**Section 731.166 Corrective Action Plan**

a) At any point after reviewing the information submitted in compliance with Sections 731.161 through 731.163, the Agency may require owners and operators to submit additional information or to develop and submit a corrective action plan for responding to contaminated soils and groundwater. If a plan is required, owners and operators must submit the plan according to a schedule and format established by the Agency. Alternatively, owners and operators may, after fulfilling the requirements of Sections 731.161 through 731.163, choose to submit a corrective action plan for responding to contaminated soil and groundwater.

b) The Agency must approve the corrective action plan only after ensuring that implementation of the plan will adequately protect human health, safety and the environment. In making this determination, the Agency must consider the following factors as appropriate:

1) The physical and chemical characteristics of the regulated substance, including its toxicity, persistence and potential for migration;

2) The hydrogeologic characteristics of the facility and the surrounding area;

3) The proximity quality and current and future uses of nearby surface water and groundwater;

4) The potential effects of residual contamination on nearby surface water and groundwater;

5) An exposure assessment; and

6) Any information assembled in compliance with this Subpart.

c) Upon approval of the corrective action plan or as directed by the Agency, owners and operators must implement the plan, including modifications to the plan made by the Agency. They must monitor, evaluate and report the results of implementing the plan in accordance with a schedule and in a format established by the Agency.

d) Owners and operators may, in the interest of minimizing environmental contamination and promoting more effective cleanup, begin cleanup of soil and groundwater before the corrective action plan is approved provided that they:

1) Notify the Agency of their intention to begin cleanup;

2) Comply with any conditions imposed by the Agency, including halting cleanup or mitigating adverse consequences from cleanup activities; and

3) Incorporate these self-initiated cleanup measures in the corrective action plan that is submitted to the Agency.

(Source: Amended at 40 Ill. Reg. 10312, effective July 13, 2016)