Letter was based. Specific acts or omissions that may result in avoidance of the No Further Remediation Letter include, but shall not be limited to:*
  - 1) *Any violation of institutional controls or land use restrictions, if applicable;*
  - 2) *The failure of the owner, operator, RA, or any subsequent transferee to operate and maintain preventive or engineering controls or to comply with a groundwater monitoring plan, if applicable;*
  - 3) *The disturbance or removal of contamination that has been left in place in accordance with the Remedial Action Plan. Access to soil contamination*

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may be allowed if, during and after any access, public health and the environment are protected consistent with the Remedial Action Plan;

- 4) *The failure to comply with the recording requirements of ~~Title XVII of the Act~~ and Section 740.620 of this Part;*
  - 5) *Obtaining the No Further Remediation Letter by fraud or misrepresentation;*
  - 6) *Subsequent discovery of contaminants not identified as part of the investigative or remedial activities upon which the issuance of the No Further Remediation Letter was based, that pose a threat to human health or the environment;*
  - 7) *The failure to pay the No Further Remediation Assessment required under Section 740.615(b) of this Part; (Section 58.10(e) of the Act)*
  - 8) *The failure to pay in full the applicable fees under the Review and Evaluation Services Agreement within 45 days after receiving a request for final payment under Section 740.310 of this Part;*
  - 9) *The failure to comply with the requirements of Section 740.621 of this Part for No Further Remediation Letters issued to remediation sites of the Illinois Department of Transportation (IDOT) located in IDOT rights-of-way;*
  - 10) *The failure to comply with the notice or confirmation requirements of 35 Ill. Adm. Code 742.1010(b)(3), 742.1015(b)(5) or 742.1015(c).*
- b) *If the Agency seeks to void a No Further Remediation Letter, it shall provide notice to the current title holder of the remediation site and to the RA at his or her last known address. (Section 58.10(f) of the Act)*
- 1) *The notice shall specify the cause for the voidance and describe facts in support of that cause. (Section 58.10(f) of the Act)*
  - 2) *The Agency shall mail notices of voidance by registered or certified mail, date stamped with return receipt requested.*
- c) *Within 35 days after the receipt of the Notice of Voidance, the RA or current title holder of the remediation site may appeal the Agency's decision to the Board in the manner provided for the review of permits in Section 40 of this Act. If the*

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*Board fails to take final action within 120 days, unless such time period is waived by the petitioner, the petition shall be deemed denied and the petitioner shall be entitled to an Appellate Court order pursuant to subsection (d) of Section 41 of the Act. The Agency shall have the burden of proof in any such action. (Section 58.10(f)(1) of the Act)*

- 1) *If the Agency's action is appealed, the action shall not become effective until the appeal process has been exhausted and a final decision reached by the Board or courts. (Section 58.10(f)(3) of the Act)*
  - A) *Upon receiving a notice of appeal, the Agency shall file a notice of lis pendens with the Office of the Recorder or the Registrar of Titles for the county in which the remediation site is located. The notice shall be filed in accordance with Illinois law so that it becomes a part of the chain of title for the site. (Section 58.10(f)(4) of the Act)*
  - B) *If the Agency's action is not upheld on appeal, the notice of lis pendens shall be removed in accordance with Illinois law within 45 days after receipt of the final decision of the Board or the courts. (Section 58.10(f)(4) of the Act)*
- 2) *If the Agency's action is not appealed, the Agency shall submit the notice of voidance to the Office of the Recorder or the Registrar of Titles for the county in which the site is located. The notice shall be filed in accordance with Illinois law so that it forms a permanent part of the chain of title for the site. (Section 58.10(f)(2) of the Act)*

(Source: Amended at \_\_\_\_ Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

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Section 740.APPENDIX A Target Compound List

Section 740.Table A Volatile Organics Analytical Parameters and Required Quantitation Limits

