**Section 740.105 Applicability**

a) The procedures set forth in this Part may be used by any person required under the Act or electing to perform investigative or remedial activities at a site where there is a release, threatened release, or suspected release of hazardous substances, pesticides, or petroleum unless:

1) The site is on the National Priorities List (Appendix B of 40 CFR 300);

2) The investigative and remedial activities for which Agency review, evaluation and approval are requested are required under a current State or federal solid or hazardous waste permit or are closure requirements for a solid or hazardous waste treatment, storage or disposal site under applicable State or federal laws and implementing regulations;

3) The investigative and remedial activities for which Agency review, evaluation and approval are requested are required under State or federal underground storage tank laws and implementing regulations; or

4) The investigative and remedial activities for which Agency review, evaluation and approval are requested are required by a federal court order or an order issued by the United States Environmental Protection Agency and compliance with this Part would be contrary to the terms of that order.

b) Any person whose site is excluded under subsection (a) may utilize the provisions of this Part to the extent allowed by federal law, federal authorization, or by other federal approval.

c) Any person whose site has previously enrolled in the Agency voluntary program and whose site is otherwise eligible under Title XVII of the Environmental Protection Act (Act) [415 ILCS 5] and this Part may elect in accordance with Section 58.1(b) of the Act to use the procedures provided in this Part. In determining compliance with Title XVII of the Act and this Part for activities at such sites, the Agency may accept any documents that are comparable to those required to be submitted under this Part.

d) Except for sites excluded under subsection (a), investigative or remedial activities at agrichemical facilities may be performed under this Part.

e) All applicable requirements of this Part, including those for plans and reports, shall be satisfied prior to the issuance of a No Further Remediation Letter.