**Section 742.1000 Institutional Controls**

a) Institutional controls in accordance with this Subpart must be placed on the property when remediation objectives are based on any of the following assumptions:

1) Industrial/Commercial property use;

2) Target cancer risk greater than 1 in 1,000,000;

3) Target hazard quotient greater than 1;

4) Engineered barriers;

5) The point of human exposure is located at a place other than at the source;

6) Exclusion of exposure routes;

7) A diffusion only mode of contaminant transport for the indoor inhalation exposure route;

8) Use of an indoor inhalation building control technology;

9) For the indoor inhalation exposure route, the presence of a building with a full concrete slab-on-grade or a full concrete basement floor and walls; or

10) Any combination of the above.

b) The Agency shall not approve any remediation objective under this Part that is based on the use of institutional controls unless the person has proposed institutional controls meeting the requirements of this Subpart and the requirements of the specific program under which the institutional control is proposed. A proposal for approval of institutional controls shall provide identification of the selected institutional controls from among the types recognized in this Subpart.

c) The following instruments may be institutional controls subject to the requirements of this Subpart J and the requirements of the specific program under which the institutional control is proposed:

1) No Further Remediation Letters;

2) Environmental Land Use Controls;

3) Land Use Control Memoranda of Agreement;

4) Ordinances adopted and administered by a unit of local government;

5) Agreements between a property owner (or, in the case of a petroleum leaking underground storage tank, the owner or operator of the tank) and a highway authority with respect to any contamination remaining under highways; and

6) Agreements between a highway authority that is also the property owner (or, in the case of a petroleum leaking underground storage tank, the owner or operator of the tank) and the Agency with respect to any contamination remaining under the highways.

d) No Further Remediation Letters and Environmental Land Use Controls that meet the requirements of this Subpart and the recording requirements of the program under which remediation is being performed are transferred with the property.

(Source: Amended at 37 Ill. Reg. 7506, effective May 15, 2013)