CAS No.	Compound	Water (µg/L)	Soil (µg/Kg)	Method
74-87-3	Chloromethane	10	10	8260B 8260A
74-83-9	Bromomethane	10	10	8260B 8260A
75-01-4	Vinyl Chloride	10	10	8260B 8260A
75-00-3	Chloroethane	10	10	8260B 8260A
75-09-2	Methylene Chloride	10	10	8260B 8260A
67-64-1	Acetone	10	10	8260B 8260A
75-15-0	Carbon Disulfide	10	10	8260B 8260A
75-35-4	1,1-Dichloroethene	10	10	8260B 8260A
75-34-3	1,1-Dichloroethane	10	10	8260B 8260A
540-59-0	1,2-Dichloroethene (total)	10	10	8260A
156-59-2	Cis-1,2-Dichloroethene			8260B
156-60-5	Trans-1,2-Dichloroethene			8260B
67-66-3	Chloroform	10	10	8260B 8260A
107-06-2	1,2-Dichloroethane	10	10	8260B 8260A
78-93-3	2-Butanone	10	10	8260B 8260A
71-55-6	1,1,1-Trichloroethane	10	10	8260B 8260A
56-23-5	Carbon Tetrachloride	10	10	8260B 8260A
75-27-4	Bromodichloromethane	10	10	8260B 8260A
78-87-5	1,2-Dichloropropane	10	10	8260B 8260A
10061-01-5	cis-1,3-Dichloropropene	10	10	8260B 8260A
79-01-6	Trichloroethene	10	10	8260B 8260A
124-48-1	Dibromochloromethane	10	10	8260B 8260A
79-00-5	1,1,2-Trichloroethane	10	10	8260B 8260A
71-43-2	Benzene	10	10	8260B 8260A
10061-02-6	trans-1,3-Dichloropropene	10	10	8260B 8260A
75-25-2	Bromoform	10	10	8260B 8260A
1634-04-4	Methyl Tertiary Butyl Ether			8260B
108-10-1	4-Methyl-2-pentanone	10	10	8260B 8260A
591-78-6	2-Hexanone	10	10	8260B 8260A
127-18-4	Tetrachloroethene	10	10	8260B 8260A
108-88-3	Toluene	10	10	8260B 8260A
79-34-5	1,1,2,2-Teterechloroethane	10	10	8260B 8260A
108-90-7	Chlorobenzene	10	10	8260B 8260A
100-41-4	Ethylbenzene	10	10	8260B 8260A
100-42-5	Styrene	10	10	8260B 8260A
1330-20-7	Xylenes (total)	10	10	8260B 8260A

Required Quantitation Limits for soil are based on wet weight. Normally data is reported on a dry weight basis; therefore, Reporting Limits will be higher, based on the percent dry weight in each sample. The laboratory shall report nonsurrogate components, tentatively identified by library search conducted per the guidelines contained in the analytical method.

(Source: Amended at \_\_\_\_ Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

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Section 740. Table B Semivolatile Organic Analytical Parameters and Required Quantitation Limits

<u>CAS No.</u>	<u>Compound</u>	<u>Water (µg/L)</u>	<u>Soil (µg/Kg)</u>	<u>Method</u>
108-95-2	Phenol	10	660	8270C 8270A
111-44-4	bis(2-Chloroethyl) ether	10	660	8270C 8270A
95-57-8	2-Chlorophenol	10	660	8270C 8270A
95-50-1	1,2-Dichlorobenzene	10	660	8270C 8270A
541-73-1	1,3-Dichlorobenzene	10	660	8270C 8270A
106-46-7	1,4-Dichlorobenzene	10	660	8270C 8270A
95-48-7	2-Methylphenol	10	660	8270C 8270A
108-60-1	2,2'-oxybis (1-chloropropane)	10	660	8270C 8270A
106-44-5	4-Methylphenol	10	660	8270C 8270A
621-64-7	N-Nitroso-di-n-propylamine	10	660	8270C 8270A
67-72-1	Hexachloroethane	10	660	8270C 8270A
98-95-3	Nitrobenzene	10	660	8270C 8270A
78-59-1	Isophorone	10	660	8270C 8270A
88-75-5	2-Nitrophenol	10	660	8270C 8270A
105-67-9	2,4-Dimethylphenol	10	660	8270C 8270A
111-91-1	bis(2-Chloroethoxy) methane	10	660	8270C 8270A
120-83-2	2,4-Dichlorophenol	10	660	8270C 8270A
120-82-1	1,2,4-Trichlorobenzene	10	660	8270C 8270A
91-20-3	Naphthalene	10	660	8270C 8310 8270A
106-47-8	4-Chloroaniline	10	660	8270C 8270A
87-68-3	Hexachlorobutadiene	10	660	8270C 8270A
59-50-7	4-Chloro-3-methylphenol	10	660	8270C 8270A
91-57-6	2-Methylnaphthalene	10	660	8270C 8270A
77-47-4	Hexachlorocyclopentadiene	10	660	8270C 8270A
88-06-2	2,4,6-Trichlorophenol	10	660	8270C 8270A
95-96-4	2,4,5-Trichlorophenol	25	1600	8270C 8270A
91-58-7	2-Chloronaphthalene	10	660	8270C 8270A
88-74-4	2-Nitroaniline	25	1600	8270C 8270A
131-11-3	Dimethylphthalate	10	660	8270C 8270A
208-96-8	Acenaphthylene Acenaphthalene	10	660	8270C 8310 8270A
606-20-2	2,6-dinitrotoluene	10	660	8270C 8270A
99-09-2	3-Nitroaniline	25	1600	8270C 8270A
83-32-9	Acenaphthene	10	660	8270C 8310 8270A
51-28-5	2,4-Dinitrophenol	25	1600	8270C 8270A
100-02-7	4-Nitrophenol	25	1600	8270C 8270A
132-64-9	Dibenzofuran	10	330	8270C 8270A
121-14-2	2,4-Dinitrotoluene	10	330	8270C 8270A
84-66-2	Diethylphthalate	10	330	8270C 8270A
7005-72-3	4-Chlorophenyl-phenyl ether	10	330	8270C 8270A
86-73-7	Fluorene <del>Fluorine</del>	10	330	8270C 8310 8270A
100-01-6	4-Nitroaniline	25	1600	8270C 8270A
534-52-1	4,6-Dinitro-2-methylphenol	25	1600	8270C 8270A

