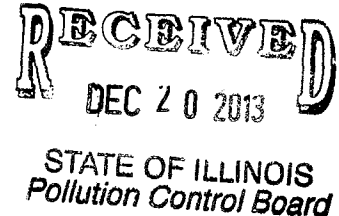


POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Hazardous Waste Management System: General
- 2) Code Citation: 35 Ill. Adm. Code 720
- 3) Section Number: 720.111 Proposed Action:
Amend
- 4) Statutory Authority: 415 ILCS 5/7.2, 13, 22.4, and 27
- 5) A Complete Description of the Subjects and Issues Involved: The following briefly describes the subjects and issues involved in the docket consolidated R14-1/R14-2/R14-3 rulemaking of which the amendment to Part 720 is a single segment. Also affected are 35 Ill. Adm. Code 727, 810, 811, and 814, which is covered by a separate notice in this issue of the *Illinois Register*. A comprehensive description is contained in the Board's opinion and order of December 5, 2013, proposing amendments in docket consolidated R14-1/R14-2/R14-3, which opinion and order is available from the address below.



The Board reserved Docket R14-1 to update the Illinois underground injection control (UIC) rules to correspond with amendments adopted by the United States Environmental Protection Agency (USEPA) that appeared in the Federal Register during the update period January 1, 2013 through June 30, 2013. Similarly, the Board reserved docket R14-2 to update the Illinois Resource Conservation and Recovery Act (RCRA) Subtitle D municipal solid waste landfill (MSWLF) rules to correspond with amendments adopted by the United States Environmental Protection Agency (USEPA) during that period. Finally, the Board reserved Docket R14-3 to update the Illinois Resource Conservation and Recovery Act (RCRA) Subtitle C hazardous waste rules to correspond with amendments adopted by the United States Environmental Protection Agency (USEPA) that appeared in the Federal Register during the period.

USEPA did not amend any of the pertinent regulations during the period. During the period January 1, 2013 through June 30, 2013, however, updates became available to the versions of several provisions of the Code of Federal Regulations and the United States Code that are incorporated by reference in the Illinois UIC, MSWLF, and hazardous waste rules.

Rather than dismiss the dockets for a lack of USEPA action in the three program areas that would require Board action, the Board is using this opportunity to update the incorporations by reference. The Board is further using this opportunity to make a series of corrections and minor revisions relating to the incorporations by reference and reliance on them in substantive provisions. Finally, the Board is making a series of non-

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

1/R14-2/R14-3:

Michael J. McCambridge
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Illinois Pollution Control Board
100 W. Randolph 11-500
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312/814-6924
michael.mccambridge@illinois.gov

Request copies of the Board's opinion and order at 312-814-3620, or download a copy from the Board's Website at <http://www.ipcb.state.il.us>.

- 13) Initial regulatory flexibility analysis:
- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking may affect those small businesses, small municipalities, and not-for-profit corporations that own or operate an underground injection well or which generate, transport, treat, store, or dispose of hazardous waste. This proposed rulemaking does not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b) (2012)]
 - B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records. This proposed rulemaking does not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b) (2012)]
 - C) Types of Professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b) (2012)]
- 14) Regulatory Agenda on which this rulemaking was summarized: 37 Ill. Reg. 9060, 9109-14, 9121-23, June 28, 2013

The full text of the proposed rulemaking begins on the next page:

1 TITLE 35: ENVIRONMENTAL PROTECTION
2 SUBTITLE G: WASTE DISPOSAL
3 CHAPTER I: POLLUTION CONTROL BOARD
4 SUBCHAPTER c: HAZARDOUS WASTE OPERATING REQUIREMENTS
5

6 PART 720
7 HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL
8

9 SUBPART A: GENERAL PROVISIONS
10

11	Section	
12	720.101	Purpose, Scope, and Applicability
13	720.102	Availability of Information; Confidentiality of Information
14	720.103	Use of Number and Gender
15	720.104	Electronic Reporting
16		

17 SUBPART B: DEFINITIONS AND REFERENCES
18

19	Section	
20	720.110	Definitions
21	720.111	References
22		

23 SUBPART C: RULEMAKING PETITIONS AND OTHER PROCEDURES
24

25	Section	
26	720.120	Rulemaking
27	720.121	Alternative Equivalent Testing Methods
28	720.122	Waste Delisting
29	720.123	Petitions for Regulation as Universal Waste
30	720.130	Procedures for Solid Waste Determinations and Non-Waste Determinations
31	720.131	Solid Waste Determinations
32	720.132	Boiler Determinations
33	720.133	Procedures for Determinations
34	720.134	Non-Waste Determinations
35	720.140	Additional Regulation of Certain Hazardous Waste Recycling Activities on a 36 Case-by-Case Basis
37	720.141	Procedures for Case-by-Case Regulation of Hazardous Waste Recycling 38 Activities
39	720.142	Notification Requirement for Hazardous Secondary Materials
40	720.143	Legitimate Recycling of Hazardous Secondary Materials
41		
42	720.APPENDIX A	Overview of Federal RCRA Subtitle C (Hazardous Waste) Regulations 43 (Repealed)

44
45 AUTHORITY: Implementing Sections 7.2, 13, and 22.4 and authorized by Section 27 of the
46 Environmental Protection Act [415 ILCS 5/7.2, 13, 22.4, and 27].
47

48 SOURCE: Adopted in R81-22 at 5 Ill. Reg. 9781, effective May 17, 1982; amended and
49 codified in R81-22 at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R82-19 at 7 Ill. Reg.
50 14015, effective October 12, 1983; amended in R84-9 at 9 Ill. Reg. 11819, effective July 24,
51 1985; amended in R85-22 at 10 Ill. Reg. 968, effective January 2, 1986; amended in R86-1 at 10
52 Ill. Reg. 13998, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20630, effective
53 December 2, 1986; amended in R86-28 at 11 Ill. Reg. 6017, effective March 24, 1987; amended
54 in R86-46 at 11 Ill. Reg. 13435, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg.
55 19280, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2450, effective January
56 15, 1988; amended in R87-39 at 12 Ill. Reg. 12999, effective July 29, 1988; amended in R88-16
57 at 13 Ill. Reg. 362, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18278,
58 effective November 13, 1989; amended in R89-2 at 14 Ill. Reg. 3075, effective February 20,
59 1990; amended in R89-9 at 14 Ill. Reg. 6225, effective April 16, 1990; amended in R90-10 at 14
60 Ill. Reg. 16450, effective September 25, 1990; amended in R90-17 at 15 Ill. Reg. 7934, effective
61 May 9, 1991; amended in R90-11 at 15 Ill. Reg. 9323, effective June 17, 1991; amended in R91-
62 1 at 15 Ill. Reg. 14446, effective September 30, 1991; amended in R91-13 at 16 Ill. Reg. 9489,
63 effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17636, effective November 6, 1992;
64 amended in R92-10 at 17 Ill. Reg. 5625, effective March 26, 1993; amended in R93-4 at 17 Ill.
65 Reg. 20545, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6720, effective
66 April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12160, effective July 29, 1994; amended in
67 R94-17 at 18 Ill. Reg. 17480, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg.
68 9508, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 10929, effective August 1,
69 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 256, effective December 16, 1997;
70 amended in R98-12 at 22 Ill. Reg. 7590, effective April 15, 1998; amended in R97-21/R98-
71 3/R98-5 at 22 Ill. Reg. 17496, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at
72 23 Ill. Reg. 1704, effective January 19, 1999; amended in R99-15 at 23 Ill. Reg. 9094, effective
73 July 26, 1999; amended in R00-5 at 24 Ill. Reg. 1063, effective January 6, 2000; amended in
74 R00-13 at 24 Ill. Reg. 9443, effective June 20, 2000; amended in R01-3 at 25 Ill. Reg. 1266,
75 effective January 11, 2001; amended in R01-21/R01-23 at 25 Ill. Reg. 9168, effective July 9,
76 2001; amended in R02-1/R02-12/R02-17 at 26 Ill. Reg. 6550, effective April 22, 2002; amended
77 in R03-7 at 27 Ill. Reg. 3712, effective February 14, 2003; amended in R03-18 at 27 Ill. Reg.
78 12713, effective July 17, 2003; amended in R05-8 at 29 Ill. Reg. 5974, effective April 13, 2005;
79 amended in R05-2 at 29 Ill. Reg. 6290, effective April 22, 2005; amended in R06-5/R06-6/R06-7
80 at 30 Ill. Reg. 2930, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill.
81 Reg. 730, effective December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 11726,
82 effective July 14, 2008; amended in R09-3 at 33 Ill. Reg. 922, effective December 30, 2008;
83 amended in R09-16/R10-4 at 34 Ill. Reg. 18535, effective November 12, 2010; amended in R11-
84 2/R11-16 at 35 Ill. Reg. 17672, effective October 14, 2011; amended in R12-7 at 36 Ill. Reg.
85 8740, effective June 4, 2012; amended in R13-5 at 37 Ill. Reg. 3180, effective March 4, 2013;

86 amended in R13-15 at 37 Ill. Reg. 17726, effective October 24, 2013; amended in R14-1/R14-
87 2/R14-3 at 38 Ill. Reg. _____, effective _____.

88
89 **SUBPART B: DEFINITIONS AND REFERENCES**

90
91 **Section 720.111 References**

92
93 The following documents are incorporated by reference for the purposes of this Part and 35 Ill.
94 Adm. Code 702 through 705, 721 through 728, 730, 733, 738, and 739:

- 95
96 a) **Non-Regulatory Government Publications and Publications of Recognized**
97 **Organizations and Associations:**

98
99 **ACGME.** Available from the Accreditation Council for Graduate Medical
100 Education, 515 North State Street, Suite 2000, Chicago, IL 60654, 312-
101 755-5000:

102
103 "Accreditation Council for Graduate Medical Education: Glossary
104 of Terms," March 19, 2009, referenced in 35 Ill. Adm. Code
105 722.300.

106
107 **BOARD NOTE:** Also available on the Internet for download and
108 viewing as a PDF file at the following Internet address:
109 http://www.acgme.org/acWebsite/about/ab_ACGMEglossary.pdf.

110
111 **ACI.** Available from the American Concrete Institute, Box 19150,
112 Redford Station, Detroit, Michigan 48219:

113
114 **ACI 318-83:** "Building Code Requirements for Reinforced
115 Concrete," adopted November 1983, referenced in 35 Ill. Adm.
116 Code 724.673 and 725.543.

117
118 **ANSI.** Available from the American National Standards Institute, 1430
119 Broadway, New York, New York 10018, 212-354-3300:

120
121 See ASME/ANSI B31.3 and B31.4 and supplements below in this
122 subsection (a) under ASME.

123
124 **API.** Available from the American Petroleum Institute, 1220 L Street,
125 N.W., Washington, D.C. 20005, 202-682-8000:

126
127 "Cathodic Protection of Underground Petroleum Storage Tanks
128 and Piping Systems," API Recommended Practice 1632, Second

129 Edition, December 1987, referenced in 35 Ill. Adm. Code 724.292,
130 724.295, 725.292, and 725.295.
131
132 "Evaporative Loss from External Floating-Roof Tanks," API
133 publication 2517, Third Edition, February 1989, USEPA-approved
134 for 35 Ill. Adm. Code 725.984.
135
136 "Guide for Inspection of Refinery Equipment," Chapter XIII,
137 "Atmospheric and Low Pressure Storage Tanks," 4th Edition, 1981,
138 reaffirmed December 1987, referenced in 35 Ill. Adm. Code
139 724.291, 724.293, 725.291, and 725.292.
140
141 "Installation of Underground Petroleum Storage Systems," API
142 Recommended Practice 1615, Fourth Edition, November 1987,
143 referenced in 35 Ill. Adm. Code 724.292.
144
145 ASME. Available from the American Society of Mechanical Engineers, 345 East
146 47th Street, New York, NY 10017, 212-705-7722:
147
148 "Chemical Plant and Petroleum Refinery Piping," ASME/ANSI B31.3-
149 1987, as supplemented by B31.3a-1988 and B31.3b-1988, referenced in
150 35 Ill. Adm. Code 724.292 and 725.292. Also available from ANSI.
151
152 "Liquid Transportation Systems for Hydrocarbons, Liquid Petroleum Gas,
153 Anhydrous Ammonia, and Alcohols," ASME/ANSI B31.4-1986, as
154 supplemented by B31.4a-1987, referenced in 35 Ill. Adm. Code 724.292
155 and 725.292. Also available from ANSI.
156
157 ASTM. Available from American Society for Testing and Materials, 100 Barr
158 Harbor Drive, West Conshohocken, PA 19428-2959, 610-832-9585:
159
160 ASTM C 94-90, "Standard Specification for Ready-Mixed Concrete,"
161 approved March 30, 1990, referenced in 35 Ill. Adm. Code 724.673 and
162 725.543.
163
164 ASTM D 88-87, "Standard Test Method for Saybolt Viscosity," approved
165 April 24, 1981, reapproved January 1987, referenced in 35 Ill. Adm. Code
166 726.200.
167
168 ASTM D 93-85, "Standard Test Methods for Flash Point by Pensky-
169 Martens Closed Tester," approved October 25, 1985, USEPA-approved
170 for 35 Ill. Adm. Code 721.121.
171

172 ASTM D 140-70, "Standard Practice for Sampling Bituminous Materials,"
173 approved 1970, referenced in Appendix A to 35 Ill. Adm. Code 721.
174
175 ASTM D 346-75, "Standard Practice for Collection and Preparation of
176 Coke Samples for Laboratory Analysis," approved 1975, referenced in
177 Appendix A to 35 Ill. Adm. Code 721.
178
179 ASTM D 420-69, "Guide to Site Characterization for Engineering,
180 Design, and Construction Purposes," approved 1969, referenced in
181 Appendix A to 35 Ill. Adm. Code 721.
182
183 ASTM D 1452-65, "Standard Practice for Soil Investigation and Sampling
184 by Auger Borings," approved 1965, referenced in Appendix A to 35 Ill.
185 Adm. Code 721.
186
187 ASTM D 1946-90, "Standard Practice for Analysis of Reformed Gas by
188 Gas Chromatography," approved March 30, 1990, USEPA-approved for
189 35 Ill. Adm. Code 724.933 and 725.933.
190
191 ASTM D 2161-87, "Standard Practice for Conversion of Kinematic
192 Viscosity to Saybolt Universal or to Saybolt Furol Viscosity," March 27,
193 1987, referenced in 35 Ill. Adm. Code 726.200.
194
195 ASTM D 2234-76, "Standard Practice for Collection of a Gross Sample of
196 Coal," approved 1976, referenced in Appendix A to 35 Ill. Adm. Code
197 721.
198
199 ASTM D 2267-88, "Standard Test Method for Aromatics in Light
200 Naphthas and Aviation Gasolines by Gas Chromatography," approved
201 November 17, 1988, USEPA-approved for 35 Ill. Adm. Code 724.963.
202
203 ASTM D 2382-88, "Standard Test Method for Heat of Combustion of
204 Hydrocarbon Fuels by Bomb Calorimeter (High Precision Method),"
205 approved October 31, 1988, USEPA-approved for 35 Ill. Adm. Code
206 724.933 and 725.933.
207
208 ASTM D 2879-92, "Standard Test Method for Vapor Pressure-
209 Temperature Relationship and Initial Decomposition Temperature of
210 Liquids by Isoteniscope," approved 1992, USEPA-approved for 35 Ill.
211 Adm. Code 725.984, referenced in 35 Ill. Adm. Code 724.963 and
212 725.963.
213
214 ASTM D 3828-87, "Standard Test Methods for Flash Point of Liquids by

215 Setaflash Closed Tester," approved December 14, 1988, USEPA-approved
216 for 35 Ill. Adm. Code 721.121(a).

217
218 ASTM E 168-88, "Standard Practices for General Techniques of Infrared
219 Quantitative Analysis," approved May 27, 1988, USEPA-approved for 35
220 Ill. Adm. Code 724.963.

221
222 ASTM E 169-87, "Standard Practices for General Techniques of
223 Ultraviolet-Visible Quantitative Analysis," approved February 1, 1987,
224 USEPA-approved for 35 Ill. Adm. Code 724.963.

225
226 ASTM E 260-85, "Standard Practice for Packed Column Gas
227 Chromatography," approved June 28, 1985, USEPA-approved for 35 Ill.
228 Adm. Code 724.963.

229
230 ASTM G 21-70 (1984a), "Standard Practice for Determining Resistance of
231 Synthetic Polymer Materials to Fungi," referenced in 35 Ill. Adm. Code
232 724.414 and 725.414.

233
234 ASTM G 22-76 (1984b), "Standard Practice for Determining Resistance
235 of Plastics to Bacteria," referenced in 35 Ill. Adm. Code 724.414 and
236 725.414.

237
238 GPO. Available from the Superintendent of Documents, U.S. Government
239 Printing Office, Washington, D.C. 20402, 202-512-1800:

240
241 Standard Industrial Classification Manual (1972), and 1977 Supplement,
242 republished in 1983, referenced in 35 Ill. Adm. Code 702.110 and Section
243 720.110.

244
245 "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods,"
246 USEPA publication number EPA-530/SW-846 (Third Edition, November
247 1986), as amended by Updates I (July 1992), II (November 1994), IIA
248 (August, 1993), IIB (January 1995), III (December 1996), IIIA (April
249 1998), and IIIB (November 2004) (document number 955-001-00000-1).
250 See below in this subsection (a) under NTIS.

251
252 NACE. Available from the National Association of Corrosion Engineers, 1400
253 South Creek Dr., Houston, TX 77084, 713-492-0535:

254
255 "Control of External Corrosion on Metallic Buried, Partially Buried, or
256 Submerged Liquid Storage Systems," NACE Recommended Practice
257 RP0285-85, approved March 1985, referenced in 35 Ill. Adm. Code

258 724.292, 724.295, 725.292, and 725.295.

259

260 NFPA. Available from the National Fire Protection Association, 1 Batterymarch
261 Park, Boston, MA 02269, 617-770-3000 or 800-344-3555:

262

263 "Flammable and Combustible Liquids Code," NFPA 30, issued July 18,
264 2003, as supplemented by TIA 03-1, issued July 15, 2004, and corrected
265 by Errata 30-03-01, issued August 13, 2004, USEPA-approved for 35 Ill.
266 Adm. Code 724.298, 725.298, and 727.290, referenced in 35 Ill. Adm.
267 Code 725.301 and 726.211.

268

269 NTIS. Available from the U.S. Department of Commerce, National Technical
270 Information Service, 5285 Port Royal Road, Springfield, VA 22161, 703-605-
271 6000 or 800-553-6847 (Internet address: www.ntis.gov):

272

273 "APTI Course 415: Control of Gaseous Emissions," December 1981,
274 USEPA publication number EPA-450/2-81-005, NTIS document number
275 PB80-208895, USEPA-approved for 35 Ill. Adm. Code 703.210, 703.211,
276 703.352, 724.935, and 725.935.

277

278 BOARD NOTE: "APTI" denotes USEPA's "Air Pollution Training
279 Institute" (Internet address: www.epa.gov/air/oaqps/eog/).

280

281 "Generic Quality Assurance Project Plan for Land Disposal Restrictions
282 Program," USEPA publication number EPA-530/SW-87-011, March 15,
283 1987, NTIS document number PB88-170766, referenced in 35 Ill. Adm.
284 Code 728.106.

285

286 "Method 1664, n-Hexane Extractable Material (HEM; Oil and Grease) and
287 Silica Gel Treated n-Hexane Extractable Material (SGT-HEM; Nonpolar
288 Material) by Extraction and Gravimetry," Revision A, February 1999,
289 USEPA publication number EPA-821/R-98-002, NTIS document number
290 PB99-121949, or Revision B, February 2010, USEPA publication number
291 EPA-821/R-10-001, NTIS document number PB2011-100735, USEPA-
292 approved for Appendix I to 35 Ill. Adm. Code 721.

293

294 BOARD NOTE: Also available on the Internet for free download as a
295 PDF document from the USEPA website at: [water.epa.gov/scitech/
296 methods/cwa/methods_index.cfm](http://water.epa.gov/scitech/methods/cwa/methods_index.cfm). Revision A is also from the USEPA,
297 National Service Center for Environmental Publications (NSCEP) website
298 at www.epa.gov/nscep/index.html.

299

300 "Methods for Chemical Analysis of Water and Wastes," Third Edition,

301 March 1983, USEPA document number EPA-600/4-79-020, NTIS
302 document number PB84-128677, referenced in 35 Ill. Adm. Code
303 725.192.
304

305 BOARD NOTE: Also available on the Internet as a viewable/printable
306 HTML document from the USEPA website at:
307 www.epa.gov/clariton/clhtml/pubtitleORD.html as document 600479002.
308

309 "North American Industry Classification System," July 2007, U.S.
310 Department of Commerce, Bureau of the Census, document number
311 PB2007-100002 (hardcover printed volume) or PB2007-500023,
312 referenced in Section 720.110 (definition of "NAICS Code") for the
313 purposes of Section 720.142.
314

315 BOARD NOTE: Also available on the Internet from the Bureau of
316 Census: www.census.gov/naics/2007/naicod07.htm.
317

318 "Procedures Manual for Ground Water Monitoring at Solid Waste
319 Disposal Facilities," August 1977, EPA-530/SW-611, NTIS document
320 number PB84-174820, referenced in 35 Ill. Adm. Code 725.192.
321

322 "Screening Procedures for Estimating the Air Quality Impact of Stationary
323 Sources," October 1992, USEPA publication number EPA-454/R-92-019,
324 NTIS document number 93-219095, referenced in 35 Ill. Adm. Code
325 726.204 and 726.206.
326

327 BOARD NOTE: Also available on the Internet for free download as a
328 WordPerfect document from the USEPA website at the following Internet
329 address: www.epa.gov/scram001/guidance/guide/scrng.wpd.
330

331 "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods,"
332 USEPA publication number EPA-530/SW-846 (Third Edition, November
333 1986; Revision 6, January 2005), as amended by Updates I (July 1992), II
334 (November 1994), IIA (August 1993), IIB (January 1995), III (December
335 1996), IIIA (April 1998), and IIIB (November 2004) (document number
336 955-001-00000-1), generally referenced in Appendices A and I to 35 Ill.
337 Adm. Code 721 and 35 Ill. Adm. Code 726.200, 726.206, 726.212, and
338 728.106 (in addition to the references cited below for specific methods):
339

340 Method 0010 (November 1986) (Modified Method 5 Sampling
341 Train), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.
342

343 Method 0011 (December 1996) (Sampling for Selected Aldehyde
344 and Ketone Emissions from Stationary Sources), USEPA-approved
345 for Appendix I to 35 Ill. Adm. Code 721 and for Appendix I to 35
346 Ill. Adm. Code 726.
347

348 Method 0020 (November 1986) (Source Assessment Sampling
349 System), USEPA-approved for Appendix I to 35 Ill. Adm. Code
350 721.
351

352 Method 0023A (December 1996) (Sampling Method for
353 Polychlorinated Dibenzo-p-Dioxins and Polychlorinated
354 Dibenzofuran Emissions from Stationary Sources), USEPA-
355 approved for Appendix I to 35 Ill. Adm. Code 721, Appendix I to
356 35 Ill. Adm. Code 726, and 35 Ill. Adm. Code 726.204.
357

358 Method 0030 (November 1986) (Volatile Organic Sampling
359 Train), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.
360

361 Method 0031 (December 1996) (Sampling Method for Volatile
362 Organic Compounds (SMVOC)), USEPA-approved for Appendix
363 I to 35 Ill. Adm. Code 721.
364

365 Method 0040 (December 1996) (Sampling of Principal Organic
366 Hazardous Constituents from Combustion Sources Using Tedlar[®]
367 Bags), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.
368

369 Method 0050 (December 1996) (Isokinetic HCl/Cl₂ Emission
370 Sampling Train), USEPA-approved for Appendix I to 35 Ill. Adm.
371 Code 721, Appendix I to 35 Ill. Adm. Code 726, and 35 Ill. Adm.
372 Code 726.207.
373

374 Method 0051 (December 1996) (Midget Impinger HCl/Cl₂
375 Emission Sampling Train), USEPA-approved for Appendix I to 35
376 Ill. Adm. Code 721, Appendix I to 35 Ill. Adm. Code 726, and 35
377 Ill. Adm. Code 726.207.
378

379 Method 0060 (December 1996) (Determination of Metals in Stack
380 Emissions), USEPA-approved for Appendix I to 35 Ill. Adm. Code
381 721, Appendix I to 35 Ill. Adm. Code 726, and 35 Ill. Adm. Code
382 726.206.
383

384 Method 0061 (December 1996) (Determination of Hexavalent
385 Chromium Emissions from Stationary Sources), USEPA-approved

386 for Appendix I to 35 Ill. Adm. Code 721, 35 Ill. Adm. Code
387 726.206, and Appendix I to 35 Ill. Adm. Code 726.

