**Section 740.535 Establishment of Soil Management Zones**

a) Soil Management Zone

1) The purpose of a soil management zone (SMZ) is to allow consideration and approval of on-site solutions to on-site soil contamination without violating the solid waste disposal regulations at 35 Ill. Adm. Code 807 or 811-815.

2) The uses of soil management zones include, but are not limited to, the following:

A) Placement of contaminated soils for structural fill or land reclamation;

B) Consolidation of contaminated soils within a remediation site; and

C) Removal and re-deposit of contaminated soils following on-site treatment that has reduced contaminant concentrations.

b) Upon approval by the Agency of a Remedial Action Plan under Subpart E of this Part, soil that is the subject of a request for a soil management zone shall be classified as a soil management zone if the Remedial Action Plan provides the following information and demonstrates that the following requirements will be satisfied:

1) All contaminants of concern within the remediation site shall be identified by a comprehensive site investigation under Section 740.420 of this Part;

2) The horizontal and vertical dimensions of the soil management zone shall be defined;

3) The uses of the soil management zone shall be defined;

4) All contaminants of concern within the soil management zone shall satisfy the requirements of 35 Ill. Adm. Code 742.305(a) through (f);

5) All applicable requirements of 35 Ill. Adm. Code 742 shall be satisfied within the soil management zone (e.g., all exposure routes must be addressed; institutional controls and engineered barriers shall be in full compliance with 35 Ill. Adm. Code 742.Subparts J and K);

6) The soil management zone shall be constructed, operated and maintained in a manner that:

A) Prevents odor from occurring;

B) Minimizes fugitive emissions of particulate matter in accordance with 35 Ill. Adm. Code 212.Subpart K and dust generation;

C) Prevents the generation of potentially contaminated runoff; and

D) Does not provide a breeding place or food source for vectors;

7) Within the soil management zone, management of soil containing hazardous wastes shall comply with the applicable requirements of the Resource Conservation and Recovery Act (42 USCA 6901-6992k) and 35 Ill. Adm. Code 700-730; and

8) Soil containing contaminants of concern above the concentrations in 35 Ill. Adm. Code 742.Appendix B, Table A (Tier 1 objectives for residential properties) or approved by the Agency pursuant to 35 Ill. Adm. Code 742.510(c) may not be treated or placed in any area where all contaminants of concern within the remediation site are at or below the concentrations in 35 Ill. Adm. Code 742.Appendix B, Table A (Tier 1 objectives for residential properties) or approved by the Agency pursuant to 35 Ill. Adm. Code 742.510(c).

c) The three-dimensional boundaries of the soil management zone shall be as defined in the approved Remedial Action Plan. The size of the soil management zone may be modified in an amended Remedial Action Plan. The soil management zone may not extend beyond the boundaries of the remediation site.

d) Soil management zones designated under this Section shall remain in effect for the shortest of the following:

1) A period of time as set forth by the Agency in the Remedial Action Plan approval letter based on the schedule of activities provided under Section 740.425(a)(3). The time may be revised in an amended Remedial Action Plan as approved by the Agency;

2) Until an Agreement is terminated under Sections 740.225 or 740.230 of this Part; or

3) Until the No Further Remediation (NFR) Letter is perfected in accordance with Sections 740.620, 740.621, or 740.622 of this Part.

e) In addition to any other legal remedies available under the Act and implementing regulations, the Agency may terminate a soil management zone and require alternative remediation plans to be submitted in an amended Remedial Action Plan upon a failure to comply with any requirements of subsection (b) of this Section.

1) Notice of the termination shall be in accordance with Section 740.215(b) of this Part and shall state the reasons for the termination.

2) The RA may file an appeal to the Board within 35 days after receipt of the notice. Appeals to the Board shall be in the manner provided for the review of permit decisions in Section 40 of the Act.

f) If implementation of an approved Remedial Action Plan with a soil management zone fails to achieve the remediation objectives developed under Section 740.440 of this Part, alternative soil remediation objectives, and, if necessary, an amended Remedial Action Plan, shall be developed under Subpart D of this Part.

1) Upon the development of alternative soil remediation objectives, the Remediation Objectives Report shall be amended accordingly and submitted to the Agency for review and approval.

2) Upon approval of the Remediation Objectives Report, the Remedial Action Plan shall be amended and submitted to the Agency for review and approval unless the RA can demonstrate that the alternative soil remediation objectives have been achieved. In that case, the RA shall submit a Remedial Action Completion Report documenting the achievement of the alternative soil remediation objectives.

g) Any otherwise applicable standards or requirements under 35 Ill. Adm. Code 807 or 811 - 815 shall not be applicable to the management of contaminated soil that is the subject of the soil management zone if:

1) The SMZ is in effect and management of the contaminated soil within the SMZ is in compliance with the requirements of this Section and the approved Remedial Action Plan; or

2) A No Further Remediation Letter addressing the contaminants that were the subject of the SMZ has been perfected under Sections 740.620, 740.621, or 740.622 of this Part and remains in effect and management of the contaminated soil within the area formerly encompassed by the SMZ is in compliance with the terms of that No Further Remediation Letter.

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