**Section 742.200 Definitions**

Except as stated in this Section, or unless a different meaning of a word or term is clear from the context, the definition of words or terms in this Part shall be the same as that applied to the same words or terms in the Act.

"Act" means the Illinois Environmental Protection Act [415 ILCS 5].

"ADL" means Acceptable Detection Limit, which is the detectable concentration of a substance that is equal to the lowest appropriate Practical Quantitation Limit (PQL) as defined in this Section.

"Agency" means the Illinois Environmental Protection Agency.

"Agricultural Property" means any real property for which its present or post-remediation use is for growing agricultural crops for food or feed either as harvested crops, cover crops or as pasture. This definition includes, but is not limited to, properties used for confinement or grazing of livestock or poultry and for silviculture operations. Excluded from this definition are farm residences, farm outbuildings and agrichemical facilities.

"Aquifer" means *saturated (with groundwater) soils and geologic materials which are sufficiently permeable to readily yield economically useful quantities of water to wells, springs, or streams under ordinary hydraulic gradients*. (Illinois Groundwater Protection Act [415 ILCS 55/3(a)])

"Area Background" means *concentrations of regulated substances that are consistently present in the environment in the vicinity of a site that are the result of natural conditions or human activities,* and not the result solely of releases at the site. [415 ILCS 5/58.2]

"ASTM" means the American Society for Testing and Materials.

"Board" means the Illinois Pollution Control Board.

"Building" means a man-made structure with an enclosing roof and enclosing walls (except for windows and doors) that is fit for any human occupancy for at least six consecutive months.

"Building Control Technology" means any technology or barrier that affects air flow or air pressure within a building for purposes of reducing or preventing contaminant migration to the indoor air.

"Cancer Risk" means a unitless probability of an individual developing cancer from a defined exposure rate and frequency.

"Cap" means a barrier designed to prevent the infiltration of precipitation or other surface water, or impede the ingestion or inhalation of contaminants.

"Capillary Fringe" means the zone above the water table in which water is held by surface tension. Water in the capillary fringe is under a pressure less than atmospheric.

"Carcinogen" means *a contaminant that is classified as a category A1 or A2 carcinogen by the American Conference of Governmental Industrial Hygienists; a category 1 or 2A/2B carcinogen by the World Health Organization's International Agency for Research on Cancer;* *a "human carcinogen" or "anticipated human carcinogen" by the United States Department of Health and Human Service National Toxicological Program;* *or a category A or B1/B2 carcinogen* or as "carcinogenic to humans" or "likely to be carcinogenic to humans" *by the United States Environmental Protection Agency in* the *integrated risk information system or a final rule issued in a Federal Register notice by the USEPA*. [415 ILCS 5/58.2]

"Class I Groundwater" means groundwater that meets the Class I: Potable Resource Groundwater criteria set forth in 35 Ill. Adm. Code 620.

"Class II Groundwater" means groundwater that meets the Class II: General Resource Groundwater criteria set forth in 35 Ill. Adm. Code 620.

"Conservation Property" means any real property for which present or post-remediation use is primarily for wildlife habitat.

"Construction Worker" means a person engaged on a temporary basis to perform work involving invasive construction activities including, but not limited to, personnel performing demolition, earth-moving, building, and routine and emergency utility installation or repair activities.

"Contaminant of Concern" or "Regulated Substance of Concern" means *any contaminant that is expected to be present at the site based upon past and current land uses and associated releases that are known to the* person conducting a remediation *based upon reasonable inquiry*. [415 ILCS 5/58.2]

"County Highway" means county highway as defined in the Illinois Highway Code [605 ILCS 5].

"District Road" means district road as defined in the Illinois Highway Code [605 ILCS 5].

"Engineered Barrier" means a barrier designed or verified using engineering practices that limits exposure to or controls migration of the contaminants of concern.

"Environmental Land Use Control" means an instrument that meets the requirements of this Part and is placed in the chain of title to real property that limits or places requirements upon the use of the property for the purpose of protecting human health or the environment, is binding upon the property owner, heirs, successors, assigns, and lessees, and runs in perpetuity or until the Agency approves, in writing, removal of the limitation or requirement from the chain of title.

"Exposure Route" means the transport mechanism by which a contaminant of concern reaches a receptor.

"Federally Owned Property" means real property owned in fee by the United States of America on which institutional controls are sought to be placed in accordance with this Subpart.

"Federal Landholding Entity" means that federal department, agency, or instrumentality with the authority to occupy and control the day-to-day use, operation and management of Federally Owned Property.

"Free Product" means a contaminant that is present as a non-aqueous phase liquid for chemicals whose melting point is less than 30°C (e.g., liquid not dissolved in water).

"GIS" means Geographic Information System.

"GPS" means Global Positioning System.