388
389 Method 1010A (November 2004) (Test Methods for Flash Point by
390 Pensky-Martens Closed Cup Tester), USEPA-approved for
391 Appendix I to 35 Ill. Adm. Code 721.

392
393 Method 1020B (November 2004) (Standard Test Methods for
394 Flash Point by Setaflash (Small Scale) Closed-cup Apparatus),
395 USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

396
397 Method 1110A (November 2004) (Corrosivity Toward Steel),
398 USEPA-approved for 35 Ill. Adm. Code 721.122 and Appendix I
399 to 35 Ill. Adm. Code 721.

400
401 Method 1310B (November 2004) (Extraction Procedure (EP)
402 Toxicity Test Method and Structural Integrity Test), USEPA-
403 approved for Appendix I to 35 Ill. Adm. Code 721 and referenced
404 in Appendix I to 35 Ill. Adm. Code 728.

405
406 Method 1311 (November 1992) (Toxicity Characteristic Leaching
407 Procedure), USEPA-approved for Appendix I to 35 Ill. Adm. Code
408 721; for 35 Ill. Adm. Code 721.124, 728.107, and 728.140; and for
409 Table T to 35 Ill. Adm. Code 728.

410
411 Method 1312 (November 1994) (Synthetic Precipitation Leaching
412 Procedure), USEPA-approved for Appendix I to 35 Ill. Adm. Code
413 721.

414
415 Method 1320 (November 1986) (Multiple Extraction Procedure),
416 USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

417
418 Method 1330A (November 1992) (Extraction Procedure for Oily
419 Wastes), USEPA-approved for Appendix I to 35 Ill. Adm. Code
420 721.

421
422 Method 9010C (November 2004) (Total and Amenable Cyanide:
423 Distillation), USEPA-approved for Appendix I to 35 Ill. Adm.
424 Code 721 and 35 Ill. Adm. Code 728.140, 728.144, and 728.148,
425 referenced in Table H to 35 Ill. Adm. Code 728.

426
427 Method 9012B (November 2004) (Total and Amenable Cyanide
428 (Automated Colorimetric, with Off-Line Distillation)), USEPA-

429 approved for Appendix I to 35 Ill. Adm. Code 721 and 35 Ill.
430 Adm. Code 728.140, 728.144, and 728.148, referenced in Table H
431 to 35 Ill. Adm. Code 728.

432
433 Method 9040C (November 2004) (pH Electrometric
434 Measurement), USEPA-approved for 35 Ill. Adm. Code 721.122
435 and Appendix I to 35 Ill. Adm. Code 721.

436
437 Method 9045D (November 2004) (Soil and Waste pH), USEPA-
438 approved for Appendix I to 35 Ill. Adm. Code 721.

439
440 Method 9060A (November 2004) (Total Organic Carbon),
441 USEPA-approved for Appendix I to 35 Ill. Adm. Code 721 and 35
442 Ill. Adm. Code 724.934, 724.963, 725.934, and 725.963.

443
444 Method 9070A (November 2004) (n-Hexane Extractable Material
445 (HEM) for Aqueous Samples), USEPA-approved for Appendix I
446 to 35 Ill. Adm. Code 721.

447
448 Method 9071B (April 1998) (n-Hexane Extractable Material
449 (HEM) for Sludge, Sediment, and Solid Samples), USEPA-
450 approved for Appendix I to 35 Ill. Adm. Code 721.

451
452 Method 9095B (November 2004) (Paint Filter Liquids Test),
453 USEPA-approved for Appendix I to 35 Ill. Adm. Code 721 and 35
454 Ill. Adm. Code 724.290, 724.414, 725.290, 725.414, 725.981,
455 727.290, and 728.132.

456
457 BOARD NOTE: Also available on the Internet for free download in
458 segments in PDF format from the USEPA website at: [www.epa.gov/SW-](http://www.epa.gov/SW-846)
459 846.

460
461 OECD. Organisation for Economic Co-operation and Development,
462 Environment Directorate, 2 rue Andre Pascal, F-75775 Paris Cedex 16,
463 France, +33 (0) 1 45 24 81 67 (www.oecd.org), also OECD Washington
464 Center, 2001 L Street, NW, Suite 650, Washington, DC 20036-4922, 202-
465 785-6323 or 800-456-6323 (www.oecdwash.org):

466
467 OECD Guidance Manual. "Guidance Manual for the
468 Implementation of Council Decision C(2001)107/FINAL, as
469 Amended, on the Control of Transboundary Movements of Wastes
470 Destined for Recovery Operations," 2009 (also called "Guidance
471 Manual for the Control of Transboundary Movements of

472 Recoverable Materials" in OECD documents), but only the
 473 following segments, which set forth the substantive requirements
 474 of OECD decision C(2001)107/FINAL, as amended by C(2004)20,
 475 C(2005)141, and C(2008)156:
 476

477 "Annex A: OECD Decision C(2001)107/FINAL, as
 478 Amended by C(2004)20; C(2005)141; and C(2008)156"
 479 (also called "Revision of Council Decision C(92)39/FINAL
 480 on the Control of Transboundary Movements of Wastes
 481 Destined for Recovery Operations," within the text of
 482 Annex A, and "Decision of the Council Concerning the
 483 Control of Transboundary Movements of Wastes Destined
 484 for Recovery Operations" in the original OECD decision
 485 source document, C(2001)107/FINAL (June 14, 2001), as
 486 amended by C(2001)107/ADD1 (February 28, 2002),
 487 C(2004)20 (March 9, 2004), C(2005)141 (December 2,
 488 2005), and C(2008)156 (December 4, 2008)).
 489

490 "Annex B: OECD Consolidated List of Wastes Subject to
 491 the Green Control Procedure" (individually referred to as
 492 "Annex B to OECD Guidance Manual" in 35 Ill. Adm.
 493 Code 722), combining Appendix 3 to OECD decision
 494 C(2001)107/FINAL, as amended as described above,
 495 together with the text of Annex IX ("List B") to the "Basel
 496 Convention on the Control of Transboundary Movements
 497 of Hazardous Wastes and Their Disposal" ("Basel
 498 Convention").
 499

500 "Annex C: OECD Consolidated List of Wastes Subject to
 501 the Amber Control Procedure" (individually referred to as
 502 "Annex C to OECD Guidance Manual" in 35 Ill. Adm.
 503 Code 722), combining Appendix 4 to OECD decision
 504 C(2001)107/FINAL, as amended, together with the text of
 505 Annexes II ("Categories of Wastes Requiring Special
 506 Consideration") and VIII ("List A") to the Basel
 507 Convention.
 508

509 BOARD NOTE: The OECD Guidance Manual is available online
 510 from OECD at www.oecd.org/dataoecd/57/1/42262259.pdf. The
 511 OECD and the Basel Convention consider the OECD Guidance
 512 Manual unofficial text of these documents. Despite this unofficial
 513 status, the Board has chosen to follow USEPA's lead and
 514 incorporate the OECD Guidance Manual by reference, instead of

515 separately incorporating the OECD decision C(2001)107/FINAL
 516 (with its subsequent amendments: OECD decisions
 517 C(2001)107/ADD1, C(2004)20, C(2005)141, and C(2008)156) and
 518 the Basel Convention by reference. Use of the OECD Guidance
 519 Manual eases reference to the documents, increases access to the
 520 documents, and facilitates future updates to this incorporation by
 521 reference. All references to "OECD C(2001)107/FINAL" in the
 522 text of 35 Ill. Adm. Code 722 refer to both the OECD decision and
 523 the Basel Convention that the OECD decision references. The
 524 OECD Guidance Manual includes as Annex A the full text of
 525 OECD document C(2001)107/FINAL, with amendments, and
 526 Annexes B and C set forth lists of wastes subject to Green control
 527 procedures and wastes subject to Amber control procedures,
 528 respectively, which consolidate the wastes from
 529 C(2001)107/FINAL together with those from the Basel
 530 Convention.

531
 532 OECD Guideline for Testing of Chemicals, "Ready Biodegradability,"
 533 Method 301B (July 17, 1992), "CO₂ Evolution (Modified Sturm Test)," "
 534 referenced in 35 Ill. Adm. Code 724.414.
 535

536 STI. Available from the Steel Tank Institute, 728 Anthony Trail, Northbrook, IL
 537 60062, 708-498-1980:
 538

539 "Standard for Dual Wall Underground Steel Storage Tanks" (1986),
 540 referenced in 35 Ill. Adm. Code 724.293.
 541

542 USDOD. Available from the United States Department of Defense:
 543

544 "DOD Ammunition and Explosives Safety Standards" (DOD 6055.09-
 545 STD), as in effect on February 29, 2008, referenced in 35 Ill. Adm. Code
 546 726.305.
 547

548 "The Motor Vehicle Inspection Report" (DD Form 626), as in effect in
 549 March 2007, referenced in 35 Ill. Adm. Code 726.303.
 550

551 "Requisition Tracking Form" (DD Form 1348), as in effect in July 1991,
 552 referenced in 35 Ill. Adm. Code 726.303.
 553

554 "The Signature and Tally Record" (DD Form 1907), as in effect in
 555 November 2006, referenced in 35 Ill. Adm. Code 726.303.
 556

557 "Dangerous Goods Shipping Paper/Declaration and Emergency Response

558 Information for Hazardous Materials Transported by Government
559 Vehicles" (DD Form 836), as in effect in December 2007, referenced in 35
560 Ill. Adm. Code 726.303.
561

562 BOARD NOTE: DOD 6055.09-STD is available on-line for download in pdf
563 format from <http://www.ddesb.pentagon.mil>. DD Form 1348, DD Form 1907,
564 DD Form 836, and DOD 6055.09-STD are available on-line for download in pdf
565 format from [http://www.dtic.mil/whs/directives/infomgt/forms/](http://www.dtic.mil/whs/directives/infomgt/forms/formsprogram.htm)
566 [formsprogram.htm](http://www.dtic.mil/whs/directives/infomgt/forms/formsprogram.htm).
567

568 USEPA, Office of Ground Water and Drinking Water. Available from United
569 States Environmental Protection Agency, Office of Drinking Water, State
570 Programs Division, WH 550 E, Washington, D.C. 20460:
571

572 "Inventory of Injection Wells," USEPA Form 7520-16 (Revised 8-01),
573 referenced in 35 Ill. Adm. Code 704.148 and 704.283.
574

575 "Technical Assistance Document: Corrosion, Its Detection and Control in
576 Injection Wells," USEPA publication number EPA-570/9-87-002, August
577 1987, referenced in 35 Ill. Adm. Code 730.165.
578

579 USEPA, Receptor Analysis Branch. Available from Receptor Analysis Branch,
580 USEPA (MD-14), Research Triangle Park, NC 27711:
581

582 "Screening Procedures for Estimating the Air Quality Impact of Stationary
583 Sources, Revised," October 1992, USEPA publication number EPA-
584 450/R-92-019, USEPA-approved for Appendix I to 35 Ill. Adm. Code
585 726.
586

587 BOARD NOTE: Also available for purchase from NTIS (see above) and
588 on the Internet for free download as a WordPerfect document from the
589 USEPA website at following Internet address:
590 www.epa.gov/scram001/guidance/guide/scrng.wpd.
591

592 USEPA Region 6. Available from United States Environmental Protection
593 Agency, Region 6, Multimedia Permitting and Planning Division, 1445 Ross
594 Avenue, Dallas, TX 75202 (phone: 214-665-7430):
595

596 "EPA RCRA Delisting Program – Guidance Manual for the Petitioner,"
597 March 23, 2000, referenced in Section 720.122.
598

599 USGSA. Available from the United States Government Services Administration:
600

601 Government Bill of Lading (GBL) (GSA Standard Form 1103, rev 9/2003,
602 supplemented as necessary with GSA Standard Form 1109, rev 09/1998),
603 referenced in Section 726.303.

604
605 BOARD NOTE: Available on-line for download in various formats from
606 www.gsa.gov/forms/forms.htm.

607
608 b) Code of Federal Regulations. Available from the Superintendent of Documents,
609 U.S. Government Printing Office, Washington, D.C. 20401, 202-783-3238:

610
611 10 CFR 20.2006 (2013) (Transfer for Disposal and Manifests), referenced
612 in 35 Ill. Adm. Code 726.425 and 726.450.

613
614 Table II, column 2 in appendix B to 10 CFR 20 (2013) (Water Effluent
615 Concentrations), referenced in 35 Ill. Adm. Code 702.110, 730.103, and
616 730.151.

617
618 Appendix G to 10 CFR 20 (2013) (Requirements for Transfers of Low-
619 Level Radioactive Waste Intended for Disposal at Licensed Land Disposal
620 Facilities and Manifests), referenced in 35 Ill. Adm. Code 726.440.

621
622 10 CFR 71 (2013), as amended at 77 Fed. Reg. 39899 (July 6, 2012)
623 (Packaging and Transportation of Radioactive Material), referenced
624 generally in 35 Ill. Adm. Code 726.430.

625
626 10 CFR 71.5 (2013) (Transportation of Licensed Material), referenced in
627 35 Ill. Adm. Code 726.425.

628
629 33 CFR 153.203 (2013) (Procedure for the Notice of Discharge),
630 referenced in 35 Ill. Adm. Code 723.130 and 739.143.

631
632 40 CFR 3.3 ~~(2013)~~(~~2012~~) (What Definitions Are Applicable to This Part?),
633 referenced in Section 720.104.

634
635 40 CFR 3.10 ~~(2013)~~(~~2012~~) (What Are the Requirements for Electronic
636 Reporting to EPA?), referenced in Section 720.104.

637
638 40 CFR 3.2000 ~~(2013)~~(~~2012~~) (What Are the Requirements Authorized
639 State, Tribe, and Local Programs' Reporting Systems Must Meet?),
640 referenced in Section 720.104.

641
642 40 CFR 51.100(ii) ~~(2013)~~(~~2012~~) (Definitions), referenced in 35 Ill. Adm.
643 Code 726.200.

644
645 Appendix W to 40 CFR 51 ~~(2013)~~(2012) (Guideline on Air Quality
646 Models), referenced in 35 Ill. Adm. Code 726.204.
647

648 BOARD NOTE: Also available from NTIS (see above for contact
649 information) as "Guideline on Air Quality Models," Revised 1986,
650 USEPA publication number EPA-450/12-78-027R, NTIS document
651 numbers PB86-245248 (Guideline) and PB88-150958 (Supplement).
652

653 Appendix B to 40 CFR 52.741 ~~(2013)~~(2012) (VOM Measurement
654 Techniques for Capture Efficiency), referenced in 35 Ill. Adm. Code
655 703.213, 703.352, 724.982, 724.984, 724.986, 724.989, 725.983, 725.985,
656 725.987, and 725.990.
657

658 40 CFR 60 ~~(2013)~~(2012), as amended at 77 Fed. Reg. 44488 (July 30,
659 2012); 77 Fed. Reg. 48433 (Aug. 14, 2012); 77 Fed. Reg. 49489 (Aug. 16,
660 2012); 77 Fed. Reg. 56421 (Sept. 12, 2012) (Standards of Performance for
661 New Stationary Sources), referenced generally in 35 Ill. Adm. Code
662 724.964, 724.980, 725.964, and 725.980.
663

664 Subpart VV of 40 CFR 60 ~~(2013)~~(2012) (Standards of Performance for
665 Equipment Leaks of VOC in the Synthetic Organic Chemicals
666 Manufacturing Industry), referenced in 35 Ill. Adm. Code 724.989 and
667 725.990.
668

669 Appendix A to 40 CFR 60 ~~(2013)~~(2012) (Test Methods), referenced
670 generally in 35 Ill. Adm. Code 726.205 (in addition to the references cited
671 below for specific methods):
672

673 Method 1 (Sample and Velocity Traverses for Stationary Sources),
674 referenced in 35 Ill. Adm. Code 726.205.
675

676 Method 2 (Determination of Stack Gas Velocity and Volumetric
677 Flow Rate (Type S Pitot Tube)), referenced in 35 Ill. Adm. Code
678 724.933, 724.934, 725.933, 725.934, and 726.205.
679

680 Method 2A (Direct Measurement of Gas Volume through Pipes
681 and Small Ducts), referenced in 35 Ill. Adm. Code 724.933,
682 725.933, and 726.205.
683

684 Method 2B (Determination of Exhaust Gas Volume Flow Rate
685 from Gasoline Vapor Incinerators), referenced in 35 Ill. Adm.
686 Code 726.205.

687
688 Method 2C (Determination of Gas Velocity and Volumetric Flow
689 Rate in Small Stacks or Ducts (Standard Pitot Tube)), referenced in
690 35 Ill. Adm. Code 724.933, 725.933, and 726.205.
691
692 Method 2D (Measurement of Gas Volume Flow Rates in Small
693 Pipes and Ducts), referenced in 35 Ill. Adm. Code 724.933,
694 725.933, and 726.205.
695
696 Method 2E (Determination of Landfill Gas Production Flow Rate),
697 referenced in 35 Ill. Adm. Code 726.205.
698
699 Method 2F (Determination of Stack Gas Velocity and Volumetric
700 Flow Rate with Three-Dimensional Probes), referenced in 35 Ill.
701 Adm. Code 726.205.
702
703 Method 2G (Determination of Stack Gas Velocity and Volumetric
704 Flow Rate with Two-Dimensional Probes), referenced in 35 Ill.
705 Adm. Code 726.205.
706
707 Method 2H (Determination of Stack Gas Velocity Taking into
708 Account Velocity Decay Near the Stack Wall), referenced in 35 Ill.
709 Adm. Code 726.205.
710
711 Method 3 (Gas Analysis for the Determination of Dry Molecular
712 Weight), referenced in 35 Ill. Adm. Code 724.443 and 726.205.
713
714 Method 3A (Determination of Oxygen and Carbon Dioxide
715 Concentrations in Emissions from Stationary Sources
716 (Instrumental Analyzer Procedure)), referenced in 35 Ill. Adm.
717 Code 726.205.
718
719 Method 3B (Gas Analysis for the Determination of Emission Rate
720 Correction Factor or Excess Air), referenced in 35 Ill. Adm. Code
721 726.205.
722
723 Method 3C (Determination of Carbon Dioxide, Methane, Nitrogen,
724 and Oxygen from Stationary Sources), referenced in 35 Ill. Adm.
725 Code 726.205.
726
727 Method 4 (Determination of Moisture Content in Stack Gases),
728 referenced in 35 Ill. Adm. Code 726.205.
729

730 Method 5 (Determination of Particulate Matter Emissions from
731 Stationary Sources), referenced in 35 Ill. Adm. Code 726.205.
732
733 Method 5A (Determination of Particulate Matter Emissions from
734 the Asphalt Processing and Asphalt Roofing Industry), referenced
735 in 35 Ill. Adm. Code 726.205.
736
737 Method 5B (Determination of Nonsulfuric Acid Particulate Matter
738 Emissions from Stationary Sources), referenced in 35 Ill. Adm.
739 Code 726.205.
740
741 Method 5D (Determination of Particulate Matter Emissions from
742 Positive Pressure Fabric Filters), referenced in 35 Ill. Adm. Code
743 726.205.
744
745 Method 5E (Determination of Particulate Matter Emissions from
746 the Wool Fiberglass Insulation Manufacturing Industry),
747 referenced in 35 Ill. Adm. Code 726.205.
748
749 Method 5F (Determination of Nonsulfate Particulate Matter
750 Emissions from Stationary Sources), referenced in 35 Ill. Adm.
751 Code 726.205.
752
753 Method 5G (Determination of Particulate Matter Emissions from
754 Wood Heaters (Dilution Tunnel Sampling Location)), referenced
755 in 35 Ill. Adm. Code 726.205.
756
757 Method 5H (Determination of Particulate Emissions from Wood
758 Heaters from a Stack Location), referenced in 35 Ill. Adm. Code
759 726.205.
760
761 Method 5I (Determination of Low Level Particulate Matter
762 Emissions from Stationary Sources), referenced in 35 Ill. Adm.
763 Code 726.205.
764
765 Method 18 (Measurement of Gaseous Organic Compound
766 Emissions by Gas Chromatography), referenced in 35 Ill. Adm.
767 Code 724.933, 724.934, 725.933, and 725.934.
768
769 Method 21 (Determination of Volatile Organic Compound Leaks),
770 referenced in 35 Ill. Adm. Code 703.213, 724.934, 724.935,
771 724.963, 725.934, 725.935, 725.963, and 725.984.
772

773 Method 22 (Visual Determination of Fugitive Emissions from
774 Material Sources and Smoke Emissions from Flares), referenced in
775 35 Ill. Adm. Code 724.933, 724.1101, 725.933, 725.1101, and
776 727.900.
777
778 Method 25A (Determination of Total Gaseous Organic
779 Concentration Using a Flame Ionization Analyzer), referenced in
780 35 Ill. Adm. Code 724.934 and 725.985.
781
782 Method 25D (Determination of the Volatile Organic Concentration
783 of Waste Samples), referenced in 35 Ill. Adm. Code 724.982,
784 725.983, and 725.984.
785
786 Method 25E (Determination of Vapor Phase Organic
787 Concentration in Waste Samples), referenced in 35 Ill. Adm. Code
788 725.984.
789
790 Method 27 (Determination of Vapor Tightness of Gasoline
791 Delivery Tank Using Pressure-Vacuum Test), referenced in 35 Ill.
792 Adm. Code 724.986 and 725.987.
793
794 40 CFR 61 ~~(2013)~~(2012) (National Emission Standards for Hazardous Air
795 Pollutants), referenced generally in 35 Ill. Adm. Code 724.933, 724.964,
796 725.933, 725.964, and 725.980.
797
798 Subpart V of 40 CFR 61 ~~(2013)~~(2012) (National Emission Standard for
799 Equipment Leaks (Fugitive Emission Sources)), referenced in 35 Ill. Adm.
800 Code 724.989 and 725.990.
801
802 Subpart FF of 40 CFR 61 ~~(2013)~~(2012) (National Emission Standard for
803 Benzene Waste Operations), referenced in 35 Ill. Adm. Code 724.982 and
804 725.983.
805
806 40 CFR 63 ~~(2013)~~(2012), as amended at 77 Fed. Reg. 41075 (July 12,
807 2012); 77 Fed. Reg. 49489 (Aug. 16, 2012); 77 Fed. Reg. 55698 (Sept. 11,
808 2012); 77 Fed. Reg. 58219 (Sept. 19, 2012); 77 Fed. Reg. 65135 (Oct. 25,
809 2012); 77 Fed. Reg. 75739 (Dec. 21, 2012) (National Emission Standards
810 for Hazardous Air Pollutants for Source Categories), referenced generally
811 in 35 Ill. Adm. Code 724.933, 724.964, 724.980, 725.933, 725.964,
812 725.980, and 726.200.
813
814 Subpart RR of 40 CFR 63 ~~(2013)~~(2012) (National Emission Standards for
815 Individual Drain Systems), referenced in 35 Ill. Adm. Code 724.984,

816 724.985, 725.985, and 725.986.
 817
 818 Subpart EEE of 40 CFR 63 (2000) (National Emission Standards for
 819 Hazardous Air Pollutants from Hazardous Waste Combustors), referenced
 820 in 35 Ill. Adm. Code 703.280.
 821
 822 Subpart EEE of 40 CFR 63 ~~(2013)~~(~~2012~~) (National Emission Standards
 823 for Hazardous Air Pollutants from Hazardous Waste Combustors)
 824 (includes 40 CFR 63.1206 (When and How Must You Comply with the
 825 Standards and Operating Requirements?), 63.1215 (What are the Health-
 826 Based Compliance Alternatives for Total Chlorine?), 63.1216 (What are
 827 the Standards for Solid-Fuel Boilers that Burn Hazardous Waste?),
 828 63.1217 (What are the Standards for Liquid-Fuel Boilers that Burn
 829 Hazardous Waste?), 63.1218 (What are the Standards for Hydrochloric
 830 Acid Production Furnaces that Burn Hazardous Waste?), 63.1219 (What
 831 are the Replacement Standards for Hazardous Waste Incinerators?),
 832 63.1220 (What are the Replacement Standards for Hazardous Waste-
 833 Burning Cement Kilns?), and 63.1221 (What are the Replacement
 834 Standards for Hazardous Waste-Burning Lightweight Aggregate Kilns?)),
 835 referenced in Appendix A to 35 Ill. Adm. Code 703 and 35 Ill. Adm. Code
 836 703.155, 703.205, 703.208, 703.221, 703.232, 703.320, 703.280, 724.440,
 837 724.701, 724.950, 725.440, and 726.200.
 838
 839 Method 301 (Field Validation of Pollutant Measurement Methods from
 840 Various Waste Media) in appendix A to 40 CFR 63 ~~(2013)~~(~~2012~~) (Test
 841 Methods), referenced in 35 Ill. Adm. Code 725.984.
 842
 843 Appendix C to 40 CFR 63 ~~(2013)~~(~~2012~~) (Determination of the Fraction
 844 Biodegraded (F_{bio}) in a Biological Treatment Unit), referenced in 35 Ill.
 845 Adm. Code 725.984.
 846
 847 Appendix D to 40 CFR 63 ~~(2013)~~(~~2012~~) (Test Methods), referenced in 35
 848 Ill. Adm. Code 725.984.
 849
 850 40 CFR 136.3 (Identification of Test Procedures) ~~(2013)~~(~~2012~~), referenced
 851 in 35 Ill. Adm. Code 702.110, 704.150, 704.187, and 730.103.
 852
 853 40 CFR 144.70 ~~(2013)~~(~~2012~~) (Wording of the Instruments), referenced in
 854 35 Ill. Adm. Code 704.240.
 855
 856 40 CFR 232.2 ~~(2013)~~(~~2012~~) (Definitions), referenced in 35 Ill. Adm. Code
 857 721.104.
 858

859 40 CFR 257 ~~(2013)~~(2012) (Criteria for Classification of Solid Waste
860 Disposal Facilities and Practices), referenced in 35 Ill. Adm. Code
861 739.181.
862
863 Subpart B of 40 CFR 257 (2013) (Disposal Standards for the Receipt of
864 Conditionally Exempt Small Quantity Generator (CESQG) Wastes at Non-
865 Municipal Non-Hazardous Waste Disposal Units) (40 CFR 257.5 through
866 257.30), referenced in 35 Ill. Adm. Code 721.105.
867
868 40 CFR 258 ~~(2013)~~(2012) (Criteria for Municipal Solid Waste Landfills),
869 referenced in 35 Ill. Adm. Code 739.181.
870
871 40 CFR 260.21(b) ~~(2013)~~(2012) (Alternative Equivalent Testing
872 Methods), referenced in Section 720.121.
873
874 40 CFR 261.151 ~~(2013)~~(2012) (Wording of the Instruments), referenced in
875 35 Ill. Adm. Code 721.251.
876
877 Appendix III to 40 CFR 261 ~~(2013)~~(2012) (Chemical Analysis Test
878 Methods), referenced in 35 Ill. Adm. Code 704.150 and 704.187.
879
880 40 CFR 262.53 ~~(2013)~~(2012) (Notification of Intent to Export), referenced
881 in 35 Ill. Adm. Code 722.153.
882
883 40 CFR 262.54 ~~(2013)~~(2012) (Special Manifest Requirements), referenced
884 in 35 Ill. Adm. Code 722.154.
885
886 40 CFR 262.55 ~~(2013)~~(2012) (Exception Reports), referenced in 35 Ill.
887 Adm. Code 722.155.
888
889 40 CFR 262.56 ~~(2013)~~(2012) (Annual Reports), referenced in 35 Ill. Adm.
890 Code 722.156.
891
892 40 CFR 262.57 ~~(2013)~~(2012) (Recordkeeping), referenced in 35 Ill. Adm.
893 Code 722.157.
894
895 Appendix to 40 CFR 262 ~~(2013)~~(2012) (Uniform Hazardous Waste
896 Manifest and Instructions (EPA Forms 8700-22 and 8700-22A and Their
897 Instructions)), referenced in Appendix A to 35 Ill. Adm. Code 722 and 35
898 Ill. Adm. Code 724.986 and 725.987.
899
900 40 CFR 264.151 ~~(2013)~~(2012) (Wording of the Instruments), referenced in
901 35 Ill. Adm. Code 724.251 and 727.240.

