**Section 811.326 Implementation of the corrective action program at MSWLF Units**

a) Based on the schedule established pursuant to Section 811.325(d) for initiation and completion of corrective action, the owner or operator must fulfill the following requirements:

1) It must establish and implement a corrective action groundwater monitoring program that fulfills the following requirements:

A) At a minimum, the program must meet the requirements of an assessment monitoring program pursuant to Section 811.319(b);

B) The program must indicate the effectiveness of the remedy; and

C) The program must demonstrate compliance with groundwater protection standards pursuant to subsection (e).

2) It must implement the remedy selected pursuant to Section 811.325.

3) It must take any interim measures necessary to ensure the adequate protection of human health and the environment. The interim measures should, to the greatest extent practicable, be consistent with the objectives of and contribute to the performance of any remedy that may be required pursuant to Section 811.325. The owner or operator must consider the following factors in determining whether interim measures are necessary:

A) The time required to develop and implement a final remedy;

B) Any actual or potential exposure of nearby populations or environmental receptors to hazardous constituents;

C) Any actual or potential contamination of drinking water supplies or sensitive ecosystems;

D) Any further degradation of the groundwater that may occur if remedial action is not initiated expeditiously;

E) The weather conditions that may cause hazardous constituents to migrate or be released;

F) Any risks of fire or explosion, or potential for exposure to hazardous constituents as a result of an accident or failure of a container or handling system; and

G) Any other situations that may pose threats to human health and the environment.

b) If an owner or operator determines, based on information developed after implementation of the remedy has begun or other information, that compliance with requirements of Section 811.325(b) are not being achieved through the remedy selected, the owner or operator must fulfill the following requirements:

1) It must implement other methods or techniques that could practicably achieve compliance with the requirements, unless the owner or operator makes the determination pursuant to subsection (c).

2) It must submit to the Agency, prior to implementing any alternative methods pursuant to subsection (b)(1), an application for a significant modification to the permit describing the alternative methods or techniques and how they meet the standards of Section 811.325(b).

c) If the owner or operator determines that compliance with the requirements of Section 811.325(b) cannot be practically achieved with any currently available methods, the owner or operator must fulfill the following requirements:

1) It must obtain the certification of a qualified groundwater scientist or a determination by the Agency that compliance with requirements pursuant to Section 811.325(b) cannot be practically achieved with any currently available methods.

2) It must implement alternative measures to control exposure of humans or the environment to residual contamination, as necessary to adequately protect human health and the environment.

3) It must implement alternative measures for control of the sources of contamination, or for removal or decontamination of equipment, units, devices, or structures that fulfill the following requirements:

A) The measures are technically practicable; and

B) The measures are consistent with the overall objective of the remedy.

4) It must submit to the Agency, prior to implementing the alternative measures in accordance with subsection (c), an application for a significant modification to the permit justifying the alternative measures.

5) For purposes of this Section, a "qualified groundwater scientist" is a scientist or an engineer who has received a baccalaureate or postgraduate degree in the natural sciences or engineering and has sufficient training and experience in groundwater hydrology and related fields as may be demonstrated by state registration, professional certifications, or completion of accredited university programs that enable that individual to make sound professional judgments regarding groundwater monitoring, contaminant fate and transport, and corrective action.

d) All solid wastes that are managed pursuant to Section 811.325 or subsection (a)(3) must be managed by the owner or operator in a manner that fulfills the following requirements:

1) It adequately protects human health and the environment; and

2) It complies with applicable requirements of this Part.

e) Remedies selected pursuant to Section 811.325 must be considered complete when the following requirements are fulfilled:

1) The owner or operator complies with the groundwater quality standards established pursuant to Section 811.320 at all points within the plume of contamination that lie beyond the zone of attenuation established pursuant to Section 811.320;

2) Compliance with the groundwater quality standards established pursuant to Section 811.320 has been achieved by demonstrating that concentrations of the constituents monitored under the assessment monitoring program pursuant to Section 811.319(b) have not exceeded the groundwater quality standards for a period of three consecutive years using the statistical procedures and performance standards in Section 811.320(e). The Agency may specify an alternative time period during which the owner or operator must demonstrate compliance with the groundwater quality standards. The Agency must specify such an alternative time period by considering the following factors:

A) The extent and concentration of the releases;

B) The behavior characteristics of the hazardous constituents in the groundwater;

C) The accuracy of monitoring or modeling techniques, including any seasonal, meterological, or other environmental variabilities that may affect the accuracy; and

D) The characteristics of the groundwater; and

3) All actions required to complete the remedy have been satisfied.

f) Within 14 days after the completion of the remedy, the owner or operator must submit to the Agency an application for a significant modification of the permit including a certification that the remedy has been completed in compliance with the requirements of subsection (e). The certification must be signed by the owner or operator and by a qualified groundwater scientist.

g) Upon Agency review and approval of the certification that the corrective action has been completed, in accordance with subsection (e), the Agency must release the owner or operator from the financial assurance requirements for corrective action pursuant to Subpart G.

BOARD NOTE: Requirements of this Section are derived from 40 CFR 258.58 (2017).

(Source: Amended at 42 Ill. Reg. 21330, effective November 19, 2018)