**Section 616.211 Alternative Corrective Action Demonstration**

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

a) In making the demonstration, the owner or operator must:

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

2) Submit a report to the Agency that demonstrates that a source other than a facility or unit owned or operated by the owner or operator caused the groundwater standard to be exceeded, or that the groundwater standard was exceeded due to an error in sampling, analysis or evaluation. This report must be included with the next submission of groundwater monitoring results required under Section 616.206.

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

1) Concurrence with the written demonstration for 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 after receiving the response, respond to the Agency in writing 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 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 47 Ill. Reg. 7631, effective May 16, 2023)