902
903 Appendix I to 40 CFR 264 ~~(2013)~~(2012) (Recordkeeping Instructions),
904 referenced in Appendix A to 35 Ill. Adm. Code 724.
905
906 Appendix IV to 40 CFR 264 ~~(2013)~~(2012) (Cochran's Approximation to
907 the Behrens-Fisher Students' T-Test), referenced in Appendix D to 35 Ill.
908 Adm. Code 724.
909
910 Appendix V to 40 CFR 264 ~~(2013)~~(2012) (Examples of Potentially
911 Incompatible Waste), referenced in Appendix E to 35 Ill. Adm. Code 724
912 and 35 Ill. Adm. Code 727.270.
913
914 Appendix VI to 40 CFR 264 ~~(2013)~~(2012) (Political Jurisdictions in
915 Which Compliance with section§ 264.18(a) Must Be Demonstrated),
916 referenced in 35 Ill. Adm. Code 703.306, 724.118, and 727.110.
917
918 Appendix I to 40 CFR 265 ~~(2013)~~(2012) (Recordkeeping Instructions),
919 referenced in Appendix A to 35 Ill. Adm. Code 725.
920
921 Appendix III to 40 CFR 265 ~~(2013)~~(2012) (EPA Interim Primary Drinking
922 Water Standards), referenced in Appendix C to 35 Ill. Adm. Code 725.
923
924 Appendix IV to 40 CFR 265 ~~(2013)~~(2012) (Tests for Significance),
925 referenced in Appendix D to 35 Ill. Adm. Code 725.
926
927 Appendix V to 40 CFR 265 ~~(2013)~~(2012) (Examples of Potentially
928 Incompatible Waste), referenced in 35 Ill. Adm. Code 725.277, 725.301,
929 725.330, 725.357, 725.382, and 725.413 and Appendix E to 35 Ill. Adm.
930 Code 725.
931
932 Appendix IX to 40 CFR 266 ~~(2013)~~(2012) (Methods Manual for
933 Compliance with the BIF Regulations), referenced generally in Appendix I
934 to 35 Ill. Adm. Code 726.
935
936 Section 4.0 (Procedures for Estimating the Toxicity Equivalence of
937 Chlorinated Dibenzo-p-Dioxin and Dibenzofuran Congeners),
938 referenced in 35 Ill. Adm. Code 726.200 and 726.204.
939
940 Section 5.0 (Hazardous Waste Combustion Air Quality Screening
941 Procedure), referenced in 35 Ill. Adm. Code 726.204 and 726.206.
942
943 Section 7.0 (Statistical Methodology for Bevill Residue
944 Determinations), referenced in 35 Ill. Adm. Code 726.212.

945
946 BOARD NOTE: Also available from NTIS (see above for contact
947 information) as "Methods Manual for Compliance with BIF Regulations:
948 Burning Hazardous Waste in Boilers and Industrial Furnaces," December
949 1990, USEPA publication number EPA-530/SW-91-010, NTIS document
950 number PB91-120006.
951
952 40 CFR 267.151 ~~(2013)~~(2012) (Wording of the Instruments), referenced in
953 35 Ill. Adm. Code 727.240.
954
955 40 CFR 270.5 ~~(2013)~~(2012) (Noncompliance and Program Reporting by
956 the Director), referenced in 35 Ill. Adm. Code 703.305.
957
958 40 CFR 761 ~~(2013)~~(2012), as amended at ~~77 Fed. Reg. 46289 (Aug. 3,~~
959 ~~2012); 77 Fed. Reg. 54818 (Sept. 6, 2012)~~ (Polychlorinated Biphenyls
960 (PCBs) Manufacturing, Processing, Distribution in Commerce, and Use
961 Prohibitions), referenced generally in 35 Ill. Adm. Code 728.145.
962
963 40 CFR 761.3 ~~(2013)~~(2012), as amended at ~~77 Fed. Reg. 46289 (Aug. 3,~~
964 ~~2012); 77 Fed. Reg. 54818 (Sept. 6, 2012)~~ (Definitions), referenced in 35
965 Ill. Adm. Code 728.102 and 739.110.
966
967 40 CFR 761.60 ~~(2013)~~(2012) (Disposal Requirements), referenced in 35
968 Ill. Adm. Code 728.142.
969
970 40 CFR 761.65 ~~(2013)~~(2012), as amended at ~~77 Fed. Reg. 46289 (Aug. 3,~~
971 ~~2012); 77 Fed. Reg. 54818 (Sept. 6, 2012)~~ (Storage for Disposal),
972 referenced in 35 Ill. Adm. Code 728.150.
973
974 40 CFR 761.70 ~~(2013)~~(2012), as amended at ~~77 Fed. Reg. 46289 (Aug. 3,~~
975 ~~2012); 77 Fed. Reg. 54818 (Sept. 6, 2012)~~ (Incineration), referenced in 35
976 Ill. Adm. Code 728.142.
977
978 Subpart B of 49 CFR 107 ~~(2013)~~(2012) (Exemptions), referenced
979 generally in 35 Ill. Adm. Code 724.986 and 725.987.
980
981 49 CFR 171 ~~(2013)~~(2012), as amended at ~~77 Fed. Reg. 60935 (Oct. 5,~~
982 ~~2012)~~ (General Information, Regulations, and Definitions), referenced
983 generally in 35 Ill. Adm. Code 721.104, 733.118, 733.138, 733.152, and
984 739.143.
985
986 49 CFR 171.3 ~~(2013)~~(2012) (Hazardous Waste), referenced in 35 Ill.
987 Adm. Code 722.133.

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER c: HAZARDOUS WASTE OPERATING REQUIREMENTS¶

PART 720
HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL¶

SUBPART A: GENERAL PROVISIONS¶

Section	
720.101	Purpose, Scope, and Applicability
720.102	Availability of Information; Confidentiality of Information
720.103	Use of Number and Gender
720.104	Electronic Reporting¶

SUBPART B: DEFINITIONS AND REFERENCES¶

Section	
720.110	Definitions
720.111	References¶

SUBPART C: RULEMAKING PETITIONS AND OTHER PROCEDURES¶

Section	
720.120	Rulemaking
720.121	Alternative Equivalent Testing Methods
720.122	Waste Delisting
720.123	Petitions for Regulation as Universal Waste
720.130	Procedures for Solid Waste Determinations and Non-Waste Determinations
720.131	Solid Waste Determinations
720.132	Boiler Determinations
720.133	Procedures for Determinations
720.134	Non-Waste Determinations
720.140	Additional Regulation of Certain Hazardous Waste Recycling Activities on a Case-by-Case Basis
720.141	Procedures for Case-by-Case Regulation of Hazardous Waste Recycling Activities
720.142	Notification Requirement for Hazardous Secondary Materials

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720.143 Legitimate Recycling of Hazardous Secondary Materials¶

720.APPENDIX A Overview of Federal RCRA Subtitle C (Hazardous Waste) Regulations
(Repealed)¶

AUTHORITY: Implementing Sections 7.2, 13, and 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 13, 22.4, and 27].¶

SOURCE: Adopted in R81-22 at 5 Ill. Reg. 9781, effective May 17, 1982; amended and codified in R81-22 at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R82-19 at 7 Ill. Reg. 14015, effective October 12, 1983; amended in R84-9 at 9 Ill. Reg. 11819, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 968, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 13998, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20630, effective December 2, 1986; amended in R86-28 at 11 Ill. Reg. 6017, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13435, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19280, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2450, effective January 15, 1988; amended in R87-39 at 12 Ill. Reg. 12999, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 362, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18278, effective November 13, 1989; amended in R89-2 at 14 Ill. Reg. 3075, effective February 20, 1990; amended in R89-9 at 14 Ill. Reg. 6225, effective April 16, 1990; amended in R90-10 at 14 Ill. Reg. 16450, effective September 25, 1990; amended in R90-17 at 15 Ill. Reg. 7934, effective May 9, 1991; amended in R90-11 at 15 Ill. Reg. 9323, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14446, effective September 30, 1991; amended in R91-13 at 16 Ill. Reg. 9489, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17636, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5625, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20545, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6720, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12160, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17480, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9508, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 10929, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 256, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7590, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17496, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 1704, effective January 19, 1999; amended in R99-15 at 23 Ill. Reg. 9094, effective July 26, 1999; amended in R00-5 at 24 Ill. Reg. 1063, effective January 6, 2000; amended in R00-13 at 24 Ill. Reg. 9443, effective June 20, 2000; amended in R01-3 at 25 Ill. Reg. 1266, effective January 11, 2001; amended in R01-21/R01-23 at 25 Ill. Reg. 9168, effective July 9, 2001; amended in R02-1/R02-12/R02-17 at 26 Ill. Reg. 6550, effective April 22, 2002; amended in R03-7 at 27 Ill. Reg. 3712, effective February 14, 2003; amended in R03-18 at

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27 Ill. Reg. 12713, effective July 17, 2003; amended in R05-8 at 29 Ill. Reg. 5974, effective April 13, 2005; amended in R05-2 at 29 Ill. Reg. 6290, effective April 22, 2005; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 2930, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 730, effective December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 11726, effective July 14, 2008; amended in R09-3 at 33 Ill. Reg. 922, effective December 30, 2008; amended in R09-16/R10-4 at 34 Ill. Reg. 18535, effective November 12, 2010; amended in R11-2/R11-16 at 35 Ill. Reg. 17672, effective October 14, 2011; amended in R12-7 at 36 Ill. Reg. 8740, effective June 4, 2012; amended in R13-5 at 37 Ill. Reg. 3180, effective March 4, 2013; amended in R13-15 at 37 Ill. Reg. 17726, effective October 24, 2013; amended in R14-1/-R14-2/-R14-3 at 38 Ill. Reg. _____, effective _____.

SUBPART B: DEFINITIONS AND REFERENCES

Section 720.111 References

The following documents are incorporated by reference for the purposes of this Part and 35 Ill. Adm. Code 702 through 705, 721 through 728, 730, 733, 738, and 739:

- a) Non-Regulatory Government Publications and Publications of Recognized Organizations and Associations:

ACGME. Available from the Accreditation Council for Graduate Medical Education, 515 North State Street, Suite 2000, Chicago, IL 60654, 312-755-5000:

"Accreditation Council for Graduate Medical Education: Glossary of Terms," March 19, 2009, referenced in 35 Ill. Adm. Code 722.300.

BOARD NOTE: Also available on the Internet for download and viewing as a PDF file at the following Internet address:
http://www.acgme.org/acWebsite/about/ab_ACGMEglossary.pdf.

ACI. Available from the American Concrete Institute, Box 19150, Redford Station, Detroit, Michigan 48219:

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ACI 318-83: "Building Code Requirements for Reinforced Concrete," adopted November 1983, referenced in 35 Ill. Adm. Code 724.673 and 725.543. ¶

ANSI. Available from the American National Standards Institute, 1430 Broadway, New York, New York 10018, 212-354-3300: ¶

See ASME/ANSI B31.3 and B31.4 and supplements below in this subsection (a) under ASME. ¶

API. Available from the American Petroleum Institute, 1220 L Street, N.W., Washington, D.C. 20005, 202-682-8000: ¶

"Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems," API Recommended Practice 1632, Second Edition, December 1987, referenced in 35 Ill. Adm. Code 724.292, 724.295, 725.292, and 725.295. ¶

"Evaporative Loss from External Floating-Roof Tanks," API publication 2517, Third Edition, February 1989, USEPA-approved for 35 Ill. Adm. Code 725.984. ¶

"Guide for Inspection of Refinery Equipment," Chapter XIII, "Atmospheric and Low Pressure Storage Tanks," 4th Edition, 1981, reaffirmed December 1987, referenced in 35 Ill. Adm. Code 724.291, 724.293, 725.291, and 725.292. ¶

"Installation of Underground Petroleum Storage Systems," API Recommended Practice 1615, Fourth Edition, November 1987, referenced in 35 Ill. Adm. Code 724.292. ¶

ASME. Available from the American Society of Mechanical Engineers, 345 East 47th Street, New York, NY- 10017, 212-705-7722: ¶

"Chemical Plant and Petroleum Refinery Piping," ASME/ANSI B31.3-1987, as supplemented by B31.3a-1988 and B31.3b-1988, referenced in 35 Ill. Adm. Code 724.292 and 725.292.- Also available from ANSI. ¶

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“Liquid Transportation Systems for Hydrocarbons, Liquid Petroleum Gas, Anhydrous Ammonia, and Alcohols,” ASME/ANSI B31.4-1986, as supplemented by B31.4a-1987, referenced in 35 Ill. Adm. Code 724.292 and 725.292. Also available from ANSI.¶

ASTM. Available from American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, 610-832-9585.¶

ASTM C 94-90, “Standard Specification for Ready-Mixed Concrete,” approved March 30, 1990, referenced in 35 Ill. Adm. Code 724.673 and 725.543.¶

ASTM D 88-87, “Standard Test Method for Saybolt Viscosity,” approved April 24, 1981, reapproved January 1987, referenced in 35 Ill. Adm. Code 726.200.¶

ASTM D 93-85, “Standard Test Methods for Flash Point by Pensky-Martens Closed Tester,” approved October 25, 1985, USEPA-approved for 35 Ill. Adm. Code 721.121.¶

ASTM D 140-70, “Standard Practice for Sampling Bituminous Materials,” approved 1970, referenced in Appendix A to 35 Ill. Adm. Code 721.¶

ASTM D 346-75, “Standard Practice for Collection and Preparation of Coke Samples for Laboratory Analysis,” approved 1975, referenced in Appendix A to 35 Ill. Adm. Code 721.¶

ASTM D 420--69, “Guide to Site Characterization for Engineering, Design, and Construction Purposes,” approved 1969, referenced in Appendix A to 35 Ill. Adm. Code 721.¶

ASTM D 1452--65, “Standard Practice for Soil Investigation and Sampling by Auger Borings,” approved 1965, referenced in Appendix A to 35 Ill. Adm. Code 721.¶

ASTM D 1946-90, “Standard Practice for Analysis of Reformed Gas by

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Gas Chromatography," approved March 30, 1990, USEPA-approved for 35 Ill. Adm. Code 724.933 and 725.933.¶

ASTM D 2161-87, "Standard Practice for Conversion of Kinematic Viscosity to Saybolt Universal or to Saybolt Furol Viscosity," March 27, 1987, referenced in 35 Ill. Adm. Code 726.200.¶

ASTM D 2234-76, "Standard Practice for Collection of a Gross Sample of Coal," approved 1976, referenced in Appendix A to 35 Ill. Adm. Code 721.¶

ASTM D 2267-88, "Standard Test Method for Aromatics in Light Naphthas and Aviation Gasolines by Gas Chromatography," approved November 17, 1988, USEPA-approved for 35 Ill. Adm. Code 724.963.¶

ASTM D 2382-88, "Standard Test Method for Heat of Combustion of Hydrocarbon Fuels by Bomb Calorimeter (High Precision Method)," approved October 31, 1988, USEPA-approved for 35 Ill. Adm. Code 724.933 and 725.933.¶

ASTM D 2879-92, "Standard Test Method for Vapor Pressure-Temperature Relationship and Initial Decomposition Temperature of Liquids by Isoteniscope," approved 1992, USEPA-approved for 35 Ill. Adm. Code 725.984, referenced in 35 Ill. Adm. Code 724.963 and 725.963.¶

ASTM D 3828-87, "Standard Test Methods for Flash Point of Liquids by Setaflash Closed Tester," approved December 14, 1988, USEPA-approved for 35 Ill. Adm. Code 721.121(a).¶

ASTM E 168-88, "Standard Practices for General Techniques of Infrared Quantitative Analysis," approved May 27, 1988, USEPA-approved for 35 Ill. Adm. Code 724.963.¶

ASTM E 169-87, "Standard Practices for General Techniques of Ultraviolet-Visible Quantitative Analysis," approved February 1, 1987, USEPA-approved for 35 Ill. Adm. Code 724.963.¶

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ASTM E 260-85, “Standard Practice for Packed Column Gas Chromatography,” approved June 28, 1985, USEPA-approved for 35 Ill. Adm. Code 724.963. ¶

ASTM G 21-70 (1984a), “Standard Practice for Determining Resistance of Synthetic Polymer Materials to Fungi,” referenced in 35 Ill. Adm. Code 724.414 and 725.414. ¶

ASTM G 22-76 (1984b), “Standard Practice for Determining Resistance of Plastics to Bacteria,” referenced in 35 Ill. Adm. Code 724.414 and 725.414. ¶

GPO. Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, 202-512-1800. ¶

Standard Industrial Classification Manual (1972), and 1977 Supplement, republished in 1983, referenced in 35 Ill. Adm. Code 702.110 and Section 720.110. ¶

“Test Methods for Evaluating Solid Waste, Physical/Chemical Methods,” USEPA publication number EPA-530/SW-846 (Third Edition, November 1986), as amended by Updates I (July 1992), II (November 1994), IIA (August, 1993), IIB (January 1995), III (December 1996), IIIA (April 1998), and IIIB (November 2004) (document number 955-001-00000-1). See below in this subsection (a) under NTIS. ¶

NACE. Available from the National Association of Corrosion Engineers, 1400 South Creek Dr., Houston, TX- 77084, 713-492-0535. ¶

“Control of External Corrosion on Metallic Buried, Partially Buried, or Submerged Liquid Storage Systems,” NACE Recommended Practice RP0285-85, approved March 1985, referenced in 35 Ill. Adm. Code 724.292, 724.295, 725.292, and 725.295. ¶

NFPA. Available from the National Fire Protection Association, 1 Batterymarch Park, Boston, MA 02269, 617-770-3000 or 800-344-3555. ¶

“Flammable and Combustible Liquids Code,” NFPA 30, issued July 18,

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2003, as supplemented by TIA 03-1, issued July 15, 2004, and corrected by Errata 30-03-01, issued August 13, 2004, USEPA-approved for 35 Ill. Adm. Code 724.298, 725.298, and 727.290, referenced in 35 Ill. Adm. Code 725.301 and 726.211.¶

NTIS. Available from the U.S. Department of Commerce, National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161, 703-605-6000 or 800-553-6847 (Internet address: www.ntis.gov):¶

““APTI Course 415:- Control of Gaseous Emissions,”” December 1981, USEPA publication number EPA-450/2-81-005, NTIS document number PB80-208895, USEPA-approved for 35 Ill. Adm. Code 703.210, 703.211, 703.352, 724.935, and 725.935.¶

BOARD NOTE: ““APTI”” denotes USEPA’s ““Air Pollution Training Institute”” (Internet address: www.epa.gov/air/oaqps/eog/).¶

““Generic Quality Assurance Project Plan for Land Disposal Restrictions Program,”” USEPA publication number EPA-530/SW-87-011, March 15, 1987, NTIS document number PB88-170766, referenced in 35 Ill. Adm. Code 728.106.¶

““Method 1664, n-Hexane Extractable Material (HEM; Oil and Grease) and Silica Gel Treated n-Hexane Extractable Material (SGT-HEM; Nonpolar Material) by Extraction and Gravimetry,”” Revision A, February 1999, USEPA publication number EPA-821/R-98-002, NTIS document number PB99-121949, or Revision B, February 2010, USEPA publication number EPA-821/R-10-001, NTIS document number PB2011-100735, USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.¶

BOARD NOTE: Also available on the Internet for free download as a PDF document from the USEPA website at: water.epa.gov/scitech/methods/cwa/methods_index.cfm. Revision A is also from the USEPA, National Service Center for Environmental Publications (NSCEP) website at www.epa.gov/nscep/index.html.¶

““Methods for Chemical Analysis of Water and Wastes,”” Third Edition, March 1983, USEPA document number EPA-600/4-79-020, NTIS

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document number PB84-128677, referenced in 35 Ill. Adm. Code 725.192.¶

BOARD NOTE: Also available on the Internet as a viewable/printable HTML document from the USEPA website at: www.epa.gov/clariton/clhtml/pubtitleORD.html as document 600479002.¶

“North American Industry Classification System,” July 2007, U.S. Department of Commerce, Bureau of the Census, document number PB2007-100002 (hardcover printed volume) or PB2007-500023, referenced in Section 720.110 (definition of “NAICS Code”) for the purposes of Section 720.142.¶

BOARD NOTE: Also available on the Internet from the Bureau of Census: www.census.gov/naics/2007/naicod07.htm.¶

“Procedures Manual for Ground Water Monitoring at Solid Waste Disposal Facilities,” August 1977, EPA-530/SW-611, NTIS document number PB84-174820, referenced in 35 Ill. Adm. Code 725.192.¶

“Screening Procedures for Estimating the Air Quality Impact of Stationary Sources,” October 1992, USEPA publication number EPA-454/R-92-019, NTIS document number 93-219095, referenced in 35 Ill. Adm. Code 726.204 and 726.206.¶

BOARD NOTE: Also available on the Internet for free download as a WordPerfect document from the USEPA website at the following Internet address:- www.epa.gov/scram001/guidance/guide/scrng.wpd.¶

“Test Methods for Evaluating Solid Waste, Physical/Chemical Methods,” USEPA publication number EPA-530/SW-846 (Third Edition, November 1986; Revision 6, January 2005), as amended by Updates I (July 1992), II (November 1994), IIA (August 1993), IIB (January 1995), III (December 1996), IIIA (April 1998), and IIIB (November 2004) (document number 955-001-00000-1), generally referenced in Appendices A and I to 35 Ill. Adm. Code 721 and 35 Ill. Adm. Code 726.200, 726.206, 726.212, and 728.106 (in addition to the references cited below for specific methods): ¶

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Method 0010 (November 1986) (Modified Method 5 Sampling Train), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.¶

Method 0011 (December 1996) (Sampling for Selected Aldehyde and Ketone Emissions from Stationary Sources), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721 and for Appendix I to 35 Ill. Adm. Code 726.¶