*"Groundwater" means underground water which occurs within the saturated zone and geologic materials where the fluid pressure in the pore space is equal to or greater than atmospheric pressure.* [415 ILCS 5/3.64]

"Groundwater Quality Standards" means the standards for groundwater as set forth in 35 Ill. Adm. Code 620.

"Hazard Quotient" means the ratio of a single substance exposure level during a specified time period to a reference dose for that substance derived from a similar exposure period.

"Highway" means *any public way for vehicular travel which has been laid out in pursuance of any law of this State, or of the Territory of Illinois, or which has been established by dedication, or used by the public as a highway for 15 years, or which has been or may be laid out and connect a subdivision or platted land with a public highway and which has been dedicated for the use of the owners of the land included in the subdivision or platted land where there has been an acceptance and use under such dedication by such owners, and which has not been vacated in pursuance of law. The term "highway" includes rights of way, bridges, drainage structures, signs, guard rails, protective structures and all other structures and appurtenances necessary or convenient for vehicular traffic. A highway in a rural area may be called a "road", while a highway in a municipal area may be called a "street"*. (Illinois Highway Code [605 ILCS 5/2-202])

"Highway Authority" means *the Department* of Transportation *with respect to a State highway;* the Illinois State Toll Highway with respect to a toll highway; *the County Board with respect to a county highway or a county unit district road if a discretionary function is involved and the County Superintendent of Highways if a ministerial function is involved; the Highway Commissioner with respect to a township or district road not in a county unit road district; or the corporate authorities of a municipality with respect to a municipal street.* (Illinois Highway Code [605 ILCS 5/2-213])

"Human Exposure Pathway" means a physical condition which may allow for a risk to human health based on the presence of all of the following: contaminants of concern; an exposure route; and a receptor activity at the point of exposure that could result in contaminant of concern intake.

"Industrial/Commercial Property" means any real property that does not meet the definition of residential property, conservation property or agricultural property.

"Infiltration" means the amount of water entering into the ground as a result of precipitation.

"Institutional Control" means a legal mechanism for imposing a restriction on land use, as described in Subpart J.

 "Intrusive activities" means activities that would affect potential flow of contaminants into a building (e.g., breaching the integrity of a foundation due to repairs or installation of utilities).

"Land Use Control Memoranda of Agreement" mean agreements entered into between one or more agencies of the United States and the Illinois Environmental Protection Agency that limit or place requirements upon the use of Federally Owned Property for the purpose of protecting human health or the environment.

"Man-Made Pathways" means *constructed* physical conditions *that may allow for the transport of regulated substances including, but not limited to, sewers, utility lines, utility* or elevator *vaults, building foundations, basements, crawl spaces, drainage ditches, previously excavated and filled areas* or sumps*.* [415 ILCS 5/58.2]

"Natural Pathways" means *natural* physical conditions that may allow *for the transport of regulated substances including, but not limited to, soil, groundwater, sand seams and lenses, and gravel seams and lenses.* [415 ILCS 5/58.2]

"Person" means an *individual, trust, firm, joint stock company, joint venture, consortium, commercial entity, corporation (including a government corporation), partnership, association, state, municipality, commission, political subdivision of a state, or any interstate body including the United States government and each department, agency, and instrumentality of the United States.* [415 ILCS 5/58.2]

 "Point of Human Exposure" means the points at which human exposure to a contaminant of concern may reasonably be expected to occur. The point of human exposure is at the source, unless an institutional control limiting human exposure for the applicable exposure route has been or will be in place, in which case the point of human exposure will be the boundary of the institutional control. Point of human exposure may be at a different location than the point of compliance.

"Populated Area" means:

an area within the boundaries of a municipality that has a population of 10,000 or greater based on the year 2000 or most recent census; or

an area less than three miles from the boundary of a municipality that has a population of 10,000 or greater based on the year 2000 or most recent census.

"Potable" means *generally fit for human consumption in accordance with accepted water supply principles and practices.*  (Illinois Groundwater ProtectionAct [415 ILCS 55/3(h)])

"PQL" means practical quantitation limit or estimated quantitation limit, which is the lowest concentration that can be reliably measured within specified limits of precision and accuracy for a specific laboratory analytical method during routine laboratory operating conditions in accordance with "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods", EPA Publication No. SW-846, incorporated by reference in Section 742.210. When applied to filtered water samples, PQL includes the method detection limit or estimated detection limit in accordance with the applicable method revision in: "Methods for the Determination of Organic Compounds in Drinking Water", Supplement II", EPA Publication No. EPA/600/4-88/039; "Methods for the Determination of Organic Compounds in Drinking Water, Supplement III", EPA Publication No. EPA/600/R-95/131, all of which are incorporated by reference in Section 742.210.

"Qsoil" means the volumetric flow rate of soil gas from the subsurface into the enclosed building space.

"RBCA" means Risk Based Corrective Action as defined in ASTM E-1739-95, as incorporated by reference in Section 742.210.

