**Section 742.105 Applicability**

a) Any person, including a person required to perform an investigation pursuant to the Illinois Environmental Protection Act [415 ILCS 5] (Act), may elect to proceed under this Part to the extent allowed by State or federal law and regulations and the provisions of this Part and subject to the exceptions listed in subsection (h) below. A person proceeding under this Part may do so to the extent such actions are consistent with the requirements of the program under which site remediation is being addressed.

b) This Part is to be used in conjunction with the procedures and requirements applicable to the following programs:

1) Leaking Underground Storage Tanks (35 Ill. Adm. Code 731 and 734);

2) Site Remediation Program (35 Ill. Adm. Code 740); and

3) RCRA Part B Permits and Closure Plans (35 Ill. Adm. Code 724 and 725).

c) The procedures in this Part may not be used if their use would delay response action to address imminent and substantial threats to human health and the environment. This Part may only be used after actions to address such threats have been completed.

d) This Part may be used to develop remediation objectives to protect surface waters, sediments or ecological concerns, when consistent with the regulations of other programs, and as approved by the Agency.

e) A no further remediation determination issued by the Agency prior to July 1, 1997 pursuant to Section 4(y) of the Act or one of the programs listed in subsection (b) of this Section that approves completion of remedial action relative to a release shall remain in effect in accordance with the terms of that determination.

f) Site specific groundwater remediation objectives determined under this Part for contaminants of concern may exceed the groundwater quality standards established pursuant to the rules promulgated under the Illinois Groundwater Protection Act [415 ILCS 55] as long as done in accordance with Sections 742.805 and 742.900(c)(9). (See 415 ILCS 5/58.5(d)(4))

g) Where contaminants of concern include polychlorinated byphenyls (PCBs), a person may need to evaluate the applicability of regulations adopted under the Toxic Substances Control Act (15 USC 2601).

h) This Part may not be used in lieu of the procedures and requirements applicable to landfills under 35 Ill. Adm. Code 807 or 811 through 814.

i) An evaluation of the indoor inhalation exposure route under this Part addresses the potential of contaminants present in soil gas or groundwater to reach human receptors within buildings. This Part does not address the remediation or mitigation of any contamination within a building from a source other than soil gas or groundwater, such as the building structure itself and products within the building.

(Source: Amended at 37 Ill. Reg. 7506, effective July 15, 2013)