**Section 742.1200 Building Control Technologies**

a) Any person who develops remediation objectives under this Part based on building control technologies shall meet the requirements of this Subpart and the requirements of Subpart J relative to institutional controls.

b) The Agency shall not approve any remediation objective under this Part that is based on the use of building control technologies unless the person has proposed building control technologies meeting the requirements of the following:

 1) This Subpart L or Subpart I; and

 2) Subpart J relative to institutional controls.

c) The use of building control technologies can be recognized in determining remediation objectives only if the building control technologies are intended for use as part of the final corrective action.

d) An approved building control technology shall be in place and operational prior to human occupancy.

e) Any no further remediation determination based upon the use of building control technologies shall require effective maintenance of the building control technology. The maintenance requirements shall be included in an institutional control under Subpart J. This institutional control shall address provisions for inoperability by requiring the following if the building control technology is rendered inoperable:

1) The site owner/operator shall notify building occupants and workers in advance of intrusive activities. The notification shall enumerate the contaminant of concern known to be present;

2) The site owner/operator shall require building occupants and workers to implement protective measures consistent with good industrial hygiene practice; and

3) For a school, the school administrator shall notify the Agency, the school board, and every parent or legal guardian for all enrolled students when a building control technology is rendered inoperable for a period of five consecutive calendar days during the school year when school is in session. For purposes of the preceding sentence, any occurrence of inoperability, regardless of its duration, results in the date of the occurrence constituting a day of inoperability. For purposes of this subsection (e)(3), the term "school" means any public educational facility in Illinois, including grounds and/or campus, consisting of students, comprising one or more grade groups or other identifiable groups, organized as one unit with one or more teachers to give instruction of a defined type. Public educational facility includes, but is not limited to, primary and secondary (kindergarten-12th grade), charter, vocational, alternative, and special education schools. Public educational facility does not include junior colleges, colleges, or universities. For purposes of this subsection (e)(3), the term "school administrator" means the school's principal, or similar administrator responsible for the school's operations, or his or her designee.

f) Failure to install or maintain a building control technology in accordance with a no further remediation determination shall be grounds for voidance of the determination and the instrument memorializing the Agency's no further remediation determination.

(Source: Added at 37 Ill. Reg. 7506, effective May 15, 2013)