"RCRA" means the Resource Conservation and Recovery Act of 1976 (42 USC 6921).

"Reference Concentration" or "RfC" means an estimate of a daily exposure, in units of milligrams of chemical per cubic meter of air (mg/m3), to the human population (including sensitive subgroups) that is likely to be without appreciable risk of deleterious effects during a portion of a lifetime (up to approximately seven years, subchronic) or for a lifetime (chronic).

"Reference Dose" or "RfD" means an estimate of a daily exposure, in units of milligrams of chemical per kilogram of body weight per day (mg/kg/d), to the human population (including sensitive subgroups) that is likely to be without appreciable risk of deleterious effects during a portion of a lifetime (up to approximately seven years, subchronic) or for a lifetime (chronic).

"Regulated Substance" means *any hazardous substance as defined under Section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (P.L. 96-510) and petroleum products including crude oil or any fraction thereof, natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas)*. [415 ILCS 5/58.2]

 "Rendered inoperable" means having become unable to operate effectively, including, but not limited to, being shut down as part of routine maintenance or due to a malfunction, power failure, or vandalism.

"Residential Property" *means any real property that is used for habitation by individuals, or* where children have the opportunity for exposure to contaminants through ingestion or inhalation (indoor or outdoor) at educational facilities, health care facilities, child care facilities or recreational areas. [415 ILCS 5/58.2]

"Right of Way" means *the land, or interest therein, acquired for or devoted to a highway.* (Illinois Highway Code [605 ILCS 5/2-217])

"Saturated Zone" means a subsurface zone in which all the interstices or voids are filled with water under pressure greater than that of the atmosphere.

"Similar-Acting Chemicals" are chemical substances that have toxic or harmful effect on the same specific organ or organ system (see Appendix A.Tables E and F for a list of similar-acting chemicals with noncarcinogenic and carcinogenic effects).

"Site" means *any single location, place, tract of land or parcel of property, or portion thereof, including contiguous property separated by a public right-of-way*. [415 ILCS 5/58.2]

"Slurry Wall" means a man-made barrier made of geologic material which is constructed to prevent or impede the movement of contamination into a certain area.

"Soil Gas" means the air existing in void spaces in the soil between the groundwater table and the ground surface.

"Soil Saturation Limit" or "Csat" means the contaminant concentration at which the absorptive limits of the soil particles, the solubility limits of the available soil moisture, and saturation of soil pore air have been reached. Above the soil saturation concentration, the assumptions regarding vapor transport to air and/or dissolved phase transport to groundwater (for chemicals that are liquid at ambient soil temperatures) do not apply, and alternative modeling approaches are required.

"Soil Vapor Saturation Limit" or "Cvsat" means the maximum vapor concentration that can exist in the soil pore air at a given temperature and pressure.

"Solubility" means a chemical specific maximum amount of solute that can dissolve in a specific amount of solvent (groundwater) at a specific temperature.

"SPLP" means Synthetic Precipitation Leaching Procedure (Method 1312) as published in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA Publication No. SW-846, as incorporated by reference in Section 742.210.

"SSL" means Soil Screening Levels as defined in USEPA's Soil Screening Guidance: User's Guide and Technical Background Document, as incorporated by reference in Section 742.210.

"State Highway" means State highway as defined in the Illinois Highway Code [605 ILCS 5].

"Stratigraphic Unit" means a site-specific geologic unit of native deposited material and/or bedrock of varying thickness (e.g., sand, gravel, silt, clay, bedrock, etc.). A change in stratigraphic unit is recognized by a clearly distinct contrast in geologic material or a change in physical features within a zone of gradation. For the purposes of this Part, a change in stratigraphic unit is identified by one or a combination of differences in physical features such as texture, cementation, fabric, composition, density, and/or permeability of the native material and/or bedrock.

"Street" means street as defined in the Illinois Highway Code [605 ILCS 5].

"TCLP" means Toxicity Characteristic Leaching Procedure (Method 1311) as published in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA Publication No. SW-846, as incorporated by reference in Section 742.210.

"Toll Highway" means toll highway as defined in the Illinois Highway Code [605 ILCS 5].

"Total Petroleum Hydrocarbon" or "TPH" means the additive total of all petroleum hydrocarbons found in an analytical sample.

"Township Road" means township road as defined in the Illinois Highway Code [605 ILCS 5].

"Unconfined Aquifer" means an aquifer whose upper surface is a water table free to fluctuate under atmospheric pressure.

"Volatile Chemicals" means chemicals with a Dimensionless Henry's Law Constant of greater than 1.9 x 10-2 or a vapor pressure greater than 0.1 Torr (mmHg) at 25°C. For purposes of the indoor inhalation exposure route, elemental mercury is included in this definition.

"Water Table" means the top water surface of an unconfined aquifer at atmospheric pressure.

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