**Section 900.608 Lagoon Closure**

a) *When any livestock waste lagoon is removed from service, it shall be completely emptied. Appropriate closure procedures shall be followed as determined by the requirements of this Part.* [510 ILCS 77/15(e)]

1) In the event that any livestock waste lagoon is removed from service, the requirements contained in Section 15(e) of the Livestock Management Facilities Act [510 ILCS 77/15(e)] shall be met. The owner or operator shall notify the Department in writing when a lagoon is removed from service. Within 60 days after removal of the lagoon from service, the owner or operator shall submit a lagoon closure plan to the Department for review and approval. If no lagoon closure plan is received by the Department within 60 days, the Department shall send the lagoon owner a notice of default.

2) The lagoon closure plan shall provide for the following;

A) A location area map of the lagoon and surrounding area;

B) The sampling, analysis for total nitrogen, ammonium nitrogen, and phosphorus, and reporting of results of all remaining livestock waste, sludge and minimum six-inch thickness of soil from throughout the lagoon interior;

C) The removal of all remaining livestock waste including sludge, the removal of a minimum 6 inch thickness of soil from throughout the lagoon interior, and the application of these materials to crop land at agronomic rates as set forth in Subpart H of this Part or their otherwise proper disposal;

D) The removal of all associated appurtenances, including but not limited to transfer lines, ramps, pumping ports and other waste conveyance structures;

E) The proper management of any impounded precipitation in the remaining excavation if it is not immediately filled and the area immediately returned to its pre-construction condition;

F) The proper abandonment of any monitoring wells conducted pursuant to the Illinois Water Well Construction Code at 77 Ill. Adm. Code 920.120;

G) The restoration of the topography at the lagoon site to its pre-construction condition; and

H) A proposed time frame for the completion of the closure activities no greater than two years from the cessation of operation date unless the lagoon is maintained or serviced.

3) The Department shall review and approve, reject, or request additional information relative to the lagoon closure plan.

4) *The Department may also grant a waiver to any of the closure requirements* of this Section *that will permit the lagoon to be used for an alternative purpose.* [510 ILCS 77/15(e)] Each request for a waiver shall contain a certification from a Licensed Professional Engineer or Licensed Professional Geologist, as relevant, that the grant of the waiver is at least as protective of the groundwater and surface water as the stated requirements. The Department shall notify the applicant in writing of its determination within 30 days after receipt of the request for a waiver. To grant the waiver, the Department must determine that the waiver is at least as protective as the stated requirements.

5) The owner or operator shall notify the Department prior to the commencement of closure activities to allow for an inspection by the Department during the closure process.

6) Upon completion of the lagoon closure activities as prescribed by the Department-approved closure plan, the owner or operator shall notify the Department. The Department shall conduct a site inspection and issue a written notification of closure completion or inform the owner or operator of any unresolved closure issues.

b) A lagoon is considered removed from service when:

1) The Department has ordered the lagoon removed from service under Section 900.720 of this Part;

2) A tribunal of competent jurisdiction has ordered the lagoon closed or ordered the owner or operator to cease operations;

3) The lagoon no longer receives livestock waste and the lagoon is not being serviced or maintained;

4) The owner fails to extend the term for which evidence of financial responsibility is shown as required in Section 900.702(b) of this Part; or

5) The owner or operator informs the Department in accordance with subsection (a)(1) of this Section that the lagoon has been removed from service.