**Section 259.550 Voidance**

a) The Board may void a Notice of Closure for:

1) violation of any applicable institutional controls or land use restrictions;

2) failure of the owner, operator, or any subsequent transferee to maintain any approved engineering barriers or institutional controls;

3) disturbance or removal of contaminated soil that has been left in place in accordance with the corrective action plan;

4) failure to comply with the recording requirements of this Part;

5) obtaining the Notice of Closure by fraud or misrepresentation; and

6) subsequent discovery of agrichemicals not identified as part of the investigative or remedial activities upon which the issuance of the Notice of Closure was based.

b) If the Board voids a Notice of Closure, it shall provide notice to the current title holder of the remediation site.

1) The notice shall specify the cause for the voidance and describe facts in support of that cause.

2) The Department shall mail Notices of Voidance by registered or certified mail, date-stamped with return receipt requested.

3) The Department shall submit the Notice of Voidance to the Office of the Recorder or the Registrar of Titles for the county in which the site is located. The notice shall be filed in accordance with Illinois law so that it forms a permanent part of the chain of title for the site.

(Source: Amended at 32 Ill. Reg. 1308, effective January 21, 2008)