**Section 725.218 Post-Closure Care Plan; Amendment of Plan**

a) Written Plan. The owner or operator of a hazardous waste disposal unit must have a written post-closure care plan. An owner or operator of a surface impoundment or waste pile that intends to remove all hazardous wastes at closure must prepare a post-closure care plan and submit it to the Agency within 90 days after the date that the owner or operator or Agency determines that the hazardous waste management unit or facility must be closed as a landfill, subject to the requirements of Sections 725.217 through 725.220.

b) Until final closure of the facility, a copy of the most current post-closure care plan must be furnished to the Agency upon request, including request by mail. In addition, for facilities without approved post-closure care plans, it must also be provided during site inspections, on the day of inspection, to any officer, employee, or representative of the Agency. After final closure has been certified, the person or office specified in subsection (c)(3) must keep the approved post-closure care plan during the post-closure care period.

c) For each hazardous waste management unit subject to the requirements of this Section, the post-closure care plan must identify the activities that will be carried on after closure of each disposal unit and the frequency of these activities and include the following minimal information:

1) A description of the planned monitoring activities and frequencies at which they will be performed to comply with Subparts F, K, L, M, and N during the post-closure care period;

2) A description of the planned maintenance activities and frequencies at which they will be performed to ensure the following:

A) The integrity of the cap and final cover or other containment systems in accordance with the requirements of Subparts K, L, M, and N; and

B) The function of the monitoring equipment in accordance with the requirements of Subparts F, K, L, M, and N;

3) The name, address, and phone number of the person or office to contact about the hazardous waste disposal unit or facility during the post-closure care period;

4) For a facility subject to Section 725.221, provisions that satisfy the requirements of Section 725.221(a)(1) and (a)(3); and

5) For a facility where alternative requirements are established at a regulated unit under Section 725.190(f), 725.210(d), or 725.240(d), as provided under 35 Ill. Adm. Code 703.161, either the alternative requirements that apply to the regulated unit, or a reference to the enforceable document containing those requirements.

d) Amendment of Plan. The owner or operator may amend the post-closure care plan at any time during the active life of the facility or during the post-closure care period. An owner or operator with an approved post-closure care plan must submit a written request to the Agency to authorize a change to the approved plan. The written request must include a copy of the amended post-closure care plan for approval by the Agency.

1) The owner or operator must amend the post-closure care plan whenever the following occur:

A) Changes in operating plans or facility design affect the post-closure care plan; or

B) Events occur during the active life of the facility, including partial and final closures, that affect the post-closure care plan; and

C) The owner or operator requests the establishment of alternative requirements to a regulated unit under Section 725.190(f), 725.210(d), or 725.240(d).

2) The owner or operator must amend the post-closure care plan at least 60 days prior to the proposed changes in facility design or operation, or no later than 60 days after an unexpected event has occurred that has affected the post-closure care plan.

3) An owner or operator with an approved post-closure care plan must submit the modified plan to the Agency at least 60 days prior to the proposed change in facility design or operation, or no more than 60 days after an unexpected event has occurred that has affected the post-closure care plan. If an owner or operator of a surface impoundment or a waste pile that intended to remove all hazardous wastes at closure in accordance with Section 725.328(b) or 725.358(a) is required to close as a landfill in accordance with Section 725.410, the owner or operator must submit a post-closure care plan within 90 days after the determination by the owner or operator or Agency that the unit must be closed as a landfill. If the amendment to the post-closure care plan is a Class 2 or 3 modification according to the criteria in 35 Ill. Adm. Code 703.280, the modification to the plan must be approved according to the procedures in subsection (f).

4) The Agency may request modifications to the plan under the conditions described in subsection (d)(1). An owner or operator with an approved post-closure care plan must submit the modified plan no later than 60 days after the request from the Agency. If the amendment to the plan is considered a Class 2 or 3 modification according to the criteria in 35 Ill. Adm. Code 703.280 the modifications to the post-closure care plan must be approved in accordance with the procedures in subsection (f). If the Agency determines that an owner or operator of a surface impoundment or waste pile that intended to remove all hazardous wastes at closure must close the facility as a landfill, the owner or operator must submit a post-closure care plan for approval to the Agency within 90 days after the determination.

e) The owner or operator of a facility with hazardous waste management units subject to these requirements must submit the post-closure care plan to the Agency at least 180 days before the date the owner or operator expects to begin partial or final closure of the first hazardous waste disposal unit. The date when the owner or operator "expects to begin closure" of the first hazardous waste disposal unit must be either within 30 days after the date on which the hazardous waste management unit receives the known final volume of hazardous waste or, if there is a reasonable possibility that the hazardous waste management unit will receive additional hazardous wastes, no later than one year after the date on which the unit received the most recent volume of hazardous wastes. The owner or operator must submit the closure plan to the Agency no later than 15 days after either of the following:

1) Termination of interim status (except when a permit is issued to the facility simultaneously with termination of interim status); or

2) Issuance of a judicial decree or Board order to cease receiving wastes or close.

f) Procedures

1) Except as provided in subsection (f)(2), the Agency must provide the owner or operator and the public through a newspaper notice the opportunity to submit written comments on the post-closure care plan and request modifications to the plan, no later than 30 days after the date of the notice. The Agency may also, in response to a request or at its own discretion, hold a public hearing whenever such a hearing might clarify one or more issues concerning the post-closure care plan. The Agency must give public notice of the hearing at least 30 days before it occurs. (Public notice of the hearing may be given at the same time as notice of the opportunity for written public comments and the two notices may be combined.) The Agency must approve, modify, or disapprove the plan within 90 days after its receipt. If the Agency determines not to approve the plan, the Agency must provide the owner or operator with a detailed statement of reasons for the refusal and the owner or operator must modify the plan or submit a new plan for approval within 30 days after receiving such written statements. The Agency must approve or modify this plan in writing within 60 days. If the Agency modifies the plan, this modified plan becomes the approved post-closure care plan. Any final Agency determination must ensure that the approved post-closure care plan is consistent with Sections 725.217 through 725.220. A copy of this modified plan with a detailed statement of reasons for the modifications must be mailed to the owner or operator.

2) The Agency must not provide notice or the opportunity for public comment if, in a prior proceeding, the Board has ordered the modifications to the plan.

g) The post-closure care plan and length of the post-closure care period may be modified at any time prior to the end of the post-closure care period in either of the following two ways:

1) The owner or operator or any member of the public may petition to extend or reduce the post-closure care period applicable to a hazardous waste management unit or facility based on cause, or alter the requirements of the post-closure care period based on cause.

A) The petition must include evidence demonstrating either of the following:

i) The secure nature of the hazardous waste management unit or facility makes the post-closure care requirements unnecessary or supports reduction of the post-closure care period specified in the current post-closure care plan (e.g., leachate or groundwater monitoring results; characteristics of the waste; application of advanced technology; or alternative disposal, treatment, or re-use techniques indicate that the facility is secure), or

ii) The requested extension in the post-closure care period or alteration of post-closure care requirements is necessary to prevent threats to human health and the environment (e.g., leachate or groundwater monitoring results indicate a potential for migration of hazardous wastes at levels that may be harmful to human health and the environment).

B) These petitions must be considered only when they present new and relevant information not previously considered.

i) Except as provided in subsection (g)(1)(B)(ii), whenever the Agency is considering a petition, it must provide the owner or operator and the public, through a newspaper notice, the opportunity to submit written comments within 30 days after the date of the notice. The Agency must also, in response to a request or at its own discretion, hold a public hearing whenever a hearing might clarify one or more issues concerning the post-closure care plan. The Agency must give the public notice of the hearing at least 30 days before it occurs. (Public notice of the hearing may be given at the same time as notice of the opportunity for written public comments and the two notices may be combined.) After considering the comments, the Agency must issue a final determination, based upon the criteria set forth in subsection (g)(1).

ii) The Agency must not provide notice or the opportunity for public comment if, in a prior proceeding, the Board has ordered the modifications to the plan.

C) If the Agency denies the petition, it must send the petitioner a brief written response giving a reason for the denial.

2) The Agency must tentatively decide to modify the post-closure care plan if the Agency determines that it is necessary to prevent threats to human health and the environment. The Agency may propose to extend or reduce the post-closure care period applicable to a hazardous waste management unit or facility based on cause or alter the requirements of the post-closure care period based on cause.

A) The Agency must provide the owner or operator and the affected public, through a newspaper notice, the opportunity to submit written comments within 30 days after the date of the notice and the opportunity for a public hearing as in subsection (g)(1)(B). After considering the comments, the Agency must issue a final determination.

B) The Agency must base its final determination upon the same criteria as required for petitions under subsection (g)(1)(A). A modification of the post-closure care plan may include, where appropriate, the temporary suspension rather than permanent deletion of one or more post-closure care requirements. At the end of the specified period of suspension, the Agency would then determine whether the requirements should be permanently discontinued or reinstated to prevent threats to human health and the environment.

h) The Agency procedures described in Sections 725.212 through 725.219 are in the nature of permit amendments. Amendment of refusal to amend the plan is a permit denial for purposes of appeal pursuant to 35 Ill. Adm. Code 105. The Agency must not amend permits in such a manner so that the permit would not conform with Board regulations.

i) If any person seeks a closure or post-closure care plan that would not conform with Board regulations, such person must file a site-specific rulemaking petition pursuant to 35 Ill. Adm. Code 102 or a variance petition pursuant to Sections 35 through 38 of the Act and Subpart B of 35 Ill. Adm. Code 104.

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