**Section 740.621 Requirements for No Further Remediation Letters Issued to Illinois Department of Transportation Remediation Sites Located in Rights-of-Way**

a) To perfect a No Further Remediation Letter for a remediation site of the Illinois Department of Transportation (IDOT) located in whole or in part in an IDOT right-of-way, IDOT shall enter into a Memorandum of Agreement (MOA) with the Agency. If IDOT and the Agency have entered into a master MOA, the parties' addition of the site to the master agreement shall satisfy the requirements of this Section. The MOA shall include, but is not limited to:

1) The name of the remediation site, if any, and any IDOT and Agency identifiers (e.g., incident number, Illinois inventory identification number);

2) The address of the remediation site (or other description sufficient to identify the location of the site with certainty);

3) A copy of the NFR Letter for each site subject to the MOA;

4) Procedures for tracking remediation sites subject to the MOA so that all IDOT bureaus whose responsibilities (e.g., land acquisition, maintenance, construction, utility permits) may affect land use limitations will have notice of any environmental concerns and land use limitations applicable to a remediation site;

5) Provisions addressing future conveyances (including title or any lesser form of interest) or jurisdictional transfers of the remediation site to any other agency, private person or entity and the steps that will be taken to ensure the long-term integrity of any land use limitations including, but not limited to, the following:

A) Upon creation of a deed, the recording of the NFR Letter and any other land use limitations requiring recording under 35 Ill. Adm. Code 742 with copies of the recorded instruments sent to the Agency within 30 days after recording;

B) Any other arrangements necessary to ensure that property that is conveyed or transferred remains subject to any land use limitations approved and implemented as part of the Remedial Action Plan and the NFR Letter;

C) Notice to the Agency at least 60 days prior to any such intended conveyance or transfer indicating the mechanism(s) to be used to ensure that any land use limitations will be operated or maintained as required in the Remedial Action Plan and NFR Letter; and

6) Provisions for notifying the Agency if any actions taken by IDOT or its permittees at the remediation site result in the failure or inability to restore the remediation site to meet the requirements of the Remedial Action Plan and the NFR Letter.

b) An NFR Letter issued to an IDOT remediation site in an IDOT right-of-way shall be incorporated into a MOA within 45 days after its receipt.

c) At no time shall any remediation site for which a land use limitation has been imposed as a result of remediation activities under Title XVII of the Act be used in a manner inconsistent with the land use limitation unless further investigation or remedial action has been conducted that documents the attainment of objectives appropriate for the new land use and a new No Further Remediation Letter obtained. If title to the remediation site remains with IDOT, the new No Further Remediation Letter shall be incorporated into the MOA and the MOA amended accordingly.

d) In addition to any other legal remedies that may be available, failure to comply with the requirements of this Section may result in voidance of the No Further Remediation Letter in accordance with Section 740.625 of this Part.

(Source: Added at 26 Ill. Reg. 7197, effective April 25, 2002)