**Section 740.810 Engineered Barriers and Institutional Controls**

a) The RA or any subsequent transferee of a remediation site subject to this Subpart H shall arrange with an LPE for an inspection of the remediation site within 120 days before every fifth anniversary of the date of issuance of the NFR Letter. The purpose of the inspection shall be to determine whether the effectiveness of all engineered barriers and institutional controls required by the Remedial Action Plan and the NFR Letter has been maintained.

1) The LPE shall prepare a report on the results of the inspection, itemizing each engineered barrier and institutional control and whether or not the effectiveness of each engineered barrier and institutional control has been maintained. If the effectiveness of any engineered barrier or institutional control has been compromised, the LPE shall describe the nature of the defects.

2) The LPE responsible for the site inspection and preparation of the report shall affirm by original signature as follows:

"I attest that the inspection of the remediation site to confirm the effectiveness of the engineered barriers and institutional controls required by the Remedial Action Plan and the NFR Letter was performed under my direction and that:

This document and all attachments were prepared under my direction or reviewed by me;

To the best of my knowledge and belief, the work and conclusions described in this report are in accordance with the requirements of 35 Ill. Adm. Code 740 and 742, the site's Remedial Action Plan and NFR Letter, and generally accepted engineering practices; and

The information presented is accurate and complete."

2) The LPE's report shall be submitted to the Agency no later than every fifth anniversary of the date of issuance of the NFR Letter.

b) In addition to any other remedies that may be available, the Agency may void the NFR Letter in accordance with Section 740.625 if:

1) An LPE's report is not submitted to the Agency by every fifth anniversary of the date of issuance of the NFR Letter; or

2) The LPE's report indicates that the effectiveness of any engineered barrier or institutional control has not been maintained.

c) The requirements of this Section shall not apply to a remediation site if no engineered barriers or institutional controls were required under the Remedial Action Plan and the NFR Letter, or if the remediation site is no longer used as a school site.

d) If the site is transferred to a third-party, the transferor of the site shall notify the Agency of such changes within 30 days of the completion of the transfer.

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