**Section 703.230 Land Treatment Demonstration**

a) For the purpose of allowing an owner or operator to meet the treatment demonstration requirements of 35 Ill. Adm. Code 724.372, the Agency shall issue a treatment demonstration permit. The permit must contain only those requirements necessary to meet the standards in 35 Ill. Adm. Code 724.372(c). The permit must be issued either as a treatment or disposal permit, covering only the field test or laboratory analyses, or as a two-phase facility permit, covering the field tests, or laboratory analyses and design, construction, operation, and maintenance of the land treatment unit.

1) The Agency must issue a two-phase facility permit if it finds, based on information submitted in Part B of the application, that substantial information already exists, although incomplete or inconclusive, upon which to base the issuance of a facility permit;

2) If the Agency finds that not enough information exists upon which it can establish permit conditions to attempt to provide for compliance with all of the requirements of Subpart M of 35 Ill. Adm. Code 724, it must issue a treatment demonstration permit covering only the field test or laboratory analyses;

b) If the Agency finds that a phased permit is to be issued, it must establish, as requirements in the first phase of the facility permit, conditions for conducting the field tests or laboratory analyses. These permit conditions must include design and operating parameters (including the duration of the tests or analyses and, in the case of field tests, the horizontal and vertical dimensions of the treatment zone), monitoring procedures, post-demonstration cleanup activities, and any other conditions that the Agency finds necessary under 35 Ill. Adm. Code 724.372(c). The Agency must include conditions in the second phase of the facility permit to attempt to meet all Subpart M of 35 Ill. Adm. Code 724 requirements pertaining to unit design, construction, operation and maintenance. The Agency must establish these conditions in the second phase of the permit based upon the substantial but incomplete or inconclusive information contained in the Part B application, as follows:

1) The first phase of the permit becomes effective as provided in 35 Ill. Adm. Code 705.201(d);

2) The second phase of the permit becomes effective as provided in subsection (d) of this Section;

c) When the owner or operator who has been issued a two-phase permit has completed the treatment demonstration, it must submit to the Agency a certification, signed by a person authorized to sign a permit application or report under 35 Ill. Adm. Code 702.126, that the field tests or laboratory analyses have been carried out in accordance with the conditions specified in phase one of the permit for conducting such tests or analyses. The owner or operator must also submit all data collected during the field tests or laboratory analyses within 90 days of completion of those tests or analyses unless the Agency approves a later date;

d) If the Agency determines that the results of the field tests or laboratory analyses meet the requirements of 35 Ill. Adm. Code 724.372, it must modify the second phase of the permit to incorporate any requirements necessary for operation of the facility in compliance with Subpart M of 35 Ill. Adm. Code 724, based upon the results of the field tests or laboratory analyses.

1) This permit modification may proceed as a minor modification under Section 703.280, or otherwise must proceed as a modification under Section 703.271(b). If such modifications are necessary, the second phase of the permit becomes effective only after those modifications have been made.

2) If no modifications of the second phase of the permit are necessary, or if only minor modifications are necessary and have been made, the Agency must give notice of its final decision to the permit applicant and to each person who submitted written comments on the phased permit or who requested notice of final decision on the second phase of the permit. The second phase of the permit then becomes effective as specified in 35 Ill. Adm. Code 705.201(d).

BOARD NOTE: Derived from 40 CFR 270.63 (2002).

(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)