Method 0020 (November 1986) (Source Assessment Sampling System), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.¶

Method 0023A (December 1996) (Sampling Method for Polychlorinated Dibenzo-p-Dioxins and Polychlorinated Dibenzofuran Emissions from Stationary Sources), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721, Appendix I to 35 Ill. Adm. Code 726, and 35 Ill. Adm. Code 726.204.¶

Method 0030 (November 1986) (Volatile Organic Sampling Train), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.¶

Method 0031 (December 1996) (Sampling Method for Volatile Organic Compounds (SMVOC)), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.¶

Method 0040 (December 1996) (Sampling of Principal Organic Hazardous Constituents from Combustion Sources Using Tedlar® Bags), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.¶

Method 0050 (December 1996) (Isokinetic HCl/Cl₂ Emission Sampling Train), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721, Appendix I to 35 Ill. Adm. Code 726, and 35 Ill. Adm. Code 726.207.¶

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Method 0051 (December 1996) (Midget Impinger HCl/Cl₂ Emission Sampling Train), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721, Appendix I to 35 Ill. Adm. Code 726, and 35 Ill. Adm. Code 726.207.¶

Method 0060 (December 1996) (Determination of Metals in Stack Emissions), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721, Appendix I to 35 Ill. Adm. Code 726, and 35 Ill. Adm. Code 726.206.¶

Method 0061 (December 1996) (Determination of Hexavalent Chromium Emissions from Stationary Sources), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721, 35 Ill. Adm. Code 726.206, and Appendix I to 35 Ill. Adm. Code 726.¶

Method 1010A (November 2004) (Test Methods for Flash Point by Pensky-Martens Closed Cup Tester), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.¶

Method 1020B (November 2004) (Standard Test Methods for Flash Point by Setaflash (Small Scale) Closed-cup Apparatus), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.¶

Method 1110A (November 2004) (Corrosivity Toward Steel), USEPA-approved for 35 Ill. Adm. Code 721.122 and Appendix I to 35 Ill. Adm. Code 721.¶

Method 1310B (November 2004) (Extraction Procedure (EP) Toxicity Test Method and Structural Integrity Test), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721 and referenced in Appendix I to 35 Ill. Adm. Code 728.¶

Method 1311 (November 1992) (Toxicity Characteristic Leaching Procedure), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721; for 35 Ill. Adm. Code 721.124, 728.107, and 728.140; and for Table T to 35 Ill. Adm. Code 728.¶

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Method 1312 (November 1994) (Synthetic Precipitation Leaching Procedure), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.¶

Method 1320 (November 1986) (Multiple Extraction Procedure), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.¶

Method 1330A (November 1992) (Extraction Procedure for Oily Wastes), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.¶

Method 9010C (November 2004) (Total and Amenable Cyanide: Distillation), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721 and 35 Ill. Adm. Code 728.140, 728.144, and 728.148, referenced in Table H to 35 Ill. Adm. Code 728.¶

Method 9012B (November 2004) (Total and Amenable Cyanide (Automated Colorimetric, with Off-Line Distillation)), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721 and 35 Ill. Adm. Code 728.140, 728.144, and 728.148, referenced in Table H to 35 Ill. Adm. Code 728.¶

Method 9040C (November 2004) (pH Electrometric Measurement), USEPA-approved for 35 Ill. Adm. Code 721.122 and Appendix I to 35 Ill. Adm. Code 721.¶

Method 9045D (November 2004) (Soil and Waste pH), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.¶

Method 9060A (November 2004) (Total Organic Carbon), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721 and 35 Ill. Adm. Code 724.934, 724.963, 725.934, and 725.963.¶

Method 9070A (November 2004) (n-Hexane Extractable Material (HEM) for Aqueous Samples), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.¶

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Method 9071B (April 1998) (n-Hexane Extractable Material (HEM) for Sludge, Sediment, and Solid Samples), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.¶

Method 9095B (November 2004) (Paint Filter Liquids Test), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721 and 35 Ill. Adm. Code 724.290, 724.414, 725.290, 725.414, 725.981, 727.290, and 728.132.¶

BOARD NOTE: Also available on the Internet for free download in segments in PDF format from the USEPA website at: www.epa.gov/SW-846.¶

OECD.- Organisation for Economic Co-operation and Development, Environment Directorate, 2 rue Andre Pascal, F-75775 Paris Cedex 16, France, +33 (0) 1 45 24 81 67 (www.oecd.org), also OECD Washington Center, 2001 L Street, NW, Suite 650, Washington, DC 20036-4922, 202-785-6323 or 800-456-6323 (www.oecdwash.org).¶

OECD Guidance Manual. “Guidance Manual for the Implementation of Council Decision C(2001)107/FINAL, as Amended, on the Control of Transboundary Movements of Wastes Destined for Recovery Operations,” 2009 (also called “Guidance Manual for the Control of Transboundary Movements of Recoverable Materials” in OECD documents), but only the following segments, which set forth the substantive requirements of OECD decision C(2001)107/FINAL, as amended by C(2004)20, C(2005)141, and C(2008)156:¶

“Annex A: OECD Decision C(2001)107/FINAL, as Amended by C(2004)20; C(2005)141; and C(2008)156” (also called “Revision of Council Decision C(92)39/FINAL on the Control of Transboundary Movements of Wastes Destined for Recovery Operations,” within the text of Annex A, and “Decision of the Council Concerning the Control of Transboundary Movements of Wastes Destined for Recovery Operations” in the original OECD decision source document, C(2001)107/FINAL

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(June 14, 2001), as amended by C(2001)107/ADD1 (February 28, 2002), C(2004)20 (March 9, 2004), C(2005)141 (December 2, 2005), and C(2008)156 (December 4, 2008).¶

“Annex B: OECD Consolidated List of Wastes Subject to the Green Control Procedure” (individually referred to as “Annex B to OECD Guidance Manual” in 35 Ill. Adm. Code 722), combining Appendix 3 to OECD decision C(2001)107/FINAL, as amended as described above, together with the text of Annex IX (“List B”) to the “Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal” (“Basel Convention”).¶

“Annex C: OECD Consolidated List of Wastes Subject to the Amber Control Procedure” (individually referred to as “Annex C to OECD Guidance Manual” in 35 Ill. Adm. Code 722), combining Appendix 4 to OECD decision C(2001)107/FINAL, as amended, together with the text of Annexes II (“Categories of Wastes Requiring Special Consideration”) and VIII (“List A”) to the Basel Convention.¶

BOARD NOTE: The OECD Guidance Manual is available online from OECD at www.oecd.org/dataoecd/57/1/42262259.pdf. The OECD and the Basel Convention consider the OECD Guidance Manual unofficial text of these documents. Despite this unofficial status, the Board has chosen to follow USEPA’s lead and incorporate the OECD Guidance Manual by reference, instead of separately incorporating the OECD decision C(2001)107/FINAL (with its subsequent amendments: OECD decisions C(2001)107/ADD1, C(2004)20, C(2005)141, and C(2008)156) and the Basel Convention by reference. Use of the OECD Guidance Manual eases reference to the documents, increases access to the documents, and facilitates future updates to this incorporation by reference. All references to “OECD C(2001)107/FINAL” in the text of 35 Ill. Adm. Code 722 refer to both the OECD decision and

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the Basel Convention that the OECD decision references. The OECD Guidance Manual includes as Annex A the full text of OECD document C(2001)107/FINAL, with amendments, and Annexes B and C set forth lists of wastes subject to Green control procedures and wastes subject to Amber control procedures, respectively, which consolidate the wastes from C(2001)107/FINAL together with those from the Basel Convention.¶

OECD Guideline for Testing of Chemicals, "Ready Biodegradability," Method 301B (July 17, 1992), "CO₂ Evolution (Modified Sturm Test)," referenced in 35 Ill. Adm. Code 724.414.¶

STI. Available from the Steel Tank Institute, 728 Anthony Trail, Northbrook, IL 60062, 708-498-1980.¶

"Standard for Dual Wall Underground Steel Storage Tanks" (1986), referenced in 35 Ill. Adm. Code 724.293.¶

USDOD. Available from the United States Department of Defense.¶

"DOD Ammunition and Explosives Safety Standards" (DOD 6055.09-STD), as in effect on February 29, 2008, referenced in 35 Ill. Adm. Code 726.305.¶

"The Motor Vehicle Inspection Report" (DD Form 626), as in effect in March 2007, referenced in 35 Ill. Adm. Code 726.303.¶

"Requisition Tracking Form" (DD Form 1348), as in effect in July 1991, referenced in 35 Ill. Adm. Code 726.303.¶

"The Signature and Tally Record" (DD Form 1907), as in effect in November 2006, referenced in 35 Ill. Adm. Code 726.303.¶

"Dangerous Goods Shipping Paper/Declaration and Emergency Response Information for Hazardous Materials Transported by Government Vehicles" (DD Form 836), as in effect in December 2007, referenced in 35 Ill. Adm. Code 726.303.¶

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BOARD NOTE: DOD 6055.09-STD is available on-line for download in pdf format from <http://www.ddesb.pentagon.mil>. DD Form 1348, DD Form 1907, DD Form 836, and DOD 6055.09-STD are available on-line for download in pdf format from <http://www.dtic.mil/whs/directives/-infomgt/forms/formsprogram.htm>.

USEPA, Office of Ground Water and Drinking Water. Available from United States Environmental Protection Agency, Office of Drinking Water, State Programs Division, WH 550 E, Washington, D.C.- 20460.

"Inventory of Injection Wells," USEPA Form 7520-16 (Revised 8-01), referenced in 35 Ill. Adm. Code 704.148 and 704.283.

"Technical Assistance Document: Corrosion, Its Detection and Control in Injection Wells," USEPA publication number EPA-570/9-87-002, August 1987, referenced in 35 Ill. Adm. Code 730.165.

USEPA, Receptor Analysis Branch. Available from Receptor Analysis Branch, USEPA (MD-14), Research Triangle Park, NC- 27711.

"Screening Procedures for Estimating the Air Quality Impact of Stationary Sources, Revised," October 1992, USEPA publication number EPA-450/R-92-019, USEPA-approved for Appendix I to 35 Ill. Adm. Code 726.

BOARD NOTE: Also available for purchase from NTIS (see above) and on the Internet for free download as a WordPerfect document from the USEPA website at following Internet address:
www.epa.gov/scram001/guidance/guide/scrng.wpd.

USEPA Region 6. Available from United States Environmental Protection Agency, Region 6, Multimedia Permitting and Planning Division, 1445 Ross Avenue, Dallas, TX 75202 (phone:- 214-665-7430).

"EPA RCRA Delisting Program— Guidance Manual for the Petitioner," March 23, 2000, referenced in Section 720.122.

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USGSA. Available from the United States Government Services Administration:
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Government Bill of Lading (GBL) (GSA Standard Form 1103, rev 9/2003, supplemented as necessary with GSA Standard Form 1109, rev 09/1998), referenced in Section 726.303.¶

BOARD NOTE: Available on-line for download in various formats from www.gsa.gov/forms/forms.htm.¶

- b) Code of Federal Regulations. Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C.- 20401, 202-783-3238:¶

10 CFR 20.2006 (2013) (Transfer for Disposal and Manifests), referenced in 35 Ill. Adm. Code 726.425 and 726.450.¶

Table II, column 2 in appendix B to 10 CFR 20 (2013) (Water Effluent Concentrations), referenced in 35 Ill. Adm. Code 702.110, 730.103, and 730.151.¶

Appendix G to 10 CFR 20 (2013) (Requirements for Transfers of Low-Level Radioactive Waste Intended for Disposal at Licensed Land Disposal Facilities and Manifests), referenced in 35 Ill. Adm. Code 726.440.¶

10 CFR 71 (2013), as amended at 77 Fed. Reg. 39899 (July 6, 2012) (Packaging and Transportation of Radioactive Material), referenced generally in 35 Ill. Adm. Code 726.430.¶

10 CFR 71.5 (2013) (Transportation of Licensed Material), referenced in 35 Ill. Adm. Code 726.425.¶

33 CFR 153.203 (2013) (Procedure for the Notice of Discharge), referenced in 35 Ill. Adm. Code 723.130 and 739.143.¶

40 CFR 3.3 (2012)-(2013) (What Definitions Are Applicable to This Part?), referenced in Section 720.104.¶

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40 CFR 3.10 (2012)-(2013) (What Are the Requirements for Electronic Reporting to EPA?), referenced in Section 720.104.¶

40 CFR 3.2000 (2012) (2013) (What Are the Requirements Authorized State, Tribe, and Local Programs' Reporting Systems Must Meet?), referenced in Section 720.104.¶

40 CFR 51.100(ii) (2012) (2013) (Definitions), referenced in 35 Ill. Adm. Code 726.200.¶

Appendix W to 40 CFR 51 (2012) (2013) (Guideline on Air Quality Models), referenced in 35 Ill. Adm. Code 726.204.¶

BOARD NOTE: Also available from NTIS (see above for contact information) as "Guideline on Air Quality Models," Revised 1986, USEPA publication number EPA-450/12-78-027R, NTIS document numbers PB86-245248 (Guideline) and PB88-150958 (Supplement).¶

Appendix B to 40 CFR 52.741 (2012) (2013) (VOM Measurement Techniques for Capture Efficiency), referenced in 35 Ill. Adm. Code 703.213, 703.352, 724.982, 724.984, 724.986, 724.989, 725.983, 725.985, 725.987, and 725.990.¶

40 CFR 60 (2012), as amended at 77 Fed. Reg. 44488 (July 30, 2012); 77 Fed. Reg. 48433 (Aug. 14, 2012); 77 Fed. Reg. 49489 (Aug. 16, 2012); 77 Fed. Reg. 56421 (Sept. 12, 2012) (2013) (Standards of Performance for New Stationary Sources), referenced generally in 35 Ill. Adm. Code 724.964, 724.980, 725.964, and 725.980.¶

Subpart VV of 40 CFR 60 (2012) (2013) (Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry), referenced in 35 Ill. Adm. Code 724.989 and 725.990.¶

Appendix A to 40 CFR 60 (2012) (2013) (Test Methods), referenced generally in 35 Ill. Adm. Code 726.205 (in addition to the references cited below for specific methods):¶

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Method 1 (Sample and Velocity Traverses for Stationary Sources), referenced in 35 Ill. Adm. Code 726.205.¶

Method 2 (Determination of Stack Gas Velocity and Volumetric Flow Rate (Type S Pitot Tube)), referenced in 35 Ill. Adm. Code 724.933, 724.934, 725.933, 725.934, and 726.205.¶

Method 2A (Direct Measurement of Gas Volume through Pipes and Small Ducts), referenced in 35 Ill. Adm. Code 724.933, 725.933, and 726.205.¶

Method 2B (Determination of Exhaust Gas Volume Flow Rate from Gasoline Vapor Incinerators), referenced in 35 Ill. Adm. Code 726.205.¶

Method 2C (Determination of Gas Velocity and Volumetric Flow Rate in Small Stacks or Ducts (Standard Pitot Tube)), referenced in 35 Ill. Adm. Code 724.933, 725.933, and 726.205.¶

Method 2D (Measurement of Gas Volume Flow Rates in Small Pipes and Ducts), referenced in 35 Ill. Adm. Code 724.933, 725.933, and 726.205.¶

Method 2E (Determination of Landfill Gas Production Flow Rate), referenced in 35 Ill. Adm. Code 726.205.¶

Method 2F (Determination of Stack Gas Velocity and Volumetric Flow Rate with Three-Dimensional Probes), referenced in 35 Ill. Adm. Code 726.205.¶

Method 2G (Determination of Stack Gas Velocity and Volumetric Flow Rate with Two-Dimensional Probes), referenced in 35 Ill. Adm. Code 726.205.¶

Method 2H (Determination of Stack Gas Velocity Taking into Account Velocity Decay Near the Stack Wall), referenced in 35 Ill. Adm. Code 726.205.¶

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Method 3 (Gas Analysis for the Determination of Dry Molecular Weight), referenced in 35 Ill. Adm. Code 724.443 and 726.205.¶

Method 3A (Determination of Oxygen and Carbon Dioxide Concentrations in Emissions from Stationary Sources (Instrumental Analyzer Procedure)), referenced in 35 Ill. Adm. Code 726.205.¶

Method 3B (Gas Analysis for the Determination of Emission Rate Correction Factor or Excess Air), referenced in 35 Ill. Adm. Code 726.205.¶

Method 3C (Determination of Carbon Dioxide, Methane, Nitrogen, and Oxygen from Stationary Sources), referenced in 35 Ill. Adm. Code 726.205.¶

Method 4 (Determination of Moisture Content in Stack Gases), referenced in 35 Ill. Adm. Code 726.205.¶

Method 5 (Determination of Particulate Matter Emissions from Stationary Sources), referenced in 35 Ill. Adm. Code 726.205.¶

Method 5A (Determination of Particulate Matter Emissions from the Asphalt Processing and Asphalt Roofing Industry), referenced in 35 Ill. Adm. Code 726.205.¶

Method 5B (Determination of Nonsulfuric Acid Particulate Matter Emissions from Stationary Sources), referenced in 35 Ill. Adm. Code 726.205.¶

Method 5D (Determination of Particulate Matter Emissions from Positive Pressure Fabric Filters), referenced in 35 Ill. Adm. Code 726.205.¶

Method 5E (Determination of Particulate Matter Emissions from the Wool Fiberglass Insulation Manufacturing Industry), referenced in 35 Ill. Adm. Code 726.205.¶

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Method 5F (Determination of Nonsulfate Particulate Matter Emissions from Stationary Sources), referenced in 35 Ill. Adm. Code 726.205.¶

Method 5G (Determination of Particulate Matter Emissions from Wood Heaters (Dilution Tunnel Sampling Location)), referenced in 35 Ill. Adm. Code 726.205.¶

Method 5H (Determination of Particulate Emissions from Wood Heaters from a Stack Location), referenced in 35 Ill. Adm. Code 726.205.¶

Method 5I (Determination of Low Level Particulate Matter Emissions from Stationary Sources), referenced in 35 Ill. Adm. Code 726.205.¶

Method 18 (Measurement of Gaseous Organic Compound Emissions by Gas Chromatography), referenced in 35 Ill. Adm. Code 724.933, 724.934, 725.933, and 725.934.¶

Method 21 (Determination of Volatile Organic Compound Leaks), referenced in 35 Ill. Adm. Code 703.213, 724.934, 724.935, 724.963, 725.934, 725.935, 725.963, and 725.984.¶

Method 22 (Visual Determination of Fugitive Emissions from Material Sources and Smoke Emissions from Flares), referenced in 35 Ill. Adm. Code 724.933, 724.1101, 725.933, 725.1101, and 727.900.¶

Method 25A (Determination of Total Gaseous Organic Concentration Using a Flame Ionization Analyzer), referenced in 35 Ill. Adm. Code 724.934 and 725.985.¶

Method 25D (Determination of the Volatile Organic Concentration of Waste Samples), referenced in 35 Ill. Adm. Code 724.982, 725.983, and 725.984.¶

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Method 25E (Determination of Vapor Phase Organic Concentration in Waste Samples), referenced in 35 Ill. Adm. Code 725.984.¶

Method 27 (Determination of Vapor Tightness of Gasoline Delivery Tank Using Pressure-Vacuum Test), referenced in 35 Ill. Adm. Code 724.986 and 725.987.¶

40 CFR 61-(2012) (2013) (National Emission Standards for Hazardous Air Pollutants), referenced generally in 35 Ill. Adm. Code 724.933, 724.964, 725.933, 725.964, and 725.980.¶

Subpart V of 40 CFR 61-(2012) (2013) (National Emission Standard for Equipment Leaks (Fugitive Emission Sources)), referenced in 35 Ill. Adm. Code 724.989 and 725.990.¶

Subpart FF of 40 CFR 61-(2012) (2013) (National Emission Standard for Benzene Waste Operations), referenced in 35 Ill. Adm. Code 724.982 and 725.983.¶

40 CFR 63-(2012), as amended at 77 Fed. Reg. 41075 (July 12, 2012); 77 Fed. Reg. 49489 (Aug. 16, 2012); 77 Fed. Reg. 55698 (Sept. 11, 2012); 77 Fed. Reg. 58219 (Sept. 19, 2012); 77 Fed. Reg. 65135 (Oct. 25, 2012); 77 Fed. Reg. 75739 (Dec. 21, 2012) (2013) (National Emission Standards for Hazardous Air Pollutants for Source Categories), referenced generally in 35 Ill. Adm. Code 724.933, 724.964, 724.980, 725.933, 725.964, 725.980, and 726.200.¶

Subpart RR of 40 CFR 63-(2012) (2013) (National Emission Standards for Individual Drain Systems), referenced in 35 Ill. Adm. Code 724.984, 724.985, 725.985, and 725.986.¶

Subpart EEE of 40 CFR 63 (2000) (National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors), referenced in 35 Ill. Adm. Code 703.280.¶

Subpart EEE of 40 CFR 63-(2012) (2013) (National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors)

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(includes 40 CFR 63.1206 (When and How Must You Comply with the Standards and Operating Requirements?), 63.1215 (What are the Health-Based Compliance Alternatives for Total Chlorine?), 63.1216 (What are the Standards for Solid-Fuel Boilers that Burn Hazardous Waste?), 63.1217 (What are the Standards for Liquid-Fuel Boilers that Burn Hazardous Waste?), 63.1218 (What are the Standards for Hydrochloric Acid Production Furnaces that Burn Hazardous Waste?), 63.1219 (What are the Replacement Standards for Hazardous Waste Incinerators?), 63.1220 (What are the Replacement Standards for Hazardous Waste-Burning Cement Kilns?), and 63.1221 (What are the Replacement Standards for Hazardous Waste-Burning Lightweight Aggregate Kilns?)), referenced in Appendix A to 35 Ill. Adm. Code 703 and 35 Ill. Adm. Code 703.155, 703.205, 703.208; 703.221, 703.232, 703.320, 703.280, 724.440, 724.701, 724.950, 725.440, and 726.200.¶

Method 301 (Field Validation of Pollutant Measurement Methods from Various Waste Media) in appendix A to 40 CFR 63 (~~2012~~)(2013) (Test Methods), referenced in 35 Ill. Adm. Code 725.984.¶

Appendix C to 40 CFR 63 (~~2012~~)(2013) (Determination of the Fraction Biodegraded (F_{bio}) in a Biological Treatment Unit), referenced in 35 Ill. Adm. Code 725.984.¶

Appendix D to 40 CFR 63 (~~2012~~)(2013) (Test Methods), referenced in 35 Ill. Adm. Code 725.984.¶

40 CFR 136.3 (Identification of Test Procedures) (~~2012~~) (2013), referenced in 35 Ill. Adm. Code 702.110, 704.150, 704.187, and 730.103.¶

40 CFR 144.70 (~~2012~~) (2013) (Wording of the Instruments), referenced in 35 Ill. Adm. Code 704.240.¶

40 CFR 232.2 (~~2012~~) (2013) (Definitions), referenced in 35 Ill. Adm. Code 721.104.¶

40 CFR 257 (~~2012~~) (2013) (Criteria for Classification of Solid Waste Disposal Facilities and Practices), referenced in 35 Ill. Adm. Code

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739.181.¶

Subpart B of 40 CFR 257 (2013) (Disposal Standards for the Receipt of Conditionally Exempt Small Quantity Generator (CESQG) Wastes at Non-Municipal Non-Hazardous Waste Disposal Units) (40 CFR 257.5 through 257.30), referenced in 35 Ill. Adm. Code 721.105.¶

40 CFR 258-(2012) (2013) (Criteria for Municipal Solid Waste Landfills), referenced in 35 Ill. Adm. Code 739.181.¶

40 CFR 260.21(b)-(2012) (2013) (Alternative Equivalent Testing Methods), referenced in Section 720.121.¶

40 CFR 261.151-(2012) (2013) (Wording of the Instruments), referenced in 35 Ill. Adm. Code 721.251.¶

Appendix III to 40 CFR 261-(2012) (2013) (Chemical Analysis Test Methods), referenced in 35 Ill. Adm. Code 704.150 and 704.187.¶

40 CFR 262.53-(2012) (2013) (Notification of Intent to Export), referenced in 35 Ill. Adm. Code 722.153.¶

40 CFR 262.54-(2012) (2013) (Special Manifest Requirements), referenced in 35 Ill. Adm. Code 722.154.¶

40 CFR 262.55-(2012) (2013) (Exception Reports), referenced in 35 Ill. Adm. Code 722.155.¶

40 CFR 262.56-(2012) (2013) (Annual Reports), referenced in 35 Ill. Adm. Code 722.156.¶

40 CFR 262.57-(2012) (2013) (Recordkeeping), referenced in 35 Ill. Adm. Code 722.157.¶

Appendix to 40 CFR 262-(2012) (2013) (Uniform Hazardous Waste Manifest and Instructions (EPA Forms 8700-22 and 8700-22A and Their Instructions)), referenced in Appendix A to 35 Ill. Adm. Code 722 and 35 Ill. Adm. Code 724.986 and 725.987.¶

