**Section 703.159 Closure by Removal**

An owner or operator of a surface impoundment, a land treatment unit, or a waste pile that is closing by removal or decontamination under 35 Ill. Adm. Code 725 standards must obtain a post-closure permit, unless it demonstrates to the Agency that the closure met the standards for closure by removal or decontamination in 35 Ill. Adm. Code 724.328, 724.380(e), or 724.358, respectively. The demonstration may be made in the following ways:

a) If the owner or operator has submitted a Part B application for a post-closure permit, the owner or operator may request a determination, based on information contained in the application, that 35 Ill. Adm. Code 724 closure by removal standards are met. If the Agency makes a tentative decision that the 35 Ill. Adm. Code 724 standards are met, the Agency will notify the public of this proposed decision, allow for public comment and reach a final determination according to the procedures in Section 703.160.

b) If the owner or operator has not submitted a Part B application for a post-closure permit, the owner or operator may petition the Agency for a determination that a post-closure permit is not required because the closure met the applicable 35 Ill. Adm. Code 724 standards.

1) The petition must include data demonstrating that closure by removal or decontamination standards were met.

2) The Agency must approve or deny the petition according to the procedures outlined in Section 703.160.

BOARD NOTE: Derived from 40 CFR 270.1(c)(5) (2002).

(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)