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86-30-6	N-nitrosodiphenylamine	<del>40</del>	<del>330</del>	<del>8270C</del> 8270A
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101-55-3	4-Bromophenyl-phenyl ether	<del>10</del>	<del>330</del>	<del>8270C 8270A</del>
118-74-1	Hexachlorobenzene	<del>10</del>	<del>330</del>	<del>8270C 8270A</del>
87-86-5	Pentachlorophenol	<del>25</del>	<del>1600</del>	<del>8270C 8270A</del>
85-01-8	Phenanthrene	<del>10</del>	<del>660</del>	<del>8270C 8310 8270A</del>
120-12-7	Anthracene	<del>10</del>	<del>10</del>	<del>8270C 8310 8270A</del>
86-74-8	Carbazole	<del>10</del>	<del>660</del>	<del>8270C 8270A</del>
84-74-2	Di-n-butylphthalate	<del>10</del>	<del>660</del>	<del>8270C 8270A</del>
206-44-0	Fluoranthene	<del>10</del>	<del>660</del>	<del>8270C 8310 8270A</del>
129-00-0	Pyrene	<del>10</del>	<del>660</del>	<del>8270C 8310 8270A</del>
85-68-7	Butylbenzylphthalate	<del>10</del>	<del>660</del>	<del>8270C 8270A</del>
91-94-1	3,3'-Dichlorobenzidine	<del>10</del>	<del>660</del>	<del>8270C 8270A</del>
56-55-3	Benzo(a)anthracene	<del>10</del>	<del>660</del>	<del>8270C 8310 8270A</del>
218-01-9	Chrysene	<del>10</del>	<del>660</del>	<del>8270C 8310 8270A</del>
117-81-7	bis(2-Ethylhexyl)phthalate	<del>10</del>	<del>660</del>	<del>8270C 8270A</del>
117-84-0	Di-n-octylphthalate	<del>10</del>	<del>660</del>	<del>8270C 8270A</del>
205-99-2	Benzo(b)fluoranthene	<del>10</del>	<del>660</del>	<del>8270C 8310 8270A</del>
207-08-9	Benzo(k)fluoranthene	<del>10</del>	<del>660</del>	<del>8270C 8310 8270A</del>
50-32-8	Benzo(a)pyrene	<del>10</del>	<del>660</del>	<del>8310 8270A</del>
193-39-5	Indeno(1,2,3-c,d)pyrene	<del>10</del>	<del>660</del>	<del>8270C 8310 8270A</del>
53-70-3	Dibenz(a,h)anthracene	<del>10</del>	<del>660</del>	<del>8310 8270A</del>
191-24-2	Benzo(g,h,i)perylene	<del>10</del>	<del>660</del>	<del>8270C 8310 8270A</del>

Required Quantitation Limits for soil are based on wet weight. Normally data is reported on a dry weight basis; therefore, Reporting Limits will be higher, based on the percent solids in each sample. This is based on a 30 gram sample and GPC cleanup. The laboratory shall report non surrogate components, tentatively identified by library search conducted per the guidelines contained in the analytical method.

(Source: Amended at \_\_\_\_ Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)



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Section 740. Table C      Pesticide and Aroclors Organic Analytical Parameters  
and Required Quantitation Limits

