**Section 740.230 Termination of Agreement by the Agency**

a) The Agency may terminate the Review and Evaluation Services Agreement if the RA:

1) Fails to comply with the requirements of Title XVII of the Act or this Part;

2) Violates any terms or conditions or fails to fulfill any obligations of the Agreement;

3) Fails to proceed in a timely and appropriate manner consistent with the schedule set forth in the Application, Remedial Action Plan, or as subsequently modified by agreement with the Agency; or

4) Fails to address an imminent and substantial threat to human life, health or the environment in a timely and effective manner.

b) Prior to termination of an Agreement the Agency shall notify the RA in writing of its intention to terminate the Agreement and the reasons for the intended termination. Except for terminations under subsection (a)(4) above, the Agency shall provide the RA with a reasonable opportunity of not less than 15 days to correct deficiencies.

c) The Agency shall notify the RA in writing of its final decision to terminate the Agreement. The notice of termination shall be made in accordance with Section 740.215(b) of this Part. The notice of termination shall state the reasons for the termination.

d) Except for terminations under subsection (a)(4) above, if the Agency terminates an Agreement, the RA may, within 35 days after receipt of the final determination, file an appeal with the Board. Appeals to the Board shall be in the manner provided for the review of permit decisions in Section 40 of the Act. In lieu of an immediate appeal to the Board, the RA may file a joint request for a 90-day extension of the time to file an appeal in the manner provided for extensions of permit decisions in Section 40 of the Act [415 ILCS 5/40].

e) A request for payment for all unpaid costs incurred by the Agency under the Agreement to the date of termination may be included with the notice of termination or may be sent as soon thereafter as practicable, but no later than 180 days after the Agency's issuance of the notice of termination. The request for payment shall comply with Section 740.310 of this Part. Within 45 days after the receipt of the request for payment the RA shall submit full payment to the Agency. Submittal and manner of payment shall be as provided in Sections 740.315 and 740.320 of this Part.