**Section 811.325 Selection of remedy for MSWLF Units**

a) Within 90 days of the completion of the corrective action measures assessment conducted under Section 811.324, the owner or operator of a MSWLF unit shall:

1) Select a remedy based on the assessment results that, at a minimum, meets the requirements of subsection (b); and

2) Submit to the Agency an application for a significant modification to the landfill permit describing the selected remedy and how it meets the standards set forth in subsection (b).

b) Remedies selected under this Section must meet the following requirements:

1) They must be protective of human health and the environment;

2) They must attain the groundwater quality standards prescribed at Section 811.320;

3) They must control the sources of release so as to reduce or eliminate, to the maximum extent practicable, further releases of constituents detected under the assessment monitoring into the environment that may pose a threat to human health or the environment; and

4) They must comply with standards for management of wastes as specified in Section 911.326(d).

c) In selecting a remedy that meets the requirements of subsection (b), the owner or operator shall consider the following evaluation factors:

1) The long- and short-term effectiveness and protectiveness of the potential remedies, along with the degree of certainty that the remedy will prove successful based on consideration of the following factors:

A) The magnitude of reduction of existing risks;

B) The magnitude of residual risks in terms of likelihood of further releases due to waste remaining following implementation of a remedy;

C) The type and degree of long-term management required, including monitoring, operation, and maintenance;

D) Any short-term risks that might be posed to the community, workers, or the environment during implementation of such a remedy, including potential threats to human health and the environment associated with excavation, transportation, and redisposal or containment;

E) The length of time until full protection is achieved;

F) Any potential for exposure of humans and environmental receptors to remaining wastes, considering the potential threat to human health and the environment associated with excavation, transportation, redisposal, or containment;

G) The long-term reliability of engineering and institutional controls; and

H) The potential need for replacement of the remedy.

2) The effectiveness of the remedy in controlling the source to reduce further releases based on consideration of the following factors:

A) The extent to which containment practices will reduce further releases; and

B) The extent to which treatment technologies may be used.

3) The ease or difficulty of implementing potential remedies based on consideration of the following types of factors:

A) The degree of difficulty associated with constructing the technology;

B) The expected operational reliability of the technologies;

C) The need to coordinate with and obtain necessary approvals and permits from other agencies;

D) The availability of necessary equipment and specialists; and

E) The available capacity and location of needed treatment, storage, and disposal services.

4) The practicable capability of the owner or operator to implement the remedies, including a consideration of the technical and economic capability.

5) The degree to which community concerns are addressed by potential remedies.

d) Schedule for implementing remedial action.

1) The owner or operator shall specify as part of the selected remedy a schedule(s) for initiating and completing remedial activities. Such a schedule must require the initiation of remedial activities within a reasonable period of time, taking into consideration the factors set forth in subsections (d)(3)(A) through (d)(3)(H).

2) The Agency shall specify the time period for initiating remedial action in the facility's permit.

3) The owner or operator shall consider the following factors in determining the schedule of remedial activities:

A) The extend and nature of contamination;

B) The practical capabilities of remedial technologies in achieving compliance with the groundwater quality standards established under Section 811.320 and other objectives of the remedy;

C) The availability of treatment or disposal capacity for wastes managed during implementation of the remedy;

D) The desireability of utilizing technologies that are not currently available, but which may offer significant advantages over already available technologies in terms of effectiveness, reliability, safety, or ability to achieve remedial objectives;

E) Any potential risks to human health and the environment from exposure to contamination prior to completion of the remedy;

F) Any resource value of the aquifer including:

i) Any current and future uses;

ii) The proximity and withdrawal rate of users;

iii) The ground-water quantity and quality;

iv) The potential damage to wildlife, crops, vegetation, and physical structures caused by exposure to waste constituent;

v) The hydrogeologic characteristic of the facility and surrounding land;

vi) The ground-water removal and treatment costs;

vii) The cost and availability of alternative water supplies;

G) The practicable capability of the owner or operator to implement the remedies; and

H) Any other relevant factors.

e) The Agency shall determine that remediation of a release of one or more constituents monitored in accordance with Section 811.319 from a MSWLF unit is not necessary if the owner or operator demonstrates to the Agency that:

1) The groundwater is additionally contaminated by substances that have originated from a source other than the MSWLF unit and those substances are present in such concentrations that cleanup of the release from the MSWLF unit would provide no significant reduction in risk to actual or potential receptors; or

2) The constituents are present in groundwater that:

A) Is not currently or reasonably expected to be a source of drinking water; and

B) Is not hydraulically connected with waters to which the hazardous constituents are migrating or are likely to migrate in concentrations that would exceed the groundwater quality standards established under Section 811.320; or

3) The remediation of the release is technically impracticable; or

4) The remediation results in unacceptable cross-media impacts.

f) A determination by the Agency pursuant to subsection (e) shall not affect the Agency's authority to require the owner or operator to undertake source control measures or other measures that may be necessary to eliminate or minimize further releases to the groundwater, to prevent exposure to the groundwater, or to remediate the groundwater to concentrations that are technically practicable and which reduce threats to human health or the environment.

BOARD NOTE: The requirements of this Section are derived from 40 CFR 258.57 (1992).

(Source: Added in R93-10 at 18 Ill. Reg. 1308, effective January 13, 1994)