**Section 703.153 Qualifying for Interim Status**

a) Any person who owns or operates an existing HWM facility or a facility in existence on the effective date of statutory or regulatory amendments that render the facility subject to the requirement to have a RCRA permit must have interim status and must be treated as having been issued a permit to the extent he or she has fulfilled the following requirements:

1) The owner or operator has complied with the requirements of Section 3010(a) of the federal Resource Conservation and Recovery Act (42 USC 6930(a)) pertaining to notification of hazardous waste activity;

BOARD NOTE: Some existing facilities may not be required to file a notification under Section 3010(a) of the federal Resource Conservation and Recovery Act (42 USC 6930(a)). These facilities may qualify for interim status by meeting subsection (a)(2).

2) The owner or operator has complied with the requirements of Sections 703.150 and 703.152 governing submission of Part A applications.

b) Failure to qualify for interim status. If the Agency has reason to believe upon examination of a Part A application that the Part A application fails to meet the requirements of 35 Ill. Adm. Code 702.123 or 703.181, it must notify the owner or operator in writing of the apparent deficiency. Such notice must specify the grounds for the Agency's belief that the application is deficient. The owner or operator must have 30 days from receipt to respond to such a notification and to explain or cure the alleged deficiency in its Part A application. If, after such notification and opportunity for response, the Agency determines that the application is deficient it may take appropriate enforcement action.

c) Subsection (a) of this Section must not apply to any facility that has been previously denied a RCRA permit or if authority to operate the facility under the federal Resource Conservation and Recovery Act (42 USC 6901 et seq.) has been previously terminated.

BOARD NOTE: Derived from 40 CFR 270.70 (2005).

(Source: Amended at 30 Ill. Reg. 2845, effective February 23, 2006)