**Section** **845.650 Groundwater Monitoring Program**

a)The owner or operator of a CCR surface impoundment must conduct groundwater monitoring consistent with this Section. At a minimum, groundwater monitoring must include groundwater monitoring for all constituents with a groundwater protection standard in Section 845.600(a), calcium, and turbidity. The owner or operator of the CCR surface impoundment must submit a groundwater monitoring plan to the Agency with its operating permit application.

b) Monitoring Frequency

1) The monitoring frequency for all constituents with a groundwater protection standard in Section 845.600(a), calcium, and turbidity must be at least quarterly during the active life of the CCR surface impoundment and the post-closure care period or period specified in Section 845.740(b) when closure is by removal except as allowed in subsection (b)(4).

A) For existing CCR surface impoundments, a minimum of eight independent samples from each background and downgradient well must be collected and analyzed for all constituents with a groundwater protection standard listed in Section 845.600(a), calcium, and turbidity within 180 days after April 21, 2021.

B) For new CCR surface impoundments, and all lateral expansions of CCR surface impoundments, a minimum of eight independent samples for each background well and downgradient well must be collected and analyzed for all constituents with a groundwater protection standard listed in Section 845.600(a), calcium, and turbidity during the first 180 days of sampling.

2) The groundwater elevation monitoring frequency must be monthly.

3) Measurement of water elevation within the CCR surface impoundment must be conducted each time the groundwater elevations are measured (see subsection 845.650(b)(2)) before dewatering for closure.

4) After completion of five years of monitoring under this Part, the owner or operator of a CCR surface impoundment may ask the Agency for approval of a semiannual monitoring frequency by demonstrating all of the following:

A) The groundwater monitoring effectiveness will not be compromised by the reduced frequency of monitoring;

B) Sufficient data has been collected to characterize groundwater;

C) The groundwater monitoring schedule currently does not show any statistically significant increasing trends; and

D) The concentrations of constituents monitored under Section 845.650(a) at the down-gradient monitoring wells are below the applicable groundwater protection standards of Section 845.600.

5) If, after an Agency approval of a semiannual monitoring frequency under subsection (b)(4), a statistically significant increasing trend is detected or an exceedance above the GWPS is detected, the monitoring must revert to a quarterly frequency.

c) The number of samples collected and analyzed for each background well and downgradient well during subsequent quarterly sampling events must be consistent with Section 845.640 and must account for any unique characteristics of the site; but must include at least one sample from each background and downgradient well.

d) If one or more constituents are detected, and confirmed by an immediate resample, to be in exceedance of the groundwater protection standards in Section 845.600 in any sampling event, the owner or operator must notify the Agency which constituent exceeded the groundwater protection standard and place the notification in the facility's operating record as required by Section 845.800(d)(16). The owner or operator of the CCR surface impoundment also must:

1) Characterize the nature and extent of the release and any relevant site conditions that may affect the remedy ultimately selected. The characterization must be sufficient to support a complete and accurate assessment of the corrective measures necessary to effectively clean up all releases from the CCR surface impoundment under Section 845.660. The owner or operator of the CCR surface impoundment must submit the characterization to the Agency and place the characterization in the facility's operating record as required by Section 845.800(d)(16). Characterization of the release includes the following minimum measures:

A) Install additional monitoring wells necessary to define the contaminant plumes;

B) Collect data on the nature and estimated quantity of material released, including specific information on the constituents listed in Section 845.600 and the levels at which they are present in the material released;

C) Install at least one additional monitoring well at the facility boundary in the direction of contaminant migration and sample this well in accordance with subsections (a) and (b); and

D) Sample all wells in accordance with subsections (a) and (b) to characterize the nature and extent of the release.

2) Notify all persons who own the land or reside on the land that directly overlies any part of the plume of contamination if contaminants have migrated off-site as indicated by sampling of wells in accordance with subsection (d)(1). The owner or operator must send notifications made under this subsection (d)(2) to the Agency and place the notifications in the facility's operating record (see Section 845.800(d)(16)).

3) Except as provided in subsection (e), within 90 days after the detected exceedance of the groundwater protection standard, initiate an assessment of corrective measures (see Section 845.660).

e) Alternative Source Demonstration (ASD). The owner or operator of a CCR surface impoundment may, within 60 days after the detected exceedance of the groundwater protection standard, submit a demonstration to the Agency that a source other than the CCR surface impoundment caused the contamination and the CCR surface impoundment did not contribute to the contamination, or that the exceedance of the groundwater protection standard resulted from error in sampling, analysis, statistical evaluation, natural variation in groundwater quality, or a change in the potentiometric surface and groundwater flow direction. Either type of ASD must include a report that contains the factual or evidentiary basis for any conclusions and a certification of accuracy by a qualified professional engineer.

1) The owner or operator must place the ASD on the facility's publicly accessible Internet site (CCR website) under Section 845.810 within 24 hours after the submission to the Agency.

2) Within two business days after receiving the ASD, the Agency must email a notice to its listserv for the facility that the ASD is available to view on the facility's CCR website.

3) Members of the public may submit to the Agency written comments on the ASD within 14 days after the Agency provides notice under subsection (e)(2).

4) The Agency must provide a written response to the owner and operator either concurring or not concurring with the ASD within 30 days after receiving the ASD. The Agency must also mail or email its response to each person who timely submitted a written public comment under subsection (e)(3) and supplied a mailing or email address.

5) If the Agency concurs with the ASD, the owner or operator must continue monitoring as required by this Section. The owner or operator must also include the ASD in the annual groundwater monitoring and corrective action report required by Section 845.610(e).

6) If the Agency does not concur with the ASD, the owner or operator must initiate the assessment of corrective measures under Section 845.660.

7) If the Agency does not concur with the ASD, the owner or operator may petition the Board for review of the Agency's non-concurrence under 35 Ill. Adm. Code 105. The filing of a petition for review under subsection (e)(7) does not automatically stay any requirements of this Part as to the owner or operator, including the 90-day deadline to initiate an assessment of corrective measures (see Section 845.660(a)(1)).