<u>CAS No.</u>	<u>Compound</u>	<u>Water (µg/L)</u>	<u>Soil (µg/Kg)</u>	<u>Method</u>
319-84-6	alpha-BHC	0.05	8.0	<del>8081A</del> <del>8081</del>
319-85-7	beta-BHC	0.05	8.0	<del>8081A</del> <del>8081</del>
319-86-8	delta-BHC	0.05	8.0	<del>8081A</del> <del>8081</del>
58-89-9	gamma-BHC	0.05	8.0	<del>8081A</del> <del>8081</del>
76-44-8	Heptachlor	0.05	8.0	<del>8081A</del> <del>8081</del>
309-00-2	Aldrin	0.05	8.0	<del>8081A</del> <del>8081</del>
1024-57-3	Heptachlor epoxide	0.05	8.0	<del>8081A</del> <del>8081</del>
959-98-8	Endosulfan I	0.05	8.0	<del>8081A</del> <del>8081</del>
60-57-1	Dieldrin	0.10	16.0	<del>8081A</del> <del>8081</del>
72-55-9	4,4'-DDE	0.10	16.0	<del>8081A</del> <del>8081</del>
72-20-8	Endrin	0.10	16.0	<del>8081A</del> <del>8081</del>
33213-65-9	Endosulfan II	0.10	16.0	<del>8081A</del> <del>8081</del>
72-54-8	4,4'-DDD	0.10	16.0	<del>8081A</del> <del>8081</del>
1031-07-8	Endosulfan sulfate	0.10	16.0	<del>8081A</del> <del>8081</del>
50-29-3	4,4'-DDT	0.10	16.0	<del>8081A</del> <del>8081</del>
72-43-5	Methoxychlor	0.50	80.0	<del>8081A</del> <del>8081</del>
53494-70-5	Endrin ketone	0.10	16.0	<del>8081A</del> <del>8081</del>
7421-93-4	Endrin aldehyde	0.10	16.0	<del>8081A</del> <del>8081</del>
5103-71-9	alpha-Chlordane	0.50	80.0	<del>8081A</del> <del>8081</del>
5566-34-7	gamma-Chlordane	0.50	80.0	<del>8081A</del> <del>8081</del>
8001-35-2	Toxaphene	1.0	160.0	<del>8081A</del> <del>8081</del>
12674-11-2	Aroclor - 1016	0.50	80.0	<del>8082</del> <del>8081</del>
11104-28-2	Aroclor - 1221	0.50	80.0	<del>8082</del> <del>8081</del>
11141-16-5	Aroclor - 1232	0.50	80.0	<del>8082</del> <del>8081</del>
53469-21-9	Aroclor - 1242	0.50	80.0	<del>8082</del> <del>8081</del>
12672-29-6	Aroclor - 1248	0.50	80.0	<del>8082</del> <del>8081</del>
11097-69-1	Aroclor - 1254	1.0	160.0	<del>8082</del> <del>8081</del>
111096-82-5	Aroclor - 1260	1.0	160.0	<del>8082</del> <del>8081</del>

Required Quantitation Limits for soil are based on wet weight. Normally data is reported on a dry weight basis; therefore, Reporting Limits will be higher, based on the percent solids in each sample.

(Source: Amended at \_\_\_\_ Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

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Section 740. Table D Inorganic Analytical Parameters and Required Quantitation Limits

CAS No.	Compound	Water (µg/L)	Soil (µg/Kg)	Method
7429-90-5	Aluminum	200	40	<del>6010B/6020</del> 6010A
7440-36-0	Antimony	60	12	<del>6010B/6020</del> 6010A
7440-38-2	Arsenic	10	2	6020/7060A/ 7061A/7062
7440-39-3	Barium	200	40	<del>6010B</del> 6010A
7440-41-7	Beryllium	5	1	<del>6010B/6020</del> 6010A
7440-43-9	Cadmium	5	1	<del>6010B/6020</del> 6010A
7440-70-2	Calcium	5000	1000	<del>6010B</del> 6010A
7440-47-3	Chromium	10	2	<del>6010B/6020</del> 6010A
7440-48-4	Cobalt	50	10	<del>6010B/6020</del> 6010A
7440-50-8	Copper	25	5	<del>6010B/6020</del> 6010A
7439-89-6	Iron	100	20	<del>6010B</del> 6010A
7439-92-1	Lead	3	0.6	6020/7421
7239-95-4	Magnesium	5000	1000	<del>6010B</del> 6010A
7439-96-5	Manganese	15	3	<del>6010B/6020</del> 6010A
7439-97-6	Mercury	0.2	0.04	7470A/7471A
7440-02-0	Nickel	40	8	<del>6010B/6020</del> 6010A
7440-09-7	Potassium	5000	1000	<del>6010B</del> 6010A
7782-49-2	Selenium	5	1	7740A/7741A/ 7742
7440-22-4	Silver	10	2	<del>6010B/6020</del> 6010A
7440-23-5	Sodium	5000	1000	<del>6010B</del> 6010A
7440-28-0	Thallium	10	2	6020/7841
7440-62-2	Vanadium	50	10	<del>6010B</del> 6010A
7440-66-6	Zinc	20	4	<del>6010B/6020</del> 6010A
57-12-5	Cyanide	10	2	9012A 9012

Required Quantitation Limits for soil are based on wet weight. Normally data is reported on a dry weight basis; therefore, Reporting Limits will be higher, based on the percent dry weight in each sample.

(Source: Amended at \_\_\_\_ Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)