**Section 703.306 Obtaining a RAP for an Off-Site Location**

An owner or operator may perform remediation waste management activities under a RAP at a location removed from the area where the remediation wastes originated.

a) An owner or operator may request a RAP for remediation waste management activities at a location removed from the area where the remediation wastes originated if the owner or operator believes such a location would be more protective than the contaminated area or areas in close proximity.

b) If the Agency determines that an alternative location, removed from the area where the remediation waste originated, is more protective than managing remediation waste at the area of contamination or areas in close proximity, then the Agency must approve a RAP for this alternative location.

c) An owner or operator must request the RAP, and the Agency must approve or deny the RAP, according to the procedures and requirements in this Subpart H.

d) A RAP for an alternative location must also meet the following requirements, which the Agency must include in the RAP for such locations:

1) The RAP for the alternative location must be issued to the person responsible for the cleanup from which the remediation wastes originated;

2) The RAP is subject to the expanded public participation requirements in Sections 703.191, 703.192, and 703.193;

3) The RAP is subject to the public notice requirements in 35 Ill. Adm. Code 705.163;

4) The site permitted in the RAP may not be located within 61 meters or 200 feet of a fault that has had displacement in the Holocene time. (The owner or operator must demonstrate compliance with this standard through the requirements in Section 703.183(k).) (See the definitions of terms in 35 Ill. Adm. Code 724.118(a).)

BOARD NOTE: Sites in Illinois are assumed to be in compliance with the requirement of subsection (d)(4) of this Section, since they are not listed in appendix VI to 40 CFR 264 (Political Jurisdictions in Which Compliance with Section 264.18(a) Must Be Demonstrated), incorporated by reference in 35 Ill. Adm. Code 720.111(b).

e) These alternative locations are remediation waste management sites, and retain the following benefits of remediation waste management sites:

1) Exclusion from facility-wide corrective action under 35 Ill. Adm. Code 724.201; and

2) Application of 35 Ill. Adm. Code 724.101(j) in lieu of Subparts B, C, and D of 35 Ill. Adm. Code 724.

BOARD NOTE: Derived from 40 CFR 270.230 (2012).

(Source: Amended at 37 Ill. Reg. 17659, effective October 24, 2013)