**Section 332.210 Technical Criteria for Byproduct Material Disposal Sites − Siting Criteria**

a) Byproduct material shall be disposed of in a manner that provides containment of the material by preventing disturbances and dispersion by natural forces, and by doing so without active maintenance. In evaluating a byproduct material disposal site, the Agency shall consider:

1) Remoteness from populated areas;

2) Hydrologic and other natural conditions as they contribute to continued immobilization and isolation of contaminants from groundwater sources; and

3) Potential for minimizing erosion, disturbances, and dispersion by natural forces over the long term.

b) The disposal site selection shall be an optimization, to the maximum extent achievable, of the features listed in subsection (a). At a minimum, however:

1) The disposal site shall not be within a distance of 2.5 km (1.5 miles) from the boundary of any municipality without the consent of the governing body of the municipality. The disposal area must incorporate a distance between any waste disposal unit and the control boundary that is of adequate dimensions to carry out required environmental monitoring activities and remediation activities if necessary. In most cases, a distance of 100 meters would be adequate;

2) The tailings and waste disposal site shall not be located in a 100-year flood plain, as defined in the rules of the Illinois Department of Transportation, 92 Ill. Adm. Code 706.Subpart C;

3) The characteristics of the disposal site shall allow prediction, analysis and monitoring of any migration of effluents, e.g., the site geology must be simple enough to allow reliable hydrological modeling;

4) The depth to the water table at the disposal site shall not permit groundwater intrusion, perennial or otherwise, into the waste;

5) The natural characteristics of the disposal site, such as hydrology, geology, and topography, shall contribute to continued immobilization and containment, and shall ensure that waste will be contained within the disposal site boundary for a period of at least 1,000 years after the decommissioning;

6) The disposal site shall not be located where other facilities, activities or land uses could adversely impact the ability of the site to meet the technical criteria of this Part, or mask the environmental impacts of the disposal area;

7) The disposal area structure shall not be located above a geologic fault system. The disposal site geology must be stable; i.e., mass wasting, erosion, slumping, or land sliding shall not adversely affect the long-term containment; and

8) The disposal area shall not be located near a capable fault that could cause a maximum credible earthquake larger than the disposal area could reasonably be expected to withstand. As used in this Part, the term "capable fault" has the same meaning as defined in section III(g) of 10 CFR 100, appendix A, in effect on January 1, 1989, exclusive of subsequent amendments or editions. The term "maximum credible earthquake" means an earthquake that would cause the maximum vibratory ground motion based upon an evaluation of earthquake potential considering the regional and local geology and seismology and specific characteristics of local subsurface material.

c) When evaluating disposal sites, the Agency shall place emphasis on containment of byproduct material, a matter having long-term impacts, as opposed to consideration only of short-term convenience, impacts or benefits. While containment of byproduct material will be a function of both site and engineering design, major consideration shall be given to siting features that pertain to the long-term nature of the hazards.

d) To avoid the proliferation of small byproduct material disposal sites and reduce perpetual surveillance obligations, byproduct material from in situ extraction operations, such as residues from solution evaporation or contaminated control processes, and wastes from small remote aboveground extraction operations shall be disposed of at existing large byproduct material disposal sites; unless, considering the nature of the wastes, such as their volume and specific activity, and the cost and environmental impacts of transporting the wastes to large disposal sites, such offsite disposal is demonstrated to be impracticable or the advantages of onsite burial clearly outweigh the benefits of reducing the perpetual surveillance obligations.

(Source: Amended at 32 Ill. Reg. 16765, effective October 6, 2008)