

## **Board Adopts Rulemakings on Site Remediation Program and Leaking Underground Storage Tank Program**

On April 18, 2002, the Illinois Pollution Control Board adopted two rulemakings regarding site remediation of contaminated sites. The rulemakings involved amendments to the regulations governing the Site Remediation Program (SRP) and the Leaking Underground Storage Tank (LUST) program.

The first rulemaking adopted by the Board dealt with two separate proposals to amend the SRP regulations at 35 Ill. Adm. Code 740. Site Remediation Program: Amendments to 35 Ill. Adm. Code 740, R01-27, was proposed by the Illinois Environmental Protection Agency (IEPA) to correct and clarify language in the regulations based on the practical experience the IEPA had developed in working with the regulations since their initial adoption in July 1997. The amendments adopted by the Board include mandatory laboratory accreditation by January 1, 2003, the development of soil management zones to manage contaminated soil during remediation projects, and the inclusion of methyl tertiary butyl-ether as a contaminant to be tested for in the process of a remediation project.

The second proposal involving the SRP regulations was Site Remediation Program: Proposed 35 Ill. Adm. Code 740.Subpart H (Schools), R01-29, which was consolidated with R01-27 on February 1, 2001. The Citizens for a Better Environment (CBE) filed this proposal, which adds a new Subpart H "Requirements Related to Schools." The rulemaking includes requirements to ensure that children and the general public are not exposed to harmful pollutants at a site, enrolled in the SRP, with the intended future use as a school.

Specifically, the new Subpart requires completion of all remedial activities and the receipt of a No Further Remediation letter prior to the school being occupied. Included in this rulemaking are additional requirements, such as establishment of a document repository that would enhance public participation in the site remediation process.

CBE's proposal was prompted by the site remediation that took place at Finkl Academy and Zapata Academy in Cook County. Both schools were built on sites undergoing remediation and both schools were opened prior to completion of the remedial work.

The second rulemaking adopted by the Board, Amendments to Regulation of Petroleum Leaking Underground Storage Tanks: 35 Ill. Adm. Code 732, R 01-26, dealt with amendments to the Board's Petroleum LUST regulations. This rulemaking was proposed by the IEPA to revise the regulations prescribing procedures and standards for the IEPA's administration of its duties under the leaking UST program.

The adopted amendments to 35 Ill. Adm. Code 732 include the following:

- Only certified laboratories can analyze samples from underground storage tank (UST) sites;

- there are new procedures for UST owners or operators to follow at High Priority UST sites where off-site access is required;
- methyl tertiary butyl-ether is now an indicator contaminant;
- the Illinois Department of Transportation (IDOT) can enter into a memorandum of agreement (MOA) for USTs on IDOT right-of-ways;
- the federal government can enter into a MOA for USTs on federally-held properties such as military bases; and
- the IEPA can require the UST owner or operator to submit a revised corrective plan, if the IEPA determines that a UST owner or operator's corrective action plan has not achieved the desired outcome.

Additionally, the Board added language to the UST rules to clarify the trigger date for the Early Action reimbursement period.