**Section 811.110 Closure and Written Closure Plan**

a) The final slopes and contours must be designed to complement and blend with the surrounding topography of the proposed final land use of the area.

b) All drainage ways and swales must be designed to safely pass the runoff from the 100-year, 24-hour precipitation event without scouring or erosion.

c) The final configuration of the facility must be designed in a manner that minimizes the need for further maintenance.

d) Written Closure Plan

1) The operator must maintain a written plan describing all actions that the operator will undertake to close the unit or facility in a manner that fulfills the provisions of the Act, of this Part and of other applicable Parts of 35 Ill. Adm. Code: Chapter I. The written closure plan must fulfill the minimum information requirements of 35 Ill. Adm. Code 812.114.

2) A modification of the written closure plan must constitute a significant modification of the permit for the purposes of 35 Ill. Adm. Code 813.Subpart B.

3) In addition to the informational requirements of subsection 811.100(d)(1), an owner or operator of a MSWLF unit must include the following information in the written closure plan:

A) An estimate of the largest area of the MSWLF unit ever requiring a final cover, as required by Section 811.314, at any time during the active life; and

B) An estimate of the maximum inventory of wastes ever on-site over the active life of the landfill facility.

BOARD NOTE: Subsection 811.110(d)(3) is derived from 40 CFR 258.60(c)(1) and (c)(2) (2017).

e) Beginning Closure

1) The owner or operator of a MSWLF unit must begin closure activities for each MSWLF unit no later than the date determined as follows:

A) 30 days after the date on which the MSWLF unit receives the final receipt of wastes; or

B) If the MSWLF unit has remaining capacity and there is a reasonable likelihood that the MSWLF unit will receive additional wastes, no later than one year after the most recent receipt of wastes.

2) The Agency must grant extensions beyond this one year deadline for beginning closure if the owner or operator demonstrates that:

A) The MSWLF unit has the capacity to receive additional wastes; and

B) The owner or operator has taken and will continue to take all steps necessary to prevent threats to human health and the environment from the unclosed MSWLF unit.

BOARD NOTE: Subsection (e) is derived from 40 CFR 258.60(f) (2017).

f) The owner or operator of a MSWLF unit must complete closure activities for each unit in accordance with closure plan no later than the dates determined as follows:

1) Within 180 days of beginning closure, as specified in subsection (e).

2) The Agency must grant extension of the closure period if the owner or operator demonstrates that:

A) The closure will, of necessity, take longer than 180 days; and

B) The owner or operator has taken and will continue to take all necessary steps to prevent threats to human health and the environment from the unclosed MSWLF unit.

BOARD NOTE: Subsection (f) is derived from 40 CFR 258.60(g) (2017).

g) Deed Notation

1) Following closure of all MSWLF units at a site, the owner or operator must record a notation on the deed to the landfill facility property or some other instrument that is normally examined during title search. The owner or operator must place a copy of the instrument in the operating record, and must notify the Agency that the notation has been recorded and a copy has been placed in the operating record.

2) The notation on the deed or other instrument must be made in such a way that in perpetuity notify any potential purchaser of the property that:

A) The land has been used as a landfill facility; and

B) Its use is restricted pursuant to Section 811.111(d).

BOARD NOTE: Subsection (g) is derived from 40 CFR 258.60(i) (2017).

h) The Agency must allow the owner or operator of a MSWLF unit to remove the notation from the deed only if the owner or operator demonstrates to the Agency that all wastes are removed from the facility.

BOARD NOTE: Subsection (h) is derived from 40 CFR 258.60(j) (2017).

(Source: Amended at 42 Ill. Reg. 21330, effective November 19, 2018)