**Section 725.221 Alternative Post-Closure Care Requirements**

a) An owner or operator that is subject to the requirement to obtain a post-closure care permit under Subpart B of 35 Ill. Adm. Code 703 but which obtains an enforceable document in lieu of a post-closure permit, as provided in 35 Ill. Adm. Code 703.161, must comply with the following requirements:

1) The requirements to submit information about the facility in 35 Ill. Adm. Code 703.214;

2) The requirements for facility-wide corrective action in 35 Ill. Adm. Code 724.201; and

3) The requirements of 35 Ill. Adm. Code 724.191 through 724.200.

b) Implementation of Alternative Requirements

1) Public Notice, Public Comments, and Public Hearing.

A) In establishing alternative requirements in an enforceable document in lieu of a permit under this Section, the Board will assure a meaningful opportunity for public involvement that, at a minimum, includes public notice and opportunity for public comment, as provided under the relevant provisions of the Act:

i) For a site-specific rulemaking, in Sections 27 and 28 of the Act.

ii) For an adjusted standard, in Section 28.1 of the Act.

iii) For a variance, in Sections 35 through 38 of the Act.

iv) For an order issued pursuant to Section 33(a) of the Act, in Sections 31, 32, and 33 of the Act.

B) When an owner or operator submits a plan to the Agency pursuant to an appropriate statutory or regulatory authority, the Agency must provide public notice and an opportunity for public hearing on the plan according to the requirements of Subparts D and E of 35 Ill. Adm. Code 705 as follows:

i) When the Agency becomes involved in remedial action at the facility under regulations or in an enforcement action;

ii) On the proposed preferred remedy and on the assumptions on which the remedy is based, especially those relating to land use and site characterization; and

iii) At the time of a proposed decision that remedial action is complete at the facility.

C) The requirements of subsection (b)(1)(B) must be met before the Agency may consider that the facility owner or operator has met the requirements of 35 Ill. Adm. Code 703.161, unless the facility qualifies for a modification to these public participation requirements under either of subsection (b)(2) or (b)(3).

2) If the Agency determines that even a short delay in the implementation of a remedy would adversely affect human health or the environment, the Agency may delay compliance with the requirements of subsection (b)(1)(B) and immediately implement the remedy. However, the Agency must assure involvement of the public at the earliest opportunity and, in all cases, upon making the decision that additional remedial action is not needed at the facility.

3) The Agency may allow a remediation initiated prior to August 6, 1999 to substitute for corrective action required under a post-closure care permit.

(Source: Amended at 42 Ill. Reg. 23725, effective November 19, 2018)