**Section 734.360 Application of Certain TACO Provisions**

*For purposes of payment from the Fund, corrective action activities required to meet the minimum requirements of* this Part *shall include, but not be limited to, the following use of the Board's Tiered Approach to Corrective Action Objectives rules adopted under Title XVII of* the *Act* [415 ILCS 5/57.7(c)(3)(A)]:

a) *For the site where the release occurred, the use of Tier 2 remediation objectives that are no more stringent than Tier 1 remediation objectives.* [415 ILCS 5/57.7(c)(3)(A)(i)]

b) *The use of industrial/commercial property remediation objectives, unless the owner or operator demonstrates that the property being remediated is residential property or is being developed into residential property.* [415 ILCS 5/57.7(c)(3)(A)(ii)]

c) If a groundwater ordinance already approved by the Agency for use as an institutional control in accordance with 35 Ill. Adm. Code 742 can be used as an institutional control for the release being remediated, the groundwater ordinance must be used as an institutional control, provided that the Agency may approve remediation to the extent necessary to remediate or prevent groundwater contamination of off-site property that is not subject to a groundwater ordinance already approved by the Agency for use as an institutional control.

d) If the use of a groundwater ordinance as an institutional control is not required pursuant to subsection (c) of this Section, another institutional control must be used in accordance with 35 Ill. Adm. Code 742 to address groundwater contamination at the site where the release occurred, provided that the Agency may approve remediation to the extent necessary to remediate or prevent groundwater contamination at off-site property that is not subject to a groundwater ordinance or other institutional control that it used to address groundwater contamination. Institutional controls used to comply with this subsection (d) include, but are not limited to, the following:

1) Groundwater ordinances that are not required to be used as institutional controls pursuant to subsection (c) of this Section.

2) No Further Remediation Letters that prohibit the use and installation of potable water supply wells at the site.

(Source: Added at 36 Ill. Reg. 4898, effective March 19, 2012)