**Section 724.380 Closure and Post-Closure Care**

a) During the closure period the owner or operator must do the following:

1) It must continue all operations (including pH control) necessary to maximize degradation, transformation, or immobilization of hazardous constituents within the treatment zone, as required under Section 724.373(a), except to the extent such measures are inconsistent with subsection (a)(8);

2) It must continue all operations in the treatment zone to minimize run-off of hazardous constituents, as required under Section 724.373(b);

3) It must maintain the run-on control system required under Section 724.373(c);

4) It must maintain the run-off management system required under Section 724.373(d);

5) It must control wind dispersal of hazardous waste if required under Section 724.373(f);

6) It must continue to comply with any prohibitions or conditions concerning growth of food-chain crops under Section 724.376;

7) It must continue unsaturated zone monitoring in compliance with Section 724.378, except that soil-pore liquid monitoring may be terminated 90 days after the last application of waste to the treatment zone; and

8) It must establish a vegetative cover on the portion of the facility being closed at such time that the cover will not substantially impede degradation, transformation, or immobilization of hazardous constituents in the treatment zone. The vegetative cover must be capable of maintaining growth without extensive maintenance.

b) For the purpose of complying with Section 724.215, when closure is completed the owner or operator may submit to the Agency certification by an independent qualified soil scientist, in lieu of a qualified Professional Engineer, that the facility has been closed in accordance with the specifications in the approved closure plan.

c) During the post-closure care period the owner or operator must do the following:

1) It must continue all operations (including pH control) necessary to enhance degradation and transformation and sustain immobilization of hazardous constituents in the treatment zone to the extent that such measures are consistent with other post-closure care activities;

2) It must maintain a vegetative cover over closed portions of the facility;

3) It must maintain the run-on control system required under Section 724.373(c);

4) It must maintain the run-off management system required under Section 724.373(d);

5) It must control wind dispersal of hazardous waste if required under Section 724.373(f);

6) It must continue to comply with any prohibitions or conditions concerning growth of food-chain crops under Section 724.376; and

7) It must continue unsaturated zone monitoring in compliance with Section 724.378, except that soil-pore liquid monitoring may be terminated 90 days after the last application of waste to the treatment zone.

d) The owner or operator is not subject to regulation under subsections (a)(8) and (c) if the Agency finds that the level of hazardous constituents in the treatment zone soil does not exceed the background value of those constituents by an amount that is statistically significant when using the test specified in subsection (d)(3). The owner or operator may submit such a demonstration to the Agency at any time during the closure or post-closure care periods. For the purposes of this subsection (d), the owner or operator must do the following:

1) The owner or operator must establish background soil values and determine whether there is a statistically significant increase over those values for all hazardous constituents specified in the facility permit under Section 724.371.

A) Background soil values may be based on a one-time sampling of a background plot having characteristics similar to those of the treatment zone.

B) The owner or operator must express background values and values for hazardous constituents in the treatment zone in a form necessary for the determination of statistically significant increases under subsection (d)(3).

2) In taking samples used in the determination of background and treatment zone values, the owner or operator must take samples at a sufficient number of sampling points and at appropriate locations and depths to yield samples that represent the chemical make-up of soil that has not been affected by leakage from the treatment zone and the soil within the treatment zone, respectively.

3) In determining whether a statistically significant increase has occurred, the owner or operator must compare the value of each constituent in the treatment zone to the background value for that constituent using a statistical procedure that provides reasonable confidence that constituent presence in the treatment zone will be identified. The owner or operator must use a statistical procedure that does the following:

A) It is appropriate for the distribution of the data used to establish background values; and

B) It provides a reasonable balance between the probability of falsely identifying hazardous constituent presence in the treatment zone and the probability of failing to identify real presence in the treatment zone.

e) The owner or operator is not subject to regulation under Subpart F if the Agency finds that the owner or operator satisfies subsection (d) and if unsaturated zone monitoring under Section 724.378 indicates that hazardous constituents have not migrated beyond the treatment zone during the active life of the land treatment unit.

(Source: Amended at 42 Ill. Reg. 22614, effective November 19, 2018)