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40 CFR 264.151-(2012) (2013) (Wording of the Instruments), referenced in 35 Ill. Adm. Code 724.251 and 727.240.¶

Appendix I to 40 CFR 264-(2012) (2013) (Recordkeeping Instructions), referenced in Appendix A to 35 Ill. Adm. Code 724.¶

Appendix IV to 40 CFR 264 (2012)-(2013) (Cochran²'s Approximation to the Behrens-Fisher Students²' T-Test), referenced in Appendix D to 35 Ill. Adm. Code 724.¶

Appendix V to 40 CFR 264-(2012) (2013) (Examples of Potentially Incompatible Waste), referenced in Appendix E to 35 Ill. Adm. Code 724 and 35 Ill. Adm. Code 727.270.¶

Appendix VI to 40 CFR 264 (2012)-(2013) (Political Jurisdictions in Which Compliance with §section 264.18(a) Must Be Demonstrated), referenced in 35 Ill. Adm. Code 703.306, 724.118, and 727.110.¶

Appendix I to 40 CFR 265-(2012) (2013) (Recordkeeping Instructions), referenced in Appendix A to 35 Ill. Adm. Code 725.¶

Appendix III to 40 CFR 265-(2012) (2013) (EPA Interim Primary Drinking Water Standards), referenced in Appendix C to 35 Ill. Adm. Code 725.¶

Appendix IV to 40 CFR 265-(2012) (2013) (Tests for Significance), referenced in Appendix D to 35 Ill. Adm. Code 725.¶

Appendix V to 40 CFR 265-(2012) (2013) (Examples of Potentially Incompatible Waste), referenced in 35 Ill. Adm. Code 725.277, 725.301, 725.330, 725.357, 725.382, and 725.413 and Appendix E to 35 Ill. Adm. Code 725.¶

Appendix IX to 40 CFR 266-(2012) (2013) (Methods Manual for Compliance with the BIF Regulations), referenced generally in Appendix I to 35 Ill. Adm. Code 726.¶

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Method 25E (Determination of Vapor Phase Organic Concentration in Waste Samples), referenced in 35 Ill. Adm. Code 725.984.¶

Method 27 (Determination of Vapor Tightness of Gasoline Delivery Tank Using Pressure-Vacuum Test), referenced in 35 Ill. Adm. Code 724.986 and 725.987.¶

40 CFR 61-(2012) (2013) (National Emission Standards for Hazardous Air Pollutants), referenced generally in 35 Ill. Adm. Code 724.933, 724.964, 725.933, 725.964, and 725.980.¶

Subpart V of 40 CFR 61-(2012) (2013) (National Emission Standard for Equipment Leaks (Fugitive Emission Sources)), referenced in 35 Ill. Adm. Code 724.989 and 725.990.¶

Subpart FF of 40 CFR 61-(2012) (2013) (National Emission Standard for Benzene Waste Operations), referenced in 35 Ill. Adm. Code 724.982 and 725.983.¶

40 CFR 63-(2012), as amended at 77 Fed. Reg. 41075 (July 12, 2012); 77 Fed. Reg. 49489 (Aug. 16, 2012); 77 Fed. Reg. 55698 (Sept. 11, 2012); 77 Fed. Reg. 58219 (Sept. 19, 2012); 77 Fed. Reg. 65135 (Oct. 25, 2012); 77 Fed. Reg. 75739 (Dec. 21, 2012) (2013) (National Emission Standards for Hazardous Air Pollutants for Source Categories), referenced generally in 35 Ill. Adm. Code 724.933, 724.964, 724.980, 725.933, 725.964, 725.980, and 726.200.¶

Subpart RR of 40 CFR 63-(2012) (2013) (National Emission Standards for Individual Drain Systems), referenced in 35 Ill. Adm. Code 724.984, 724.985, 725.985, and 725.986.¶

Subpart EEE of 40 CFR 63 (2000) (National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors), referenced in 35 Ill. Adm. Code 703.280.¶

Subpart EEE of 40 CFR 63-(2012) (2013) (National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors)

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(includes 40 CFR 63.1206 (When and How Must You Comply with the Standards and Operating Requirements?), 63.1215 (What are the Health-Based Compliance Alternatives for Total Chlorine?), 63.1216 (What are the Standards for Solid-Fuel Boilers that Burn Hazardous Waste?), 63.1217 (What are the Standards for Liquid-Fuel Boilers that Burn Hazardous Waste?), 63.1218 (What are the Standards for Hydrochloric Acid Production Furnaces that Burn Hazardous Waste?), 63.1219 (What are the Replacement Standards for Hazardous Waste Incinerators?), 63.1220 (What are the Replacement Standards for Hazardous Waste-Burning Cement Kilns?), and 63.1221 (What are the Replacement Standards for Hazardous Waste-Burning Lightweight Aggregate Kilns?)), referenced in Appendix A to 35 Ill. Adm. Code 703 and 35 Ill. Adm. Code 703.155, 703.205, 703.208, 703.221, 703.232, 703.320, 703.280, 724.440, 724.701, 724.950, 725.440, and 726.200.¶

Method 301 (Field Validation of Pollutant Measurement Methods from Various Waste Media) in appendix A to 40 CFR 63 (2012)(2013) (Test Methods), referenced in 35 Ill. Adm. Code 725.984.¶

Appendix C to 40 CFR 63 (2012)(2013) (Determination of the Fraction Biodegraded (F_{bio}) in a Biological Treatment Unit), referenced in 35 Ill. Adm. Code 725.984.¶

Appendix D to 40 CFR 63 (2012)(2013) (Test Methods), referenced in 35 Ill. Adm. Code 725.984.¶

40 CFR 136.3 (Identification of Test Procedures)(2012) (2013), referenced in 35 Ill. Adm. Code 702.110, 704.150, 704.187, and 730.103. ¶

40 CFR 144.70(2012) (2013) (Wording of the Instruments), referenced in 35 Ill. Adm. Code 704.240.¶

40 CFR 232.2(2012) (2013) (Definitions), referenced in 35 Ill. Adm. Code 721.104.¶

40 CFR 257(2012) (2013) (Criteria for Classification of Solid Waste Disposal Facilities and Practices), referenced in 35 Ill. Adm. Code

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739.181.¶

Subpart B of 40 CFR 257 (2013) (Disposal Standards for the Receipt of Conditionally Exempt Small Quantity Generator (CESQG) Wastes at Non-Municipal Non-Hazardous Waste Disposal Units) (40 CFR 257.5 through 257.30), referenced in 35 Ill. Adm. Code 721.105.¶

40 CFR 258-(2012) (2013) (Criteria for Municipal Solid Waste Landfills), referenced in 35 Ill. Adm. Code 739.181.¶

40 CFR 260.21(b)-(2012) (2013) (Alternative Equivalent Testing Methods), referenced in Section 720.121.¶

40 CFR 261.151-(2012) (2013) (Wording of the Instruments), referenced in 35 Ill. Adm. Code 721.251.¶

Appendix III to 40 CFR 261-(2012) (2013) (Chemical Analysis Test Methods), referenced in 35 Ill. Adm. Code 704.150 and 704.187.¶

40 CFR 262.53-(2012) (2013) (Notification of Intent to Export), referenced in 35 Ill. Adm. Code 722.153.¶

40 CFR 262.54-(2012) (2013) (Special Manifest Requirements), referenced in 35 Ill. Adm. Code 722.154.¶

40 CFR 262.55-(2012) (2013) (Exception Reports), referenced in 35 Ill. Adm. Code 722.155.¶

40 CFR 262.56-(2012) (2013) (Annual Reports), referenced in 35 Ill. Adm. Code 722.156.¶

40 CFR 262.57-(2012) (2013) (Recordkeeping), referenced in 35 Ill. Adm. Code 722.157.¶

Appendix to 40 CFR 262-(2012) (2013) (Uniform Hazardous Waste Manifest and Instructions (EPA Forms 8700-22 and 8700-22A and Their Instructions)), referenced in Appendix A to 35 Ill. Adm. Code 722 and 35 Ill. Adm. Code 724.986 and 725.987.¶

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40 CFR 264.151-(2012) (2013) (Wording of the Instruments), referenced in 35 Ill. Adm. Code 724.251 and 727.240.¶

Appendix I to 40 CFR 264-(2012) (2013) (Recordkeeping Instructions), referenced in Appendix A to 35 Ill. Adm. Code 724.¶

Appendix IV to 40 CFR 264 (2012)-(2013) (Cochran²'s Approximation to the Behrens-Fisher Students²' T-Test), referenced in Appendix D to 35 Ill. Adm. Code 724.¶

Appendix V to 40 CFR 264-(2012) (2013) (Examples of Potentially Incompatible Waste), referenced in Appendix E to 35 Ill. Adm. Code 724 and 35 Ill. Adm. Code 727.270.¶

Appendix VI to 40 CFR 264 (2012)-(2013) (Political Jurisdictions in Which Compliance with §section 264.18(a) Must Be Demonstrated), referenced in 35 Ill. Adm. Code 703.306, 724.118, and 727.110.¶

Appendix I to 40 CFR 265-(2012) (2013) (Recordkeeping Instructions), referenced in Appendix A to 35 Ill. Adm. Code 725.¶

Appendix III to 40 CFR 265-(2012) (2013) (EPA Interim Primary Drinking Water Standards), referenced in Appendix C to 35 Ill. Adm. Code 725.¶

Appendix IV to 40 CFR 265-(2012) (2013) (Tests for Significance), referenced in Appendix D to 35 Ill. Adm. Code 725.¶

Appendix V to 40 CFR 265-(2012) (2013) (Examples of Potentially Incompatible Waste), referenced in 35 Ill. Adm. Code 725.277, 725.301, 725.330, 725.357, 725.382, and 725.413 and Appendix E to 35 Ill. Adm. Code 725.¶

Appendix IX to 40 CFR 266-(2012) (2013) (Methods Manual for Compliance with the BIF Regulations), referenced generally in Appendix I to 35 Ill. Adm. Code 726.¶

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Section 4.0 (Procedures for Estimating the Toxicity Equivalence of Chlorinated Dibenzo-p-Dioxin and Dibenzofuran Congeners), referenced in 35 Ill. Adm. Code 726.200 and 726.204.¶

Section 5.0 (Hazardous Waste Combustion Air Quality Screening Procedure), referenced in 35 Ill. Adm. Code 726.204 and 726.206.¶

Section 7.0 (Statistical Methodology for Beville Residue Determinations), referenced in 35 Ill. Adm. Code 726.212.¶

BOARD NOTE: Also available from NTIS (see above for contact information) as "Methods Manual for Compliance with BIF Regulations: Burning Hazardous Waste in Boilers and Industrial Furnaces," December 1990, USEPA publication number EPA-530/SW-91-010, NTIS document number PB91-120006.¶

40 CFR 267.151-(2012) (2013) (Wording of the Instruments), referenced in 35 Ill. Adm. Code 727.240.¶

40 CFR 270.5-(2012) (2013) (Noncompliance and Program Reporting by the Director), referenced in 35 Ill. Adm. Code 703.305.¶

40 CFR 761-(2012), as amended at 77 Fed. Reg. 46289 (Aug. 3, 2012); 77 Fed. Reg. 54818 (Sept. 6, 2012) (2013) (Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions), referenced generally in 35 Ill. Adm. Code 728.145.¶

40 CFR 761.3-(2012), as amended at 77 Fed. Reg. 46289 (Aug. 3, 2012); 77 Fed. Reg. 54818 (Sept. 6, 2012) (2013) (Definitions), referenced in 35 Ill. Adm. Code 728.102 and 739.110.¶

40 CFR 761.60-(2012) (2013) (Disposal Requirements), referenced in 35 Ill. Adm. Code 728.142.¶

40 CFR 761.65-(2012), as amended at 77 Fed. Reg. 46289 (Aug. 3, 2012); 77 Fed. Reg. 54818 (Sept. 6, 2012) (2013) (Storage for Disposal), referenced in 35 Ill. Adm. Code 728.150.¶

POLLUTION CONTROL BOARD

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40 CFR 761.70 ~~(2012)~~, as amended at 77 Fed. Reg. 46289 (Aug. 3, 2012); 77 Fed. Reg. 54818 (Sept. 6, 2012) (2013) (Incineration), referenced in 35 Ill. Adm. Code 728.142.¶

Subpart B of 49 CFR 107 ~~(2012)~~ (2013) (Exemptions), referenced generally in 35 Ill. Adm. Code 724.986 and 725.987.¶

49 CFR 171 ~~(2012)~~, as amended at 77 Fed. Reg. 60935 (Oct. 5, 2012) (2013) (General Information, Regulations, and Definitions), referenced generally in 35 Ill. Adm. Code 721.104, 733.118, 733.138, 733.152, and 739.143.¶

49 CFR 171.3 ~~(2012)~~ (2013) (Hazardous Waste), referenced in 35 Ill. Adm. Code 722.133.¶

49 CFR 171.8 ~~(2012)~~ (2013) (Definitions and Abbreviations), referenced in 35 Ill. Adm. Code 733.118, 733.138, 733.152, 733.155, and 739.143.¶

49 CFR 171.15 ~~(2012)~~ (2013) (Immediate Notice of Certain Hazardous Materials Incidents), referenced in 35 Ill. Adm. Code 723.130 and 739.143.¶

49 CFR 171.16 ~~(2012)~~ (2013) (Detailed Hazardous Materials Incident Reports), referenced in 35 Ill. Adm. Code 723.130 and 739.143.¶

49 CFR 172 ~~(2012)~~, as amended at 77 Fed. Reg. 60935 (Oct. 5, 2012) (2013) (Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, and Training Requirements), referenced generally in 35 Ill. Adm. Code 721.104, 722.131, 722.132, 724.986, 725.987, 733.114, 733.118, 733.134, 733.138, 733.152, 733.155, and 739.143.¶

49 CFR 172.304 ~~(2012)~~ (2013) (Marking Requirements), referenced in 35 Ill. Adm. Code 722.132.¶

Subpart F of 49 CFR 172 ~~(2012)~~, as amended at 77 Fed. Reg. 60935 (Oct. 5, 2012) (2013) (Placarding), referenced in 35 Ill. Adm. Code 722.133.¶

POLLUTION CONTROL BOARD

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49 CFR 173 (2012), as amended at 77 Fed. Reg. 60935 (Oct. 5, 2012),
(2013) (Shippers—General Requirements for Shipments and Packages),
referenced generally in 35 Ill. Adm. Code 721.104, 722.130, 724.416,
724.986, 725.416, 725.987, 733.118, 733.138, 733.152, and 739.143.¶

49 CFR 173.2(2012) (2013) (Hazardous Materials Classes and Index to
Hazard Class Definitions), referenced in 35 Ill. Adm. Code 733.152.¶

49 CFR 173.12(2012), as amended at 77 Fed. Reg. 60935 (Oct. 5, 2012)
(2013) (Exceptions for Shipments of Waste Materials), referenced in 35
Ill. Adm. Code 724.416, 724.986, 725.416, and 725.987.¶

49 CFR 173.28(2012) (2013) (Reuse, Reconditioning, and Remanufacture
of Packagings), referenced in 35 Ill. Adm. Code 725.273.¶

49 CFR 173.50 (2012)(2013) (Class 1—Definitions), referenced in 35
Ill. Adm. Code 721.123.¶

49 CFR 173.54 (2012)(2013) (Forbidden Explosives), referenced in 35 Ill.
Adm. Code 721.123.¶

49 CFR 173.115 (2012)(2013) (Class 2, Divisions 2.1, 2.2, and 2.3—
Definitions), referenced in 35 Ill. Adm. Code 721.121.¶

49 CFR 173.127 (2012)(2013) (Class 2, Divisions 2.1, 2.2, and 2.3—
Definitions), referenced in 35 Ill. Adm. Code 721.121.¶

49 CFR 174 (2012)(2013) (Carriage by Rail), referenced generally in 35
Ill. Adm. Code 733.118, 733.138, 733.152, and 739.143.¶

49 CFR 175 (2012), as amended at 77 Fed. Reg. 60935 (Oct. 5, 2012),
(2013) (Carriage by Aircraft), referenced generally in 35 Ill. Adm. Code
733.118, 733.138, 733.152, and 739.143.¶

49 CFR 176 (2012)(2013) (Carriage by Vessel), referenced generally in
35 Ill. Adm. Code 733.118, 733.138, 733.152, and 739.143.¶

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49 CFR 177 ~~(2012)~~(2013) (Carriage by Public Highway), referenced generally in 35 Ill. Adm. Code 733.118, 733.138, 733.152, and 739.143.¶

49 CFR 178 ~~(2012)~~, as amended at ~~77 Fed. Reg. 60935 (Oct. 5, 2012)~~
~~(2013)~~ (Specifications for Packagings), referenced generally in 35 Ill. Adm. Code 721.104, 722.130, 724.416, 724.986, 725.416, 725.987, 733.118, 733.138, 733.152, and 739.143.¶

49 CFR 179 ~~(2012)~~, as amended at ~~77 Fed. Reg. 60935 (Oct. 5, 2012)~~
~~(2013)~~ (Specifications for Tank Cars), referenced in 35 Ill. Adm. Code 721.104, 722.130, 724.416, 724.986, 725.416, 725.987, 733.118, 733.138, 733.152, and 739.143.¶

49 CFR 180 ~~(2012)~~ (2013) (Continuing Qualification and Maintenance of Packagings), referenced generally in 35 Ill. Adm. Code 724.986, 725.987, 733.118, 733.138, 733.152, and 739.143.¶

c) Federal Statutes: ¶

Section 11 of the Atomic Energy Act of 1954 (42 USC 2014)-(2011), referenced in 35 Ill. Adm. Code 721.104 and 726.310.¶

Sections 201(v), 201(w), and 512(j) of the Federal Food, Drug, and Cosmetic Act (FFDCA; 21 USC 321(v), 321(w), and 360b(j))~~(2014)~~
(2012), referenced in Section 720.110 and 35 Ill. Adm. Code 733.109.¶

Section 1412 of the Department of Defense Authorization Act of 1986 (50 USC 1521(j)(1)) (2011), referenced in 35 Ill. Adm. Code 726.301.¶

d) This Section incorporates no later editions or amendments. ¶

(Source: Amended at 38 Ill. Reg. _____, effective _____)

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Total changes	753

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Standards for Owners and Operators of Hazardous Waste Facilities Operating Under a RCRA Standardized Permit

2) Code Citation: 35 Ill. Adm. Code 727

3) Section Number: 727.240 Proposed Action:
Amend

4) Statutory authority: 415 ILCS 5/7.2, 22.4, and 27

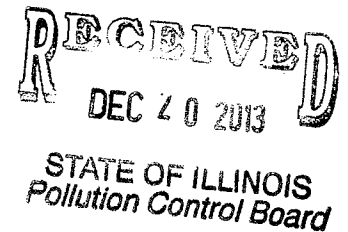
5) A Complete Description of the Subjects and Issues Involved: The amendment to Part 727 is a single segment of the docket consolidated R14-1/R14-2/R14-3 rulemaking that also affects 35 Ill. Adm. Code 720, 810, 811, and 814, each of which is covered by a separate notice in this issue of the *Illinois Register*. To save space, a more detailed description of the subjects and issues involved in the docket consolidated R14-1/R14-2/R14-3 rulemaking in this issue of the *Illinois Register* only in the answer to question 5 in the Notice of Adopted Amendment for 35 Ill. Adm. Code 720. A comprehensive description is contained in the Board's opinion and order of December 5, 2013, proposing amendments in docket consolidated R14-1/R14-2/R14-3, which opinion and order is available from the address below.

Specifically, the amendment to Part 727 makes a correction requested by JCAR.

Tables appear in the Board's opinion and order of December 5, 2013 in docket consolidated R14-1/R14-2/R14-3 that list numerous corrections and amendments that are not based on current federal amendments. The tables contain deviations from the literal text of the federal amendments underlying these amendments, as well as corrections and clarifications that the Board made in the base text involved. Persons interested in the details of those corrections and amendments should refer to the December 5, 2013 opinion and order in docket consolidated R14-1/R14-2/R14-3.

Sections 13(c) and 22.4 of the Environmental Protection Act [415 ILCS 5/13(c) and 22.4 (2012)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35 (2012)] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None



POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Statement of Statewide Policy Objectives: These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b) (2012)].
- 11) Are there any other proposed rulemakings pending on this Part? No
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference docket consolidated R14-1/R14-2/R14-3 and be addressed to:

John T. Therriault, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

312/819-3620

Please direct inquiries to the following person and reference docket consolidated R14-1/R14-2/R14-3:

Michael J. McCambridge
Staff Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60601

312/814-6924

michael.mccambridge@illinois.gov

Request copies of the Board's opinion and order at 312-814-3620, or download a copy from the Board's Website at <http://www.ipcb.state.il.us>.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

- 13) Initial regulatory flexibility analysis:
- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking may affect those small businesses, small municipalities, and not-for-profit corporations that own or operate an underground injection well or which generate, transport, treat, store, or dispose of hazardous waste. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b) (2012)]
 - B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b) (2012)]
 - C) Types of Professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b) (2012)]
- 14) Regulatory Agenda on which this rulemaking was summarized: June 2013

The full text of the proposed rulemaking begins on the next page:

1 TITLE 35: ENVIRONMENTAL PROTECTION
2 SUBTITLE G: WASTE DISPOSAL
3 CHAPTER I: POLLUTION CONTROL BOARD
4 SUBCHAPTER c: HAZARDOUS WASTE OPERATING REQUIREMENTS
5

6 PART 727
7 STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE
8 FACILITIES OPERATING UNDER A RCRA STANDARDIZED PERMIT
9

10 Section
11 727.100 General
12 727.110 General Facility Standards
13 727.130 Preparedness and Prevention
14 727.150 Contingency Plan and Emergency Procedures
15 727.170 Recordkeeping, Reporting, and Notifying
16 727.190 Releases from Solid Waste Management Units
17 727.210 Closure
18 727.240 Financial Requirements
19 727.270 Use and Management of Containers
20 727.290 Tank Systems
21 727.900 Containment Buildings
22 727.APPENDIX A Financial Assurance Forms
23 727.ILLUSTRATION A Letter of Chief Financial Officer: Financial Assurance for
24 Facility Closure
25 727.ILLUSTRATION B Letter of Chief Financial Officer: Financial Assurance for
26 Liability Coverage
27 727.APPENDIX B Correlation of State and Federal Provisions
28 727.TABLE A Correlation of Federal RCRA Standardized Permit Provisions to
29 State Provisions
30 727.TABLE B Correlation of State RCRA Standardized Permit Provisions to
31 Federal Provisions
32

33 AUTHORITY: Implementing Sections 7.2 and 22.4 and authorized by Section 27 of the
34 Environmental Protection Act [415 ILCS 5/7.2, 22.4, and 27].
35

36 SOURCE: Adopted in R06-16/R06-17/R06-18 at 31 Ill. Reg. 1146, effective December 20,
37 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 12829, effective July 14, 2008; amended in R13-
38 15 at 37 Ill. Reg. 17909, effective October 24, 2013; amended in R14-1/R14-2/R14-3 at 38 Ill.
39 Reg. _____, effective _____.
40

41 **Section 727.240 Financial Requirements**
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- 43 a) Applicability and substance of the financial requirements

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- 1) The regulations in this Section apply to owners and operators who treat or store hazardous waste under a RCRA standardized permit, except as provided in Section 727.100(a)(2) or subsection (a)(4) of this Section.
- 2) The facility owner or operator must do each of the following:
 - A) It must prepare a closure cost estimate as required in subsection (c) of this Section;
 - B) It must demonstrate financial assurance for closure as required in subsection (d) of this Section; and
 - C) It must demonstrate financial assurance for liability as required in subsection (h) of this Section.
- 3) The owner or operator must notify the Agency if the owner or operator is named as a debtor in a bankruptcy proceeding under Title 11 (Bankruptcy) of the United States Code (see also subsection (i) of this Section).
- 4) States and the federal government are exempt from the requirements of this Section.

BOARD NOTE: Subsection (a) of this Section is derived from 40 CFR 267.140 (2013)(2012).

- b) Definitions of terms as used in this Section
 - 1) "Closure plan" means the plan for closure prepared in accordance with the requirements of Section 727.210(c).
 - 2) "Current closure cost estimate" means the most recent of the estimates prepared in accordance with subsections (c)(1), (c)(2), and (c)(3) of this Section.
 - 3) This subsection (b)(3) corresponds with 40 CFR 267.141(c), which USEPA has marked "Reserved." This statement maintains structural consistency with the corresponding federal rules.
 - 4) "Parent corporation" means a corporation that directly owns at least 50 percent of the voting stock of the corporation which is the facility owner or operator. In this instance, the owned corporation that is the facility owner or operator is deemed a "subsidiary" of the parent corporation.

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- 5) This subsection (b)(5) corresponds with 40 CFR 267.141(e), which USEPA has marked "Reserved." This statement maintains structural consistency with the corresponding federal rules.
- 6) The following terms are used in the specifications for the financial tests for closure and liability coverage. The definitions are intended to assist in the understanding of these regulations and are not intended to limit the meanings of terms in a way that conflicts with generally accepted accounting practices:
- "Assets" means all existing and all probable future economic benefits obtained or controlled by a particular entity.
- "Current plugging and abandonment cost estimate" means the most recent of the estimates prepared in accordance with 35 Ill. Adm. Code 704.212(a), (b), and (c).
- "Independently audited" refers to an audit performed by an independent certified public accountant in accordance with generally accepted auditing standards.
- "Liabilities" means probable future sacrifices of economic benefits arising from present obligations to transfer assets or provide services to other entities in the future as a result of past transactions or events.
- "Tangible net worth" means the tangible assets that remain after deducting liabilities; such assets would not include intangibles such as goodwill and rights to patents or royalties.
- 7) In the liability insurance requirements, the terms "bodily injury" and "property damage" have the meanings given them by applicable State law. However, these terms do not include those liabilities that, consistent with standard industry practices, are excluded from coverage in liability insurance policies for bodily injury and property damage. The Agency intends the meanings of other terms used in the liability insurance requirements to be consistent with their common meanings within the insurance industry. The definitions given below of several of the terms are intended to assist in the understanding of these regulations and are not intended to limit their meanings in a way that conflicts with general insurance industry usage.

130 "Accidental occurrence" means an accident, including continuous
131 or repeated exposure to conditions, that results in bodily injury or
132 property damage neither expected nor intended from the standpoint
133 of the insured.
134

135 "Legal defense costs" means any expenses that an insurer incurs in
136 defending against claims of third parties brought under the terms
137 and conditions of an insurance policy.
138

139 "Sudden accidental occurrence" means an occurrence that is not
140 continuous or repeated in nature.
141

- 142 8) "Substantial business relationship" means the extent of a business
143 relationship necessary under applicable state law to make a guarantee
144 contract issued incident to that relationship valid and enforceable. A
145 "substantial business relationship" must arise from a pattern of recent or
146 ongoing business transactions, in addition to the guarantee itself, such that
147 the Agency can reasonably determine that a substantial business
148 relationship currently exists between the guarantor and the facility owner
149 or operator that is adequate consideration to support the obligation of the
150 guarantee relating to any liability towards a third-party. "Applicable state
151 law", as used in this subsection (b)(8), means the laws of the State of
152 Illinois and those of any sister state that govern the guarantee and the
153 adequacy of the consideration.
154

155 BOARD NOTE: Subsection (b) of this Section is derived from 40 CFR 267.141
156 (2013)(2012). Subsection (b)(8) is also derived from the discussion at 53 Fed.
157 Reg. 33938, 41-43 (Sept. 1, 1988). The term "substantial business relationship" is
158 also independently defined in 35 Ill. Adm. Code 724.241(h) and 725.241(h). Any
159 Agency determination that a substantial business relationship exists is subject to
160 Board review pursuant to ~~Section~~ section 40 of the Act [415 ILCS 5/40].
161

162 c) Cost estimate for closure
163

- 164 1) The facility owner or operator must have at the facility a detailed written
165 estimate, in current dollars, of the cost of closing the facility in accordance
166 with the requirements in Section 727.210(b) through (f) and applicable
167 closure requirements in Sections 727.270(g), 727.290(l), and 727.900(i).
168
- 169 A) The estimate must equal the cost of final closure at the point in the
170 facility's active life when the extent and manner of its operation
171 would make closure the most expensive, as indicated by the
172 closure plan (see Section 727.210(c)(2)).

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- B) The closure cost estimate must be based on the costs to the owner or operator of hiring a third party to close the facility. A third party is a party who is neither a parent nor a subsidiary of the owner or operator. (See the definition of parent corporation in subsection (b)(4) of this Section.) The owner or operator may use costs for on-site disposal if it can demonstrate that on-site disposal capacity will exist at all times over the life of the facility.
 - C) The closure cost estimate may not incorporate any salvage value that may be realized with the sale of hazardous wastes, or non-hazardous wastes, facility structures or equipment, land, or other assets associated with the facility at the time of partial or final closure.
 - D) The facility owner or operator may not incorporate a zero cost for hazardous wastes, or non-hazardous wastes that might have economic value.
- 2) During the active life of the facility, the facility owner or operator must adjust the closure cost estimate for inflation within 60 days prior to the anniversary date of the establishment of the financial instruments used to comply with subsection (d) of this Section. For an owner or operator using the financial test or corporate guarantee, the closure cost estimate must be updated for inflation within 30 days after the close of the guarantor's fiscal year and before submission of updated information to the Agency as specified in subsection (n)(3) of this Section. The adjustment may be made by recalculating the maximum costs of closure in current dollars, or by using an inflation factor derived from the most recent Implicit Price Deflator for Gross Domestic Product (Deflator) published by the U.S. Department of Commerce in its Survey of Current Business, as specified in subsections (c)(2)(A) and (c)(2)(B) of this Section. The inflation factor is the result of dividing the latest published annual Deflator by the Deflator for the previous year.
- A) The first adjustment is made by multiplying the closure cost estimate by the inflation factor. The result is the adjusted closure cost estimate.
 - B) Subsequent adjustments are made by multiplying the latest adjusted closure cost estimate by the latest inflation factor.

215 BOARD NOTE: The table of Deflators is available as Table 1.1.9. in the
216 National Income and Product Account Tables, published by U.S.
217 Department of Commerce, Bureau of Economic Analysis, National
218 Economic Accounts, available on-line at the following web address:
219 [www.bea.gov/iTable/iTable.cfm?ReqID=9&step=1#reqid=9&step=3&isur](http://www.bea.gov/iTable/iTable.cfm?ReqID=9&step=1#reqid=9&step=3&isuri=1&903=13)
220 [i=1&903=13](http://www.bea.gov/iTable/iTable.cfm?ReqID=9&step=1#reqid=9&step=3&isuri=1&903=13).
221
222

- 223 3) During the active life of the facility, the facility owner or operator must
224 revise the closure cost estimate no later than 30 days after the Agency has
225 approved the request to modify the closure plan, if the change in the
226 closure plan increases the cost of closure. The revised closure cost
227 estimate must be adjusted for inflation as specified in subsection (c)(2) of
228 this Section.
229
- 230 4) The facility owner or operator must keep the following at the facility
231 during the operating life of the facility: the latest closure cost estimate
232 prepared in accordance with subsections (c)(1) and (c)(3) of this Section
233 and, when this estimate has been adjusted in accordance with subsection
234 (c)(2) of this Section, the latest adjusted closure cost estimate.
235

236 BOARD NOTE: Subsection (c) of this Section is derived from 40 CFR 267.142
237 ~~(2013)~~(2012).
238

- 239 d) Financial assurance for closure. The facility owner or operator must establish
240 financial assurance for closure of each storage or treatment unit that it owns or
241 operates. In establishing financial assurance for closure, the owner or operator
242 must choose from among the financial assurance mechanisms in subsections
243 (d)(1) through (d)(7) of this Section. The owner or operator can also use a
244 combination of mechanisms for a single facility if the combination meets the
245 requirement in subsection (d)(8) of this Section, or it may use a single mechanism
246 for multiple facilities as in subsection (d)(9) of this Section. The Agency must
247 release the owner or operator from the requirements of this subsection (d) after
248 the owner or operator meets the criteria pursuant to subsection (d)(10) of this
249 Section.
250
- 251 1) Closure trust fund. An owner or operator may use the "closure trust fund"
252 that is specified in 35 Ill. Adm. Code 724.243(a)(1), (a)(2), and (a)(6)
253 through (a)(11). For purposes of this subsection (d)(1), the following
254 provisions also apply:
255
- 256 A) Payments into the trust fund for a new facility must be made
257 annually by the owner or operator over the remaining operating life

of the facility as estimated in the closure plan, or over three years, whichever period is shorter. This period of time is hereafter referred to as the "pay-in period."

- B) For a new facility, the facility owner or operator must make the first payment into the closure trust fund before the facility may accept the initial storage. A receipt from the trustee must be submitted by the owner or operator to the Agency before this initial storage of waste. The first payment must be at least equal to the current closure cost estimate, divided by the number of years in the pay-in period, except as provided in subsection (d)(8) of this Section for multiple mechanisms. Subsequent payments must be made no later than 30 days after each anniversary date of the first payment. The owner or operator determines the amount of each subsequent payment by subtracting the current value of the trust fund from the current closure cost estimate, and dividing this difference by the number of years remaining in the pay-in period. Mathematically, the formula is as follows:

$$NP = \frac{(CCE - CVTF)}{YRPP}$$

Where:

NP = the amount of the next payment

CCE = the current closure cost estimate

CVTF = the current value of the trust fund

YRPP = the years remaining in the pay-in period.

- C) The owner or operator of a facility existing on the effective date of this subsection (d)(1) can establish a trust fund to meet the financial assurance requirements of this subsection (d)(1). If the value of the trust fund is less than the current closure cost estimate when a final approval of the permit is granted for the facility, the owner or operator must pay the difference into the trust fund within 60 days.
- D) The facility owner or operator may accelerate payments into the trust fund or deposit the full amount of the closure cost estimate when establishing the trust fund. However, the owner or operator

299 must maintain the value of the fund at no less than the value that
 300 the fund would have if annual payments were made as specified in
 301 subsections (d)(1)(B) or (d)(1)(C) of this Section.
 302

303 E) The facility owner or operator must submit a trust agreement with
 304 the wording specified designated by the Agency pursuant to
 305 subsection (l)(3) of this Section.
 306

307 2) Surety bond guaranteeing payment into a closure trust fund. An owner or
 308 operator may use the "surety bond guaranteeing payment into a closure
 309 trust fund," as specified in 35 Ill. Adm. Code 724.243(b), including the use
 310 of the surety bond instrument designated by the Agency pursuant to
 311 subsection (1)(3) of this Section, and the standby trust specified at 35 Ill.
 312 Adm. Code 724.243(b)(3).
 313

314 3) Surety bond guaranteeing performance of closure. An owner or operator
 315 may use the "surety bond guaranteeing performance of closure," as
 316 specified in 35 Ill. Adm. Code 724.243(c), the submission and use of the
 317 surety bond instrument designated by the Agency pursuant to subsection
 318 (1)(3) of this Section, and the standby trust specified at 35 Ill. Adm. Code
 319 724.243(c)(3).
 320

321 4) Closure letter of credit. An owner or operator may use the "closure letter
 322 of credit" specified in 35 Ill. Adm. Code 724.243(d), the submission and
 323 use of the irrevocable letter of credit instrument designated by the Agency
 324 pursuant to subsection (1)(3) of this Section, and the standby trust
 325 specified in 35 Ill. Adm. Code 724.243(d)(3).
 326

327 5) Closure insurance. An owner or operator may use "closure insurance," as
 328 specified in 35 Ill. Adm. Code 724.243(e), utilizing the certificate of
 329 insurance for closure designated by the Agency pursuant to subsection
 330 (1)(3) of this Section.
 331

332 6) Corporate financial test. An owner or operator that satisfies the
 333 requirements of this subsection (d)(6) may demonstrate financial
 334 assurance up to the amount specified in this subsection (d)(6).
 335

336 A) Financial component. See subsection (m) of this Section.
 337

338 BOARD NOTE: It was necessary for the Board to codify
 339 corresponding 40 CFR 267.143(f)(1) as subsection (m) of this
 340 Section to comport with Illinois Administrative Code indent level
 341 codification requirements. The Board intends that any citation to

342 this subsection (d), (d)(6), or (d)(6)(A) also include added
343 subsection (m) of this Section, as applicable.
344

- 345 B) Recordkeeping and reporting requirements. See subsection (n) of
346 this Section.
347

348 BOARD NOTE: It was necessary for the Board to codify 40 CFR
349 267.143(f)(2) as subsection (n) of this Section to comport with
350 Illinois Administrative Code indent level codification
351 requirements. The Board intends that any citation to this
352 subsection (d), (d)(6), or (d)(6)(B) also include added subsection
353 (n) of this Section, as applicable.
354

355 7) Corporate guarantee
356

- 357 A) A facility owner or operator may meet the requirements of this
358 subsection (d) by obtaining a written guarantee. The guarantor
359 must be the direct or higher-tier parent corporation of the owner or
360 operator, a firm whose parent corporation is also the parent
361 corporation of the owner or operator, or a firm with a "substantial
362 business relationship" with the owner or operator. The guarantor
363 must meet the requirements for owners or operators in subsection
364 (d)(6) of this Section and must comply with the terms of the
365 guarantee. The wording of the guarantee must be identical to the
366 wording designated by the Agency pursuant to subsection (1)(3) of
367 this Section. The certified copy of the guarantee must accompany
368 the letter from the guarantor's chief financial officer and
369 accountants' opinions. If the guarantor's parent corporation is also
370 the parent corporation of the owner or operator, the letter from the
371 guarantor's chief financial officer must describe the value received
372 in consideration of the guarantee. If the guarantor is a firm with a
373 "substantial business relationship" with the owner or operator, this
374 letter must describe this "substantial business relationship" and the
375 value received in consideration of the guarantee.
376

- 377 B) For a new facility, the guarantee must be effective and the
378 guarantor must submit the items in subsection (d)(7)(A) of this
379 Section and the items specified in subsection (n)(1) of this Section
380 to the Agency at least 60 days before the owner or operator places
381 waste in the facility.
382

- 383 C) The terms of the guarantee must provide as required by subsection
384 (o) of this Section.

385
 386 BOARD NOTE: It was necessary for the Board to codify 40 CFR
 387 267.143(g)(3) as subsection (o) of this Section to comport with
 388 Illinois Administrative Code indent level codification
 389 requirements. The Board intends that any citation to this
 390 subsection (d), (d)(7), or (d)(7)(C) also include added subsection
 391 (o) of this Section, as applicable.
 392

393 D) If a corporate guarantor no longer meets the requirements of
 394 subsection (d)(6)(A) of this Section, the owner or operator must,
 395 within 90 days, obtain alternative assurance, and submit the
 396 assurance to the Agency for approval. If the owner or operator
 397 fails to provide alternate financial assurance within the 90-day
 398 period, the guarantor must provide that alternate assurance within
 399 the next 30 days, and submit it to the Agency for approval.
 400

401 E) The guarantor is no longer required to meet the requirements of
 402 this subsection (d)(7) when either of the following occurs:
 403

404 i) The facility owner or operator substitutes alternate financial
 405 assurance as specified in this subsection (d); or
 406

407 ii) The facility owner or operator is released from the
 408 requirements of this subsection (d) in accordance with
 409 subsection (d)(10) of this Section.
 410

411 8) Use of multiple financial mechanisms. An owner or operator may use
 412 more than one mechanism at a particular facility to satisfy the
 413 requirements of this subsection (d). The acceptable mechanisms are trust
 414 funds, surety bonds guaranteeing payment into a trust fund, letters of
 415 credit, insurance, the financial test, and the guarantee, except owners or
 416 operators cannot combine the financial test with the guarantee. The
 417 mechanisms must be as specified in subsections (d)(1), (d)(2), (d)(4),
 418 (d)(5), (d)(6), and (d)(7) of this Section, respectively, except it is the
 419 combination of mechanisms rather than a single mechanism that must
 420 provide assurance for an amount at least equal to the cost estimate. If an
 421 owner or operator uses a trust fund in combination with a surety bond or
 422 letter of credit, it may use the trust fund as the standby trust for the other
 423 mechanisms. A single trust fund can be established for two or more
 424 mechanisms. The Agency may use any or all of the mechanisms to
 425 provide for closure of the facility.
 426

427 9) Use of a financial mechanism for multiple facilities. An owner or operator

428 may use a financial mechanism for multiple facilities, as specified in 35
429 Ill. Adm. Code 724.243(h).

- 430
431 10) Release of the owner or operator from the requirements of this subsection
432 (d). Within 60 days after receiving certifications from the owner or
433 operator and an independent registered professional engineer that final
434 closure has been completed in accordance with the approved closure plan,
435 the Agency will notify the owner or operator in writing that the owner or
436 operator is no longer required by this subsection (d) to maintain financial
437 assurance for final closure of the facility, unless the Agency has reason to
438 believe that final closure has not been completed in accordance with the
439 approved closure plan. The Agency must provide the owner or operator
440 with a detailed written statement of any such reasons to believe that
441 closure has not been conducted in accordance with the approved closure
442 plan.

443
444 BOARD NOTE: Subsection (d) of this Section is derived from 40 CFR 267.143
445 (2013)(2012).

- 446
447 e) This subsection (e) corresponds with 40 CFR 267.144, which USEPA has marked
448 "Reserved." This statement maintains structural consistency with the
449 corresponding federal rules.
450
451 f) This subsection (f) corresponds with 40 CFR 267.145, which USEPA has marked
452 "Reserved." This statement maintains structural consistency with the
453 corresponding federal rules.
454
455 g) This subsection (g) corresponds with 40 CFR 267.146, which USEPA has marked
456 "Reserved." This statement maintains structural consistency with the
457 corresponding federal rules.
458
459 h) Liability requirements
460
461 1) Coverage for sudden accidental occurrences. The owner or operator of a
462 hazardous waste treatment or storage facility, or a group of such facilities,
463 must demonstrate financial responsibility for bodily injury and property
464 damage to third parties caused by sudden accidental occurrences arising
465 from operations of the facility or group of facilities. The owner or
466 operator must have and maintain liability coverage for sudden accidental
467 occurrences in the amount of at least \$1 million per occurrence with an
468 annual aggregate of at least \$2 million, exclusive of legal defense costs.
469 This liability coverage may be demonstrated as specified in subsection
470 (h)(1)(A) through (h)(1)(G) of this Section:

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- A) Trust fund for liability coverage. The owner or operator may meet the requirements of this subsection (h) by obtaining a trust fund for liability coverage as specified in 35 Ill. Adm. Code 724.247(j).
 - B) Surety bond for liability coverage. The owner or operator may meet the requirements of this subsection (h) by obtaining a surety bond for liability coverage as specified in 35 Ill. Adm. Code 724.247(i).
 - C) Letter of credit for liability coverage. The owner or operator may meet the requirements of this subsection (h) by obtaining a letter of credit for liability coverage as specified in 35 Ill. Adm. Code 724.247(h).
 - D) Insurance for liability coverage. The owner or operator may meet the requirements of this subsection (h) by obtaining liability insurance as specified in 35 Ill. Adm. Code 724.247(a)(1).
 - E) Financial test for liability coverage. The owner or operator may meet the requirements of this subsection (h) by passing a financial test as specified in subsection (h)(6) of this Section.
 - F) Guarantee for liability coverage. The owner or operator may meet the requirements of this subsection (h) by obtaining a guarantee as specified in subsection (h)(7) of this Section.
 - G) Combination of mechanisms. The owner or operator may demonstrate the required liability coverage through the use of combinations of mechanisms as allowed by 35 Ill. Adm. Code 724.247(a)(6).
 - H) An owner or operator ~~must~~shall notify the Agency in writing within 30 days whenever either of the following occurs:
 - i) A claim results in a reduction in the amount of financial assurance for liability coverage provided by a financial instrument authorized in subsections (h)(1)(A) through (h)(1)(G) of this Section; or
 - ii) A Certification of Valid Claim for bodily injury or property damages caused by a sudden accidental occurrence arising from the operation of a hazardous waste treatment, storage,

514 or disposal facility is entered between the owner or
515 operator and third-party claimant for liability coverage
516 pursuant to subsections (h)(1)(A) through (h)(1)(G) of this
517 Section; or

518
519 iii) A final court order establishing a judgment for bodily
520 injury or property damage caused by a sudden accidental
521 occurrence arising from the operation of a hazardous waste
522 treatment, storage, or disposal facility is issued against the
523 owner or operator or an instrument that is providing
524 financial assurance for liability coverage pursuant to
525 subsections (h)(1)(A) through (h)(1)(G) of this Section.
526

527 2) This subsection (h)(2) corresponds with 40 CFR 267.147(b), which
528 USEPA has marked "Reserved." This statement maintains structural
529 consistency with the corresponding federal rules.
530

531 3) This subsection (h)(3) corresponds with 40 CFR 267.147(c), which
532 USEPA has marked "Reserved." This statement maintains structural
533 consistency with the corresponding federal rules.
534

535 4) This subsection (h)(4) corresponds with 40 CFR 267.147(d), which
536 USEPA has marked "Reserved." This statement maintains structural
537 consistency with the corresponding federal rules.
538

539 5) Period of coverage. Within 60 days after receiving certifications from the
540 facility owner or operator and an independent registered professional
541 engineer that final closure has been completed in accordance with the
542 approved closure plan, the Agency must notify the owner or operator in
543 writing that he is no longer required by this section to maintain liability
544 coverage from that facility, unless the Agency has reason to believe that
545 closure has not been in accordance with the approved closure plan.
546

547 6) Financial test for liability coverage. A facility owner or operator that
548 satisfies the requirements of this subsection (h)(6) may demonstrate
549 financial assurance for liability up to the amount specified in this
550 subsection (h)(6):
551

552 A) Financial component
553

554 i) If using the financial test for only liability coverage, the
555 owner or operator must have tangible net worth greater
556 than the sum of the liability coverage to be demonstrated by

557 this test plus \$10 million.

- 558
- 559 ii) The owner or operator must have assets located in the
- 560 United States amounting to at least the amount of liability
- 561 covered by this financial test.
- 562
- 563 iii) An owner or operator who is demonstrating coverage for
- 564 liability and any other environmental obligations, including
- 565 closure pursuant to subsection (d)(6) of this Section,
- 566 through a financial test must meet the requirements of
- 567 subsection (d)(6) of this Section.
- 568

- 569 B) Recordkeeping and reporting requirements. See subsection (p) of
- 570 this Section.
- 571

572 BOARD NOTE: It was necessary for the Board to codify 40 CFR

573 267.147(f)(2) as subsection (p) of this Section to comport with

574 Illinois Administrative Code indent level codification

575 requirements. The Board intends that any citation to this

576 subsection (h), (h)(6), or (h)(6)(B) also include added subsection

577 (p) of this Section, as applicable.

578

- 579 7) Guarantee for liability coverage
- 580

- 581 A) Subject to subsection (h)(7)(B) of this Section, a facility owner or
- 582 operator may meet the requirements of this subsection (h) by
- 583 obtaining a written guarantee, hereinafter referred to as
- 584 "guarantee." The guarantor must be the direct or higher-tier parent
- 585 corporation of the owner or operator, a firm whose parent
- 586 corporation is also the parent corporation of the owner or operator,
- 587 or a firm with a "substantial business relationship" with the owner
- 588 or operator. The guarantor must meet the requirements for owners
- 589 or operators in subsections (h)(6)(A) and (h)(6)(B) of this Section.
- 590 The wording of the guarantee must be identical to the wording
- 591 designated by the Agency pursuant to subsection (1)(3) of this
- 592 Section. A certified copy of the guarantee must accompany the
- 593 items sent to the Agency as specified in subsection (h)(6)(B) of
- 594 this Section. One of these items must be the letter from the
- 595 guarantor's chief financial officer. If the guarantor's parent
- 596 corporation is also the parent corporation of the owner or operator,
- 597 this letter must describe the value received in consideration of the
- 598 guarantee. If the guarantor is a firm with a "substantial business
- 599 relationship" with the owner or operator, this letter must describe

600 this "substantial business relationship" and the value received in
601 consideration of the guarantee.

602
603 i) If the facility owner or operator fails to satisfy a judgment
604 based on a determination of liability for bodily injury or
605 property damage to third parties caused by sudden
606 accidental occurrences arising from the operation of
607 facilities covered by this corporate guarantee, or fails to pay
608 an amount agreed to in settlement of claims arising from or
609 alleged to arise from such injury or damage, the guarantor
610 will do so up to the limits of coverage.

611
612 ii) This subsection (h)(7)(A)(ii) corresponds with 40 CFR
613 267.147(g)(1)(ii), which USEPA has marked "Reserved."
614 This statement maintains structural consistency with the
615 corresponding federal rules.

616
617 B) Foreign Corporations. See subsection (q) of this Section.

618
619 BOARD NOTE: It was necessary for the Board to codify 40 CFR
620 267.147(g)(2) as subsection (q) of this Section to comport with
621 Illinois Administrative Code indent level codification
622 requirements. The Board intends that any citation to this
623 subsection (h), (h)(7), or (h)(7)(B) also include added subsection
624 (q) of this Section, as applicable. See the further explanation of the
625 differences between subsection (q) of this Section and 40 CFR
626 267.147(g)(2) in the Board note appended to subsection (q).

627
628 BOARD NOTE: Subsection (h) of this Section is derived from 40 CFR 267.147
629 ~~(2013)~~(2012).

630
631 i) Incapacity of owners or operators, guarantors, or financial institutions

632
633 1) The facility owner or operator must notify the Agency by certified mail of
634 the commencement of a voluntary or involuntary proceeding under Title
635 11 (Bankruptcy) of the United States Code, naming the owner or operator
636 as debtor, within 10 days after commencement of the proceeding. A
637 guarantor of a corporate guarantee as specified in subsections (d)(7) and
638 (h)(7) of this Section must make such a notification if it is named as
639 debtor, as required under the terms of the corporate guarantee designated
640 by the Agency pursuant to subsection (1)(3) of this Section.

641
642 2) An owner or operator who fulfills the requirements of subsection (d) or (h)

643 of this Section by obtaining a trust fund, surety bond, letter of credit, or
 644 insurance policy will be deemed to be without the required financial
 645 assurance or liability coverage in the event of bankruptcy of the trustee or
 646 issuing institution, or a suspension or revocation of the authority of the
 647 trustee institution to act as trustee or of the institution issuing the surety
 648 bond, letter of credit, or insurance policy to issue such instruments. The
 649 owner or operator must establish other financial assurance or liability
 650 coverage within 60 days after such an event.

651
 652 BOARD NOTE: Subsection (i) of this Section is derived from 40 CFR 267.148
 653 (2013)(~~2012~~).

- 654
- 655 j) This subsection (j) corresponds with 40 CFR 267.149, which USEPA has marked
 656 "Reserved." This statement maintains structural consistency with the
 657 corresponding federal rules.
 - 658
 - 659 k) State assumption of responsibility
 - 660
 - 661 1) If the State either assumes legal responsibility for an owner's or operator's
 662 compliance with the closure care or liability requirements of this Part or
 663 assures that funds will be available from State sources to cover those
 664 requirements, the owner or operator will be in compliance with the
 665 requirements of subsection (d) or (h) of this Section if USEPA Region 5
 666 determines that the State's assumption of responsibility is at least
 667 equivalent to the financial mechanisms specified in this Section. USEPA
 668 has stated that USEPA Region 5 will evaluate the equivalency of State
 669 guarantees principally in terms of the following: the certainty of the
 670 availability of funds for the required closure care activities or liability
 671 coverage; and the amount of funds that will be made available. USEPA
 672 has stated that USEPA Region 5 may also consider other factors as it
 673 deems appropriate. The facility owner or operator must submit to USEPA
 674 Region 5 a letter from the State describing the nature of the State's
 675 assumption of responsibility together with a letter from the owner or
 676 operator requesting that the State's assumption of responsibility be
 677 considered acceptable for meeting the requirements of this Section. The
 678 letter from the State must include, or have attached to it, the following
 679 information: the facility's USEPA identification number, the facility name
 680 and address, and the amount of funds for closure care or liability coverage
 681 that are guaranteed by the State. USEPA has stated that USEPA Region 5
 682 will notify the owner or operator of ~~its~~his determination regarding the
 683 acceptability of the State's guarantee in lieu of financial mechanisms
 684 specified in this Section. USEPA has stated that USEPA Region 5 may
 685 require the owner or operator to submit additional information as is

686 deemed necessary to make this determination. Pending this determination,
 687 the owner or operator will be deemed to be in compliance with the
 688 requirements of subsection (d) or (h) of this Section, as applicable.
 689

- 690 2) If a State's assumption of responsibility is found acceptable as specified in
 691 subsection (k)(1) of this Section except for the amount of funds available,
 692 the owner or operator may satisfy the requirements of this Section by use
 693 of both the State's assurance and additional financial mechanisms as
 694 specified in this Section. The amount of funds available through the State
 695 and federal mechanisms must at least equal the amount required by this
 696 Section.
 697

698 BOARD NOTE: Subsection (k) of this Section is derived from 40 CFR 267.150
 699 (2013)(2012).
 700

701 1) Wording of the instruments
 702

- 703 1) Forms for using the corporate financial test to demonstrate financial
 704 assurance for closure. The chief financial officer of an owner or operator
 705 of a facility with a RCRA standardized permit who uses a financial test to
 706 demonstrate financial assurance for that facility must complete a letter as
 707 specified in subsection (d)(6) of this Section. The letter must be worded
 708 as designated by the Agency pursuant to subsection (1)(3) of this Section.
 709

- 710 2) Forms for using the financial test to demonstrate financial assurance for
 711 third-party liability. The chief financial officer of an owner or operator of
 712 a facility with a RCRA standardized permit who use a financial test to
 713 demonstrate financial assurance only for third party liability for that (or
 714 other RCRA standardized permit) facility (or those facilities) must
 715 complete a letter as specified in subsection (h)(6) of this Section. The
 716 letter must be worded as designated by the Agency pursuant to subsection
 717 (1)(3) of this Section.
 718

- 719 3) The Agency must designate standardized forms based on 40 CFR 264.151
 720 and 40 CFR 267.151 (Wording of the Instruments), each incorporated by
 721 reference in 35 Ill. Adm. Code 720.111(b), with such changes in wording
 722 as are necessary under Illinois law. Any owner or operator required to
 723 establish financial assurance under this Section must do so only upon the
 724 standardized forms promulgated by the Agency. The Agency must reject
 725 any financial assurance document that is not submitted on such
 726 standardized forms.
 727

728 BOARD NOTE: Subsection (l) of this Section is derived from 40 CFR 267.151

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(2013)~~(2012)~~.

- m) Financial component for using the corporate financial test to demonstrate financial assurance for closure
 - 1) The facility owner or operator must satisfy one of the following three conditions:
 - A) A current rating for its senior unsecured debt of AAA, AA, A, or BBB, as issued by Standard and Poor's, or Aaa, Aa, A or Baa, as issued by Moody's; or
 - B) A ratio of less than 1.5 comparing total liabilities to net worth; or
 - C) A ratio of greater than 0.10 comparing the sum of net income plus depreciation, depletion and amortization, minus \$10 million, to total liabilities.
 - 2) The tangible net worth of the owner or operator must be greater than both of the following:
 - A) The sum of the current environmental obligations (see subsection (n)(1)(A)(i) of this Section), including guarantees, covered by a financial test plus \$10 million, except as provided in subsection (m)(2)(B) of this Section; and
 - B) \$10 million in tangible net worth plus the amount of any guarantees that have not been recognized as liabilities on the financial statements provided all of the environmental obligations (see subsection (n)(1)(A)(i) of this Section) covered by a financial test are recognized as liabilities on the owner's or operator's audited financial statements, and subject to the approval of the Agency.
 - 3) The facility owner or operator must have assets located in the United States amounting to at least the sum of environmental obligations covered by a financial test as described in subsection (n)(1)(A)(i) of this Section.

BOARD NOTE: Subsection (m) of this Section is derived from 40 CFR 267.143(f)(1) (2013)~~(2012)~~. The Board moved the corresponding federal provision to comport with Illinois Administrative Code indent level codification requirements. The Board intends that any citation to subsection (d), (d)(6), or (d)(6)(A) of this Section also include this added subsection (m), as applicable.

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n) Recordkeeping and reporting requirements for using the corporate financial test to demonstrate financial assurance for closure

1) The facility owner or operator must submit the following items to the Agency:

A) A letter signed by the owner's or operator's chief financial officer that provides the following information:

i) It lists all the applicable current types, amounts, and sums of environmental obligations covered by a financial test. These obligations include both obligations in the programs that USEPA directly operates and obligations where USEPA has delegated authority to a State or approved a State's program. These obligations include, but are not limited to the information described in subsection (n)(1)(E) of this Section.

BOARD NOTE: It was necessary for the Board to codify 40 CFR 267.143(f)(2)(i)(A)(I) through (f)(2)(i)(A)(I)(vii) as subsection (n)(1)(E) through (n)(1)(E)(vii) of this Section to comport with Illinois Administrative Code indent level codification requirements. The Board intends that any citation to subsection (d), (d)(6), or (d)(6)(B) of this Section or to this subsection (n), (n)(1), (n)(1)(A), or (n)(1)(A)(i) also include added subsection (n)(1)(E) through (n)(1)(E)(vii) of this Section, as applicable.

ii) It provides evidence demonstrating that the firm meets the conditions of either subsection (m)(1)(A), (m)(1)(B), or (m)(1)(C) of this Section and subsections (m)(2) and (m)(3) of this Section.

B) A copy of the independent certified public accountant's unqualified opinion of the owner's or operator's financial statements for the latest completed fiscal year. To be eligible to use the financial test, the owner's or operator's financial statements must receive an unqualified opinion from the independent certified public accountant. An adverse opinion, disclaimer of opinion, or other qualified opinion will be cause for disallowance, with the potential exception for qualified opinions provided in the next sentence. The Agency may evaluate qualified opinions on a case-by-case

815 basis and allow use of the financial test in cases where the Agency
 816 deems that the matters that form the basis for the qualification are
 817 insufficient to warrant disallowance of the test. If the Agency does
 818 not allow use of the test, the owner or operator must provide
 819 alternate financial assurance that meets the requirements of this
 820 section within 30 days after the notification of disallowance.
 821

822 C) If the chief financial officer's letter providing evidence of financial
 823 assurance includes financial data showing that the owner or
 824 operator satisfies subsection (m)(1)(B) or (m)(1)(C) of this Section
 825 that are different from data in the audited financial statements
 826 referred to in subsection (n)(1)(B) of this Section or any other
 827 audited financial statement or data filed with the SEC, then a
 828 special report from the owner's or operator's independent certified
 829 public accountant to the owner or operator is required. The special
 830 report must be based upon an agreed upon procedures engagement
 831 in accordance with professional auditing standards and ~~must~~shall
 832 describe the procedures performed in comparing the data in the
 833 chief financial officer's letter derived from the independently
 834 audited, year-end financial statements for the latest fiscal year with
 835 the amounts in such financial statements, the findings of that
 836 comparison, and the reasons for any differences.
 837

838 D) If the chief financial officer's letter provides a demonstration that
 839 the firm has assured for environmental obligations as provided in
 840 subsection (m)(2)(B) of this Section, then the letter ~~must~~shall
 841 include a report from the independent certified public accountant
 842 that verifies that all of the environmental obligations covered by a
 843 financial test have been recognized as liabilities on the audited
 844 financial statements, how these obligations have been measured
 845 and reported, and that the tangible net worth of the firm is at least
 846 \$10 million plus the amount of any guarantees provided.
 847

848 E) Contents of the letter signed by the chief financial officer (for the
 849 purposes of subsection (n)(1)(A)(i) of this Section):
 850

851 i) The liability, closure, post-closure and corrective action
 852 cost estimates required for hazardous waste treatment,
 853 storage, and disposal facilities pursuant to the applicable
 854 provisions of 35 Ill. Adm. Code 724.201, 724.242, 724.244,
 855 724.247, 725.242, 725.244, and 725.247;

856 ii) The cost estimates required for municipal solid waste
 857

management facilities pursuant to the applicable provisions of Subpart G of 35 Ill. Adm. Code 811;

- iii) The current plugging cost estimates required for UIC facilities pursuant to 35 Ill. Adm. Code 704.212;
- iv) The federally required cost estimates required for petroleum underground storage tank facilities pursuant to 40 CFR 280.93;
- v) The federally required cost estimates required for PCB storage facilities pursuant to 40 CFR 761.65;
- vi) Any federally required financial assurance required by or as part of an action undertaken pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (42 USC 9601 et seq.); and
- vii) Any other environmental obligations that are assured through a financial test.

BOARD NOTE: Subsections (n)(1)(E) through (n)(1)(E)(vi) of this Section are derived from 40 CFR 267.143(f)(2)(i)(A)(I) through (f)(2)(i)(A)(I)(vi) (2013)(2012). The Board moved the corresponding federal provision to comport with Illinois Administrative Code indent level codification requirements. The Board intends that any citation to subsection (d), (d)(6), (d)(6)(B), (n), (n)(1), (n)(1)(A), or (n)(1)(A)(i) of this Section also include added subsections (n)(1)(E) through (n)(1)(E)(vi), as applicable.

- 2) The owner or operator of a new facility must submit the items specified in subsection (n)(1) of this Section to the Agency at least 60 days before placing waste in the facility.
- 3) After the initial submission of items specified in subsection (n)(1) of this Section, the owner or operator must send updated information to the Agency within 90 days following the close of the owner's or operator's fiscal year. The Agency may provide up to an additional 45 days for an owner or operator who can demonstrate that 90 days is insufficient time to acquire audited financial statements. The updated information must consist of all items specified in subsection (n)(1) of this Section.
- 4) The owner or operator is no longer required to submit the items specified

901 in this subsection (n) of this Section or comply with the requirements of
902 subsection (d)(6) of this Section when either of the following occurs:
903

904 A) The owner or operator substitutes alternate financial assurance as
905 specified in subsection (d) of this Section that is not subject to
906 these recordkeeping and reporting requirements; or
907

908 B) The Agency releases the owner or operator from the requirements
909 of subsection (d) of this Section in accordance with subsection
910 (d)(10) of this Section.
911

912 5) An owner or operator who no longer meets the requirements of subsection
913 (m) of this Section cannot use the financial test to demonstrate financial
914 assurance. Instead an owner or operator who no longer meets the
915 requirements of subsection (m) of this Section, must do the following:
916

917 A) It must send notice to the Agency of intent to establish alternate
918 financial assurance as specified in this section. The owner or
919 operator must send this notice by certified mail within 90 days
920 following the close of the owner's or operator's fiscal year for
921 which the year-end financial data show that the owner or operator
922 no longer meets the requirements of this subsection (n) and
923 subsections (d), (m), and (o) of this Section; and
924

925 B) It must provide alternative financial assurance within 120 days
926 after the end of such fiscal year.
927

928 6) The Agency may, based on a reasonable belief that the owner or operator
929 may no longer meet the requirements of subsection (m) of this Section,
930 require at any time the owner or operator to provide reports of its financial
931 condition in addition to or including current financial test documentation
932 as specified in this subsection (n). If the Agency finds that the owner or
933 operator no longer meets the requirements of subsection (m) of this
934 Section, the owner or operator must provide alternate financial assurance
935 that meets the requirements of subsection (d) of this Section.
936

937 BOARD NOTE: Subsection (n) of this Section is derived from 40 CFR
938 267.143(f)(2) (2013)(2012). The Board moved the corresponding federal
939 provision to comport with Illinois Administrative Code indent level codification
940 requirements. The Board intends that any citation to subsection (d), (d)(6), or
941 (d)(6)(B) of this Section also include this added subsection (n), as applicable.
942

943 o) The terms of the guarantee for using the corporate guarantee to demonstrate

944 financial assurance for closure must provide as follows:

- 945
- 946 1) If the facility owner or operator fails to perform closure at a facility
- 947 covered by the guarantee, the guarantor will accomplish the following:
- 948
- 949 A) It will perform, or pay a third party to perform closure
- 950 (performance guarantee); or
- 951
- 952 B) It will establish a fully funded trust fund as specified in subsection
- 953 (d)(1) of this Section in the name of the owner or operator
- 954 (payment guarantee).
- 955
- 956 2) The guarantee will remain in force for as long as the facility owner or
- 957 operator must comply with the applicable financial assurance requirements
- 958 of this Section unless the guarantor sends prior notice of cancellation by
- 959 certified mail to the owner or operator and to the Agency. Cancellation
- 960 may not occur, however, during the 120 days beginning on the date of
- 961 receipt of the notice of cancellation by both the owner or operator and the
- 962 Agency as evidenced by the return receipts.
- 963
- 964 3) If notice of cancellation is given, the facility owner or operator must,
- 965 within 90 days following receipt of the cancellation notice by the owner or
- 966 operator and the Agency, obtain alternate financial assurance, and submit
- 967 documentation for that alternate financial assurance to the Agency. If the
- 968 owner or operator fails to provide alternate financial assurance and obtain
- 969 the written approval of such alternative assurance from the Agency within
- 970 the 90-day period, the guarantor must provide that alternate assurance in
- 971 the name of the owner or operator and submit the necessary
- 972 documentation for the alternative assurance to the Agency within 120 days
- 973 after the cancellation notice.
- 974

975 BOARD NOTE: Subsection (o) of this Section is derived from 40 CFR

976 267.143(g)(3) ~~(2013)~~(2012). The Board moved the corresponding federal

977 provision to comport with Illinois Administrative Code indent level codification

978 requirements. The Board intends that any citation to subsection (d), (d)(7), or

979 (d)(7)(C) of this Section also include this added subsection (o), as applicable.

980

981 p) Recordkeeping and reporting requirements

982

- 983 1) The owner or operator must submit the following items to the Agency:
- 984
- 985 A) A letter signed by the owner's or operator's chief financial officer
- 986 that provides evidence demonstrating that the firm meets the

987 conditions of subsections (h)(6)(A)(i) and (h)(6)(A)(ii) of this
 988 Section. If the firm is providing only liability coverage through a
 989 financial test for a facility or facilities with a permit pursuant to
 990 this Part 727, the letter should use the wording in subsection (l)(2)
 991 of this Section. If the firm is providing only liability coverage
 992 through a financial test for facilities regulated pursuant to this Part
 993 727, it should use the letter designated by the Agency pursuant to
 994 subsection (1)(3) of this Section. If the firm is providing liability
 995 coverage through a financial test for a facility or facilities with a
 996 permit pursuant to this Part 727, and it assures closure costs or any
 997 other environmental obligations through a financial test, it must
 998 use the letter in subsection (l)(1) of this Section for the facilities
 999 issued a permit pursuant to this Part 727.

1000
 1001 B) A copy of the independent certified public accountant's unqualified
 1002 opinion of the owner's or operator's financial statements for the
 1003 latest completed fiscal year. To be eligible to use the financial test,
 1004 the owner's or operator's financial statements must receive an
 1005 unqualified opinion from the independent certified public
 1006 accountant. An adverse opinion, disclaimer of opinion, or other
 1007 qualified opinion will be cause for disallowance, with the potential
 1008 exception for qualified opinions provided in the next sentence.
 1009 The Agency may evaluate qualified opinions on a case-by-case
 1010 basis and allow use of the financial test in cases where the Agency
 1011 deems that the matters that form the basis for the qualification are
 1012 insufficient to warrant disallowance of the test. If the Agency does
 1013 not allow use of the test, the owner or operator must provide
 1014 alternate financial assurance that meets the requirements of this
 1015 subsection (h) within 30 days after the notification of disallowance.
 1016

1017 C) If the chief financial officer's letter providing evidence of financial
 1018 assurance includes financial data showing that the owner or
 1019 operator satisfies subsections (h)(6)(A)(i) and (h)(6)(A)(ii) of this
 1020 Section that are different from data in the audited financial
 1021 statements referred to in subsection (p)(1)(B) of this Section or any
 1022 other audited financial statement or data filed with the SEC, then a
 1023 special report from the owner's or operator's independent certified
 1024 public accountant to the owner or operator is required. The special
 1025 report ~~must~~shall be based upon an agreed upon procedures
 1026 engagement in accordance with professional auditing standards
 1027 and ~~must~~shall describe the procedures performed in comparing the
 1028 data in the chief financial officer's letter derived from the
 1029 independently audited, year-end financial statements for the latest

- 1030 fiscal year with the amounts in such financial statements, the
1031 findings of that comparison, and the reasons for any differences.
1032
- 1033 2) The owner or operator of a new facility must submit the items specified in
1034 subsection (p)(1) of this Section to the Agency at least 60 days before
1035 placing waste in the facility.
1036
- 1037 3) After the initial submission of items specified in subsection (p)(1) of this
1038 Section, the facility owner or operator must send updated information to
1039 the Agency within 90 days following the close of the owner or operator's
1040 fiscal year. The Agency may provide up to an additional 45 days for an
1041 owner or operator who can demonstrate that 90 days is insufficient time to
1042 acquire audited financial statements. The updated information must
1043 consist of all items specified in subsection (p)(1) of this Section.
1044
- 1045 4) The owner or operator is no longer required to submit the items specified
1046 in this subsection (p) or comply with the requirements of subsection (h)(6)
1047 of this Section when either of the following occurs:
1048
- 1049 A) The facility owner or operator substitutes alternate financial
1050 assurance as specified in subsection (h) of this Section that is not
1051 subject to these recordkeeping and reporting requirements; or
1052
- 1053 B) The Agency releases the facility owner or operator from the
1054 requirements of subsection (h) of this Section in accordance with
1055 subsection (d)(10) of this Section.
1056
- 1057 5) An owner or operator that no longer meets the requirements of subsection
1058 (h)(6)(A) of this Section cannot use the financial test to demonstrate
1059 financial assurance. An owner or operator who no longer meets the
1060 requirements of subsection (h)(6)(A) of this Section, must do the
1061 following:
1062
- 1063 A) Send notice to the Agency of intent to establish alternate financial
1064 assurance as specified in this section. The facility owner or
1065 operator must send this notice by certified mail within 90 days
1066 following the close of the owner's or operator's fiscal year for
1067 which the year-end financial data show that the owner or operator
1068 no longer meets the requirements of this Section.
1069
- 1070 B) Provide alternative financial assurance within 120 days after the
1071 end of that fiscal year.
1072

- 1073 6) The Agency may, based on a reasonable belief that the owner or operator
1074 may no longer meet the requirements of subsection (h)(6)(A) of this
1075 Section, require at any time the owner or operator to provide reports of its
1076 financial condition in addition to or including current financial test
1077 documentation as specified in this subsection (p) of this Section. If the
1078 Agency finds that the owner or operator no longer meets the requirements
1079 of subsection (h)(6)(A) of this Section, the owner or operator must provide
1080 alternate financial assurance that meets the requirements of subsection (h)
1081 of this Section.
1082

1083 BOARD NOTE: Subsection (p) of this Section is derived from 40 CFR
1084 267.147(f)(2) (~~2013~~)(2012). The Board moved the corresponding federal
1085 provision to comport with Illinois Administrative Code indent level codification
1086 requirements. The Board intends that any citation to subsection (h), (h)(6), or
1087 (h)(6)(B) of this Section also include this added subsection (p), as applicable.
1088

1089 q) Foreign corporations
1090

- 1091 1) The guarantor must execute the guarantee in Illinois. The guarantee must
1092 be accompanied by a letter signed by the guarantor that states as follows:
1093
1094 A) The guarantee was signed in Illinois by an authorized agent of the
1095 guarantor;
1096
1097 B) The guarantee is governed by Illinois law; and
1098
1099 C) The name and address of the guarantor's registered agent for
1100 service of process.
1101
1102 2) The guarantor must have a registered agent pursuant to Section 5.05 of the
1103 Business Corporation Act of 1983 [805 ILCS 5/5.05] or Section 105.05 of
1104 the General Not-for-Profit Corporation Act of 1986 [805 ILCS
1105 105/105.05].
1106

1107 BOARD NOTE: Subsection (q) of this Section is derived from 40 CFR
1108 267.147(g)(2) (~~2013~~)(2012). The Board moved the corresponding federal
1109 provision to comport with Illinois Administrative Code indent level codification
1110 requirements. The Board intends that any citation to subsection (h), (h)(7), or
1111 (h)(7)(B) of this Section also include this added subsection (q), as applicable. The
1112 text of 40 CFR 267.147(g)(2) is substantially identical to that of 40 CFR
1113 264.147(g)(2). The Board has substituted the language of 35 Ill. Adm. Code
1114 724.247(g)(2), which corresponds with 40 CFR 264.147(g)(2), for that of 40 CFR
1115 267.147(g)(2).

1116

1117

(Source: Amended at 38 Ill. Reg. _____, effective _____)

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER c: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 727
STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE
FACILITIES OPERATING UNDER A RCRA STANDARDIZED PERMIT

Section

727.100	General
727.110	General Facility Standards
727.130	Preparedness and Prevention
727.150	Contingency Plan and Emergency Procedures
727.170	Recordkeeping, Reporting, and Notifying
727.190	Releases from Solid Waste Management Units
727.210	Closure
727.240	Financial Requirements
727.270	Use and Management of Containers
727.290	Tank Systems
727.900	Containment Buildings
727.APPENDIX A	Financial Assurance Forms
727.ILLUSTRATION A	Letter of Chief Financial Officer: Financial Assurance for Facility Closure
727.ILLUSTRATION B	Letter of Chief Financial Officer: Financial Assurance for Liability Coverage
727.APPENDIX B	Correlation of State and Federal Provisions
727.TABLE A	Correlation of Federal RCRA Standardized Permit Provisions to State Provisions
727.TABLE B	Correlation of State RCRA Standardized Permit Provisions to Federal Provisions

AUTHORITY: Implementing Sections 7.2 and 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 22.4, and 27].

SOURCE: Adopted in R06-16/R06-17/R06-18 at 31 Ill. Reg. 1146, effective December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 12829, effective July 14, 2008; amended in

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R13-15 at 37 Ill. Reg. 17909, effective October 24, 2013; amended in R14-1/-R14-2/-R14-3 at 38 Ill. Reg. _____, effective _____.

Section 727.240 Financial Requirements

- a) Applicability and substance of the financial requirements:
 - 1) The regulations in this Section apply to owners and operators who treat or store hazardous waste under a RCRA standardized permit, except as provided in Section 727.100(a)(2) or subsection (a)(4) of this Section.
 - 2) The facility owner or operator must do each of the following:
 - A) It must prepare a closure cost estimate as required in subsection (c) of this Section;
 - B) It must demonstrate financial assurance for closure as required in subsection (d) of this Section; and
 - C) It must demonstrate financial assurance for liability as required in subsection (h) of this Section.
 - 3) The owner or operator must notify the Agency if the owner or operator is named as a debtor in a bankruptcy proceeding under Title 11 (Bankruptcy) of the United States Code (see also subsection (i) of this Section).
 - 4) States and the federal government are exempt from the requirements of this Section.

BOARD NOTE: Subsection (a) of this Section is derived from 40 CFR 267.140 (2012)-(2013).

- b) Definitions of terms as used in this Section:
 - 1) "Closure plan" means the plan for closure prepared in accordance with the requirements of Section 727.210(c).
 - 2) "Current closure cost estimate" means the most recent of the estimates

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prepared in accordance with subsections (c)(1), (c)(2), and (c)(3) of this Section.

- 3) This subsection (b)(3) corresponds with 40 CFR 267.141(c), which USEPA has marked “Reserved.” This statement maintains structural consistency with the corresponding federal rules.
- 4) “Parent corporation” means a corporation that directly owns at least 50 percent of the voting stock of the corporation which is the facility owner or operator. In this instance, the owned corporation that is the facility owner or operator is deemed a “subsidiary” of the parent corporation.
- 5) This subsection (b)(5) corresponds with 40 CFR 267.141(e), which USEPA has marked “Reserved.” This statement maintains structural consistency with the corresponding federal rules.
- 6) The following terms are used in the specifications for the financial tests for closure and liability coverage. The definitions are intended to assist in the understanding of these regulations and are not intended to limit the meanings of terms in a way that conflicts with generally accepted accounting practices:

“Assets” means all existing and all probable future economic benefits obtained or controlled by a particular entity.

“Current plugging and abandonment cost estimate” means the most recent of the estimates prepared in accordance with 35 Ill. Adm. Code 704.212(a), (b), and (c).

“Independently audited” refers to an audit performed by an independent certified public accountant in accordance with generally accepted auditing standards.

“Liabilities” means probable future sacrifices of economic benefits arising from present obligations to transfer assets or provide services to other entities in the future as a result of past transactions or events.

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“Tangible net worth” means the tangible assets that remain after deducting liabilities; such assets would not include intangibles such as goodwill and rights to patents or royalties.

- 7) In the liability insurance requirements, the terms “bodily injury” and “property damage” have the meanings given them by applicable State law. However, these terms do not include those liabilities that, consistent with standard industry practices, are excluded from coverage in liability insurance policies for bodily injury and property damage. The Agency intends the meanings of other terms used in the liability insurance requirements to be consistent with their common meanings within the insurance industry. The definitions given below of several of the terms are intended to assist in the understanding of these regulations and are not intended to limit their meanings in a way that conflicts with general insurance industry usage.

“Accidental occurrence” means an accident, including continuous or repeated exposure to conditions, that results in bodily injury or property damage neither expected nor intended from the standpoint of the insured.

“Legal defense costs” means any expenses that an insurer incurs in defending against claims of third parties brought under the terms and conditions of an insurance policy.

“Sudden accidental occurrence” means an occurrence that is not continuous or repeated in nature.

- 8) “Substantial business relationship” means the extent of a business relationship necessary under applicable state law to make a guarantee contract issued incident to that relationship valid and enforceable. A “substantial business relationship” must arise from a pattern of recent or ongoing business transactions, in addition to the guarantee itself, such that the Agency can reasonably determine that a substantial business relationship currently exists between the guarantor and the facility owner or operator that is adequate consideration to support the obligation of the guarantee relating to any liability towards a third-party. “Applicable state law,” as used in this subsection (d)(8), means the laws of the State of

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Illinois and those of any sister state that govern the guarantee and the adequacy of the consideration.

BOARD NOTE: Subsection (b) of this Section is derived from 40 CFR 267.141-~~(2012)~~ (2013). Subsection (b)(8) is also derived from the discussion at 53 Fed. Reg. 33938, 41-43 (Sept. 1, 1988). The term “substantial business relationship” is also independently defined in 35 Ill. Adm. Code 724.241(h) and 725.241(h). Any Agency determination that a substantial business relationship exists is subject to Board review pursuant to ~~section~~ Section 40 of the Act [415 ILCS 5/40].

- c) Cost estimate for closure-
- 1) The facility owner or operator must have at the facility a detailed written estimate, in current dollars, of the cost of closing the facility in accordance with the requirements in Section 727.210(b) through (f) and applicable closure requirements in Sections 727.270(g), 727.290(l), and 727.900(i).
 - A) The estimate must equal the cost of final closure at the point in the facility's active life when the extent and manner of its operation would make closure the most expensive, as indicated by the closure plan (see Section 727.210(c)(2)).
 - B) The closure cost estimate must be based on the costs to the owner or operator of hiring a third party to close the facility. A third party is a party who is neither a parent nor a subsidiary of the owner or operator. (See the definition of parent corporation in subsection (b)(4) of this Section.) The owner or operator may use costs for on-site disposal if it can demonstrate that on-site disposal capacity will exist at all times over the life of the facility.
 - C) The closure cost estimate may not incorporate any salvage value that may be realized with the sale of hazardous wastes, or non-hazardous wastes, facility structures or equipment, land, or other assets associated with the facility at the time of partial or final closure.
 - D) The facility owner or operator may not incorporate a zero cost for hazardous wastes, or non-hazardous wastes that might have

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economic value.

- 2) During the active life of the facility, the facility owner or operator must adjust the closure cost estimate for inflation within 60 days prior to the anniversary date of the establishment of the financial instruments used to comply with subsection (d) of this Section. For an owner or operator using the financial test or corporate guarantee, the closure cost estimate must be updated for inflation within 30 days after the close of the guarantor's fiscal year and before submission of updated information to the Agency as specified in subsection (n)(3) of this Section. The adjustment may be made by recalculating the maximum costs of closure in current dollars, or by using an inflation factor derived from the most recent Implicit Price Deflator for Gross Domestic Product (Deflator) published by the U.S. Department of Commerce in its Survey of Current Business, as specified in subsections (c)(2)(A) and (c)(2)(B) of this Section. The inflation factor is the result of dividing the latest published annual Deflator by the Deflator for the previous year.
 - A) The first adjustment is made by multiplying the closure cost estimate by the inflation factor. The result is the adjusted closure cost estimate.
 - B) Subsequent adjustments are made by multiplying the latest adjusted closure cost estimate by the latest inflation factor.

BOARD NOTE: The table of Deflators is available as Table 1.1.9. in the National Income and Product Account Tables, published by U.S. Department of Commerce, Bureau of Economic Analysis, National Economic Accounts, available on-line at the following web address: www.bea.gov/iTable/iTable.cfm?ReqID=9&step=1#reqid=9&step=3&isuri=1&903=13.

- 3) During the active life of the facility, the facility owner or operator must revise the closure cost estimate no later than 30 days after the Agency has approved the request to modify the closure plan, if the change in the closure plan increases the cost of closure. The revised closure cost estimate must be adjusted for inflation as specified in subsection (c)(2) of

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this Section.

- 4) The facility owner or operator must keep the following at the facility during the operating life of the facility: the latest closure cost estimate prepared in accordance with subsections (c)(1) and (c)(3) of this Section and, when this estimate has been adjusted in accordance with subsection (c)(2) of this Section, the latest adjusted closure cost estimate.

BOARD NOTE: Subsection (c) of this Section is derived from 40 CFR 267.142 (2012)-(2013).

- d) Financial assurance for closure. The facility owner or operator must establish financial assurance for closure of each storage or treatment unit that it owns or operates. In establishing financial assurance for closure, the owner or operator must choose from among the financial assurance mechanisms in subsections (d)(1) through (d)(7) of this Section. The owner or operator can also use a combination of mechanisms for a single facility if the combination meets the requirement in subsection (d)(8) of this Section, or it may use a single mechanism for multiple facilities as in subsection (d)(9) of this Section. The Agency must release the owner or operator from the requirements of this subsection (d) after the owner or operator meets the criteria pursuant to subsection (d)(10) of this Section.
 - 1) Closure trust fund. An owner or operator may use the "closure trust fund" that is specified in 35 Ill. Adm. Code 724.243(a)(1), (a)(2), and (a)(6) through (a)(11). For purposes of this subsection (d)(1), the following provisions also apply:
 - A) Payments into the trust fund for a new facility must be made annually by the owner or operator over the remaining operating life of the facility as estimated in the closure plan, or over three years, whichever period is shorter. This period of time is hereafter referred to as the "pay-in period."
 - B) For a new facility, the facility owner or operator must make the first payment into the closure trust fund before the facility may accept the initial storage. A receipt from the trustee must be submitted by the owner or operator to the Agency before this initial storage of waste. The first payment must be at least equal to the

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current closure cost estimate, divided by the number of years in the pay-in period, except as provided in subsection (d)(8) of this Section for multiple mechanisms. Subsequent payments must be made no later than 30 days after each anniversary date of the first payment. The owner or operator determines the amount of each subsequent payment by subtracting the current value of the trust fund from the current closure cost estimate, and dividing this difference by the number of years remaining in the pay-in period. Mathematically, the formula is as follows:

$$NP = \frac{(CCE - CVTF)}{YRPP}$$

Where:

NP = the amount of the next payment

CCE = the current closure cost estimate

CVTF = the current value of the trust fund

YRPP = the years remaining in the pay-in period.

- C) The owner or operator of a facility existing on the effective date of this subsection (d)(1) can establish a trust fund to meet the financial assurance requirements of this subsection (d)(1). If the value of the trust fund is less than the current closure cost estimate when a final approval of the permit is granted for the facility, the owner or operator must pay the difference into the trust fund within 60 days.
- D) The facility owner or operator may accelerate payments into the trust fund or deposit the full amount of the closure cost estimate when establishing the trust fund. However, the owner or operator must maintain the value of the fund at no less than the value that the fund would have if annual payments were made as specified in

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subsections (d)(1)(B) or (d)(1)(C) of this Section.

- E) The facility owner or operator must submit a trust agreement with the wording specified ~~designated~~ by the Agency pursuant to subsection (1)(3) of this Section.
- 2) Surety bond guaranteeing payment into a closure trust fund. An owner or operator may use the “surety bond guaranteeing payment into a closure trust fund,” as specified in 35 Ill. Adm. Code 724.243(b), including the use of the surety bond instrument designated by the Agency pursuant to subsection (1)(3) of this Section, and the standby trust specified at 35 Ill. Adm. Code 724.243(b)(3).
- 3) Surety bond guaranteeing performance of closure. An owner or operator may use the “surety bond guaranteeing performance of closure,” as specified in 35 Ill. Adm. Code 724.243(c), the submission and use of the surety bond instrument designated by the Agency pursuant to subsection (1)(3) of this Section, and the standby trust specified at 35 Ill. Adm. Code 724.243(c)(3).
- 4) Closure letter of credit. An owner or operator may use the “closure letter of credit” specified in 35 Ill. Adm. Code 724.243(d), the submission and use of the irrevocable letter of credit instrument designated by the Agency pursuant to subsection (1)(3) of this Section, and the standby trust specified in 35 Ill. Adm. Code 724.243(d)(3).
- 5) Closure insurance. An owner or operator may use “closure insurance,” as specified in 35 Ill. Adm. Code 724.243(e), utilizing the certificate of insurance for closure designated by the Agency pursuant to subsection (1)(3) of this Section.
- 6) Corporate financial test. An owner or operator that satisfies the requirements of this subsection (d)(6) may demonstrate financial assurance up to the amount specified in this subsection (d)(6).
 - A) Financial component. See subsection (m) of this Section.

BOARD NOTE: It was necessary for the Board to codify

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corresponding 40 CFR 267.143(f)(1) as subsection (m) of this Section to comport with Illinois Administrative Code indent level codification requirements. The Board intends that any citation to this subsection (d), (d)(6), or (d)(6)(A) also include added subsection (m) of this Section, as applicable.

- B) Recordkeeping and reporting requirements. See subsection (n) of this Section.

BOARD NOTE: It was necessary for the Board to codify 40 CFR 267.143(f)(2) as subsection (n) of this Section to comport with Illinois Administrative Code indent level codification requirements. The Board intends that any citation to this subsection (d), (d)(6), or (d)(6)(B) also include added subsection (n) of this Section, as applicable.

- 7) Corporate guarantee:

- A) A facility owner or operator may meet the requirements of this subsection (d) by obtaining a written guarantee. The guarantor must be the direct or higher-tier parent corporation of the owner or operator, a firm whose parent corporation is also the parent corporation of the owner or operator, or a firm with a "substantial business relationship" with the owner or operator. The guarantor must meet the requirements for owners or operators in subsection (d)(6) of this Section and must comply with the terms of the guarantee. The wording of the guarantee must be identical to the wording designated by the Agency pursuant to subsection (41)(3) of this Section. The certified copy of the guarantee must accompany the letter from the guarantor's chief financial officer and accountants' opinions. If the guarantor's parent corporation is also the parent corporation of the owner or operator, the letter from the guarantor's chief financial officer must describe the value received in consideration of the guarantee. If the guarantor is a firm with a "substantial business relationship" with the owner or operator, this letter must describe this "substantial business relationship" and the value received in consideration of the guarantee.

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B) For a new facility, the guarantee must be effective and the guarantor must submit the items in subsection (d)(7)(A) of this Section and the items specified in subsection (n)(1) of this Section to the Agency at least 60 days before the owner or operator places waste in the facility.

C) The terms of the guarantee must provide as required by subsection (o) of this Section.

BOARD NOTE: It was necessary for the Board to codify 40 CFR 267.143(g)(3) as subsection (o) of this Section to comport with Illinois Administrative Code indent level codification requirements. The Board intends that any citation to this subsection (d), (d)(7), or (d)(7)(C) also include added subsection (o) of this Section, as applicable.

D) If a corporate guarantor no longer meets the requirements of subsection (d)(6)(A) of this Section, the owner or operator must, within 90 days, obtain alternative assurance, and submit the assurance to the Agency for approval. If the owner or operator fails to provide alternate financial assurance within the 90-day period, the guarantor must provide that alternate assurance within the next 30 days, and submit it to the Agency for approval.

E) The guarantor is no longer required to meet the requirements of this subsection (d)(7) when either of the following occurs:

i) The facility owner or operator substitutes alternate financial assurance as specified in this subsection (d); or

ii) The facility owner or operator is released from the requirements of this subsection (d) in accordance with subsection (d)(10) of this Section.

8) Use of multiple financial mechanisms. An owner or operator may use more than one mechanism at a particular facility to satisfy the requirements of this subsection (d). The acceptable mechanisms are trust

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funds, surety bonds guaranteeing payment into a trust fund, letters of credit, insurance, the financial test, and the guarantee, except owners or operators cannot combine the financial test with the guarantee. The mechanisms must be as specified in subsections (d)(1), (d)(2), (d)(4), (d)(5), (d)(6), and (d)(7) of this Section, respectively, except it is the combination of mechanisms rather than a single mechanism that must provide assurance for an amount at least equal to the cost estimate. If an owner or operator uses a trust fund in combination with a surety bond or letter of credit, it may use the trust fund as the standby trust for the other mechanisms. A single trust fund can be established for two or more mechanisms. The Agency may use any or all of the mechanisms to provide for closure of the facility.

- 9) Use of a financial mechanism for multiple facilities. An owner or operator may use a financial mechanism for multiple facilities, as specified in 35 Ill. Adm. Code 724.243(h).
- 10) Release of the owner or operator from the requirements of this subsection (d). Within 60 days after receiving certifications from the owner or operator and an independent registered professional engineer that final closure has been completed in accordance with the approved closure plan, the Agency will notify the owner or operator in writing that the owner or operator is no longer required by this subsection (d) to maintain financial assurance for final closure of the facility, unless the Agency has reason to believe that final closure has not been completed in accordance with the approved closure plan. The Agency must provide the owner or operator with a detailed written statement of any such reasons to believe that closure has not been conducted in accordance with the approved closure plan.

BOARD NOTE: Subsection (d) of this Section is derived from 40 CFR 267.143 (2012)(2013).

- e) This subsection (e) corresponds with 40 CFR 267.144, which USEPA has marked "Reserved." This statement maintains structural consistency with the corresponding federal rules.
- f) This subsection (f) corresponds with 40 CFR 267.145, which USEPA has marked

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“Reserved.” This statement maintains structural consistency with the corresponding federal rules.

- g) This subsection (g) corresponds with 40 CFR 267.146, which USEPA has marked “Reserved.” This statement maintains structural consistency with the corresponding federal rules.
- h) Liability requirements:
 - 1) Coverage for sudden accidental occurrences. The owner or operator of a hazardous waste treatment or storage facility, or a group of such facilities, must demonstrate financial responsibility for bodily injury and property damage to third parties caused by sudden accidental occurrences arising from operations of the facility or group of facilities. The owner or operator must have and maintain liability coverage for sudden accidental occurrences in the amount of at least \$1 million per occurrence with an annual aggregate of at least \$2 million, exclusive of legal defense costs. This liability coverage may be demonstrated as specified in subsection (h)(1)(A) through (h)(1)(G) of this Section:
 - A) Trust fund for liability coverage. The owner or operator may meet the requirements of this subsection (h) by obtaining a trust fund for liability coverage as specified in 35 Ill. Adm. Code 724.247(j).
 - B) Surety bond for liability coverage. The owner or operator may meet the requirements of this subsection (h) by obtaining a surety bond for liability coverage as specified in 35 Ill. Adm. Code 724.247(i).
 - C) Letter of credit for liability coverage. The owner or operator may meet the requirements of this subsection (h) by obtaining a letter of credit for liability coverage as specified in 35 Ill. Adm. Code 724.247(h).
 - D) Insurance for liability coverage. The owner or operator may meet the requirements of this subsection (h) by obtaining liability insurance as specified in 35 Ill. Adm. Code 724.247(a)(1).

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- E) Financial test for liability coverage. The owner or operator may meet the requirements of this subsection (h) by passing a financial test as specified in subsection (h)(6) of this Section.
 - F) Guarantee for liability coverage. The owner or operator may meet the requirements of this subsection (h) by obtaining a guarantee as specified in subsection (h)(7) of this Section.
 - G) Combination of mechanisms. The owner or operator may demonstrate the required liability coverage through the use of combinations of mechanisms as allowed by 35 Ill. Adm. Code 724.247(a)(6).
 - H) An owner or operator ~~shall~~ must notify the Agency in writing within 30 days whenever either of the following occurs:
 - i) A claim results in a reduction in the amount of financial assurance for liability coverage provided by a financial instrument authorized in subsections (h)(1)(A) through (h)(1)(G) of this Section; or
 - ii) A Certification of Valid Claim for bodily injury or property damages caused by a sudden accidental occurrence arising from the operation of a hazardous waste treatment, storage, or disposal facility is entered between the owner or operator and third-party claimant for liability coverage pursuant to subsections (h)(1)(A) through (h)(1)(G) of this Section; or
 - iii) A final court order establishing a judgment for bodily injury or property damage caused by a sudden accidental occurrence arising from the operation of a hazardous waste treatment, storage, or disposal facility is issued against the owner or operator or an instrument that is providing financial assurance for liability coverage pursuant to subsections (h)(1)(A) through (h)(1)(G) of this Section.
- 2) This subsection (h)(2) corresponds with 40 CFR 267.147(b), which USEPA has marked "Reserved." This statement maintains structural

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consistency with the corresponding federal rules.

- 3) This subsection (h)(3) corresponds with 40 CFR 267.147(c), which USEPA has marked "Reserved." This statement maintains structural consistency with the corresponding federal rules.
- 4) This subsection (h)(4) corresponds with 40 CFR 267.147(d), which USEPA has marked "Reserved." This statement maintains structural consistency with the corresponding federal rules.
- 5) Period of coverage. Within 60 days after receiving certifications from the facility owner or operator and an independent registered professional engineer that final closure has been completed in accordance with the approved closure plan, the Agency must notify the owner or operator in writing that he is no longer required by this section to maintain liability coverage from that facility, unless the Agency has reason to believe that closure has not been in accordance with the approved closure plan.
- 6) Financial test for liability coverage. A facility owner or operator that satisfies the requirements of this subsection (h)(6) may demonstrate financial assurance for liability up to the amount specified in this subsection (h)(6):
 - A) Financial component:
 - i) If using the financial test for only liability coverage, the owner or operator must have tangible net worth greater than the sum of the liability coverage to be demonstrated by this test plus \$10 million.
 - ii) The owner or operator must have assets located in the United States amounting to at least the amount of liability covered by this financial test.
 - iii) An owner or operator who is demonstrating coverage for liability and any other environmental obligations, including closure pursuant to subsection (d)(6) of this Section, through a financial test must meet the requirements of

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subsection (d)(6) of this Section.

- B) Recordkeeping and reporting requirements. See subsection (p) of this Section.

BOARD NOTE: It was necessary for the Board to codify 40 CFR 267.147(f)(2) as subsection (p) of this Section to comport with Illinois Administrative Code indent level codification requirements. The Board intends that any citation to this subsection (h), (h)(6), or (h)(6)(B) also include added subsection (p) of this Section, as applicable.

- 7) Guarantee for liability coverage:

- A) Subject to subsection (h)(7)(B) of this Section, a facility owner or operator may meet the requirements of this subsection (h) by obtaining a written guarantee, hereinafter referred to as "guarantee." The guarantor must be the direct or higher-tier parent corporation of the owner or operator, a firm whose parent corporation is also the parent corporation of the owner or operator, or a firm with a "substantial business relationship" with the owner or operator. The guarantor must meet the requirements for owners or operators in subsections (h)(6)(A) and (h)(6)(B) of this Section. The wording of the guarantee must be identical to the wording designated by the Agency pursuant to subsection (1)(3) of this Section. A certified copy of the guarantee must accompany the items sent to the Agency, as specified in subsection (h)(6)(B) of this Section. One of these items must be the letter from the guarantor's chief financial officer. If the guarantor's parent corporation is also the parent corporation of the owner or operator, this letter must describe the value received in consideration of the guarantee. If the guarantor is a firm with a "substantial business relationship" with the owner or operator, this letter must describe this "substantial business relationship" and the value received in consideration of the guarantee.

- i) If the facility owner or operator fails to satisfy a judgment based on a determination of liability for bodily injury or

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property damage to third parties caused by sudden accidental occurrences arising from the operation of facilities covered by this corporate guarantee, or fails to pay an amount agreed to in settlement of claims arising from or alleged to arise from such injury or damage, the guarantor will do so up to the limits of coverage.

- ii) This subsection (h)(7)(A)(ii) corresponds with 40 CFR 267.147(g)(1)(ii), which USEPA has marked "Reserved." This statement maintains structural consistency with the corresponding federal rules.

- B) Foreign Corporations. See subsection (q) of this Section.

BOARD NOTE: It was necessary for the Board to codify 40 CFR 267.147(g)(2) as subsection (q) of this Section to comport with Illinois Administrative Code indent level codification requirements. The Board intends that any citation to this subsection (h), (h)(7), or (h)(7)(B) also include added subsection (q) of this Section, as applicable. See the further explanation of the differences between subsection (q) of this Section and 40 CFR 267.147(g)(2) in the Board note appended to subsection (q).

BOARD NOTE: Subsection (h) of this Section is derived from 40 CFR 267.147 (2012)~~(2013)~~.

- i) Incapacity of owners or operators, guarantors, or financial institutions:
 - 1) The facility owner or operator must notify the Agency by certified mail of the commencement of a voluntary or involuntary proceeding under Title 11 (Bankruptcy) of the United States Code, naming the owner or operator as debtor, within 10 days after commencement of the proceeding. A guarantor of a corporate guarantee as specified in subsections (d)(7) and (h)(7) of this Section must make such a notification if it is named as debtor, as required under the terms of the corporate guarantee designated by the Agency pursuant to subsection ~~(4)~~(3) of this Section.
 - 2) An owner or operator who fulfills the requirements of subsection (d) or (h)

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of this Section by obtaining a trust fund, surety bond, letter of credit, or insurance policy will be deemed to be without the required financial assurance or liability coverage in the event of bankruptcy of the trustee or issuing institution, or a suspension or revocation of the authority of the trustee institution to act as trustee or of the institution issuing the surety bond, letter of credit, or insurance policy to issue such instruments. The owner or operator must establish other financial assurance or liability coverage within 60 days after such an event.

BOARD NOTE: Subsection (i) of this Section is derived from 40 CFR 267.148 (2012)-(2013).

- j) This subsection (j) corresponds with 40 CFR 267.149, which USEPA has marked "Reserved." This statement maintains structural consistency with the corresponding federal rules.
- k) State assumption of responsibility:
 - 1) If the State either assumes legal responsibility for an owner's or operator's compliance with the closure care or liability requirements of this Part or assures that funds will be available from State sources to cover those requirements, the owner or operator will be in compliance with the requirements of subsection (d) or (h