**Section 616.210 Corrective Action Program**

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

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

b) Continue to sample and analyze according to Section 616.208(a), except that:

1) For a unit subject to Subpart I for the storage and handling of pesticides, samples must be collected quarterly until no measured values above the groundwater standard have been recorded for any parameter for two consecutive quarters.

2) For a unit subject to Subpart J for the storage and handling of fertilizers, samples must be collected quarterly for the parameters specified in Section 616.207(a)(3) that are stored or handled at the unit until no measured values above the groundwater standard have been recorded for two consecutive quarters.

c) If sample values above any groundwater standard are confirmed under Section 616.209(b), the owner or operator must:

1) Submit to the Agency an engineering feasibility plan for a corrective action program designed to achieve the requirements of subsections (e) through (i).

A) The feasibility plan must be submitted to the Agency within 180 days after the date of the sample in which a groundwater standard was initially exceeded.

B) The requirement under subsection (c) is waived if no groundwater standard is exceeded in any sample taken under subsection (b) for two consecutive quarters.

d) Except as provided in subsection (c)(1)(B), the Agency must provide a written response to the owner or operator based upon the engineering feasibility plan and any other relevant information that specifies either:

1) Concurrence with the feasibility plan for corrective action; or

2) Non-concurrence with the feasibility plan for corrective action and a description of the inadequacies of the plan.

e) An owner or operator who receives a written response of concurrence under subsection (d) must provide periodic progress reports to the Agency regarding implementation of the corrective action.

f) An owner or operator who receives a written response of non-concurrence under subsection (d) must, within 30 days after receiving the response, correct the inadequacies and resubmit the report to the Agency or request a conference with the Agency. Within 30 days after receiving a written request for a 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 corrective action.

g) An owner or operator is responsible for implementing adequate corrective action as determined under this Section.

h) Except as provided in subsection (c)(1)(B), the owner or operator must:

1) Begin the corrective action program specified in the engineering feasibility plan by the date of receipt of concurrence from the Agency.

2) Establish and implement a groundwater monitoring program to demonstrate the effectiveness of the corrective action program.

3) Take corrective action that results in compliance with the groundwater standards:

A) At all compliance points; and

B) Beyond the unit boundary, if necessary to protect human health and the environment, unless the owner or operator demonstrates to the Agency that, despite the owner's or operator's best efforts, the owner or operator was unable to obtain the necessary permission to undertake such action. The owner or operator is not relieved of any responsibility to clean up a release that has migrated beyond the unit boundary where off-site access is denied.

4) Continue corrective action measures to the extent necessary to ensure that no groundwater standard is exceeded at the compliance point or points.

5) The owner or operator may terminate corrective action measures taken beyond the compliance period as identified in Section 616.202 if the owner or operator can demonstrate, based on data from the post-closure groundwater monitoring program under subsection (h)(2), that no groundwater standard has been exceeded for three consecutive years.

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

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

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

(Source: Amended at 47 Ill. Reg. 7631, effective May 16, 2023)