**Section 840.148 Review, Approval, and Modification of Closure Plan and Post-Closure Care Plan**

The closure plan and post-closure care plan prepared and submitted to the Agency in accordance with Sections 840.128 and 840.138 of this Subpart, and any modifications to those plans, must be reviewed and approved by the Agency prior to implementation.

a) A closure plan satisfying the requirements of Section 840.130 of this Subpart, a post-closure care plan satisfying the requirements of Section 840.140 of this Subpart, and any modifications to approved plans must be submitted to the Agency for review and approval prior to implementation. The Agency will have 90 days from the receipt of a plan or proposed modification to conduct a review and make a final determination to approve or disapprove a plan or modification or to approve a plan or modification with conditions.

1) The Agency's record of the date of receipt of a plan or proposed modification to a plan will be deemed conclusive unless a contrary date is proved by a dated, signed receipt from the Agency or certified or registered mail.

2) Submission of an amended plan or amended modification to a plan restarts the time for review.

3) The owner or operator may waive the Agency's decision deadline upon a request from the Agency or at the owner's or operator's discretion.

b) A proposed modification to a closure plan or post-closure care plan must include the reason for the modification, all the information and supporting documentation that will be changed from or will supplement the information provided in the original or most recently approved plan, and the signature and seal of the professional engineer supervising the preparation of the proposed modification.

c) When reviewing a closure plan or modification, the Agency must consider:

1) Whether the plan or modification contains, at a minimum, all the elements required pursuant to Section 840.130 of this Subpart and has been accompanied by the information and supporting documentation necessary to evaluate the compliance of the proposed plan relative to the standards and requirements of this Subpart;

2) Whether the activities, structures and devices proposed are in accordance with the applicable standards and requirements of this Subpart and are otherwise consistent with generally accepted engineering practices and principles of hydrogeology, accepted groundwater modeling practices, appropriate statistical analyses, and appropriate sampling techniques and analytical methods;

3) The likelihood that the plan or modification will result in the containment of the ash and associated contaminants and the attainment of the applicable groundwater quality standards set forth in Sections 840.116 and 840.118 of this Subpart;

4) Whether the plan or modification contains the required professional signatures and seals.

d) When reviewing a post-closure care plan or proposed modification, the Agency must consider:

1) Whether the plan or modification contains, at a minimum, all the elements required pursuant to Section 840.140 of this Subpart and has been accompanied by the information and supporting documentation necessary to evaluate the compliance of the proposed plan relative to the standards and requirements of this Subpart;

2) Whether the activities, structures and devices proposed will be completed, operated and maintained in accordance with the applicable standards and requirements of this Subpart and are otherwise consistent with generally accepted engineering practices and principles of hydrogeology, accepted groundwater modeling practices, appropriate statistical analyses, and appropriate sampling techniques and analytical methods;

3) The management of risk relative to any remaining contamination, including, but not limited to, provisions for the use of long-term restrictions on the use of groundwater as a potable water supply, if appropriate;

4) Whether the plan or modification contains the required professional signatures and seals.

e) Upon completion of the review, the Agency must notify the owner or operator in writing of its final determination on the plan or proposed modification. The notification must be made by certified or registered mail post-marked with a date stamp and with return receipt requested. The Agency's final determination will be deemed to have taken place on the post-marked date that the notice is mailed. If the Agency disapproves a plan or modification or approves a plan or modification with conditions, the written notification must contain the following information, as applicable:

1) An explanation of the specific type of information or documentation, if any, that the Agency deems the owner or operator did not provide;

2) A list of the provisions of the Act, this Subpart, or other applicable regulations that may be violated if the plan or modification is approved as submitted;

3) A statement of the specific reasons why the Act, this Subpart, or other applicable regulations may be violated if the plan or modification is approved as submitted; and

4) A statement of the reasons for conditions if conditions are required.

f) If the Agency disapproves a plan or modification, approves a plan or modification with conditions, or fails to issue a final determination within the applicable review period, the owner or operator may, within 35 days after receipt of the final determination or expiration of the review period, file an appeal with the Board. Appeals to the Board are subject to review under Section 40 of the Act [415 ILCS 5/40].