**Section 726.345 Reclaiming a Lost Storage and Treatment Conditional Exemption**

a) A generator may reclaim a lost storage and treatment conditional exemption for its LLMW if the following conditions are fulfilled:

1) The generator again meets the conditions specified in Section 726.330; and

2) The generator sends the Agency a notice by certified delivery that the generator is reclaiming the exemption for its LLMW. The generator's notice must be signed by its authorized representative certifying that the information contained in the generator's notice is true, complete, and accurate. In its notice, the generator must do the following:

A) Explain the circumstances of each failure.

B) Certify that the generator has corrected each failure that caused it to lose the exemption for its LLMW and that the generator again meets all the conditions as of the date that the generator specifies.

C) Describe plans that the generator has implemented, listing specific steps that it has taken, to ensure that the conditions will be met in the future.

D) Include any other information that the generator wants the Agency to consider when it reviews the generator's notice reclaiming the exemption.

b) The Agency may terminate a reclaimed conditional exemption if it determines, in writing, pursuant to Section 39 of the Act, that the generator's claim is inappropriate based on factors including, but not limited to, the following: the generator has failed to correct the problem; the generator explained the circumstances of the failure unsatisfactorily; or the generator failed to implement a plan with steps to prevent another failure to meet the conditions of Section 726.330. In reviewing a reclaimed conditional exemption pursuant to this Section, the Agency may add conditions to the exemption to ensure that waste management during storage and treatment of the LLMW will adequately protect human health and the environment. Any Agency determination made pursuant to this subsection (b) is subject to review by the Board pursuant to Section 40 of the Act.

(Source: Amended at 42 Ill. Reg. 23023, effective November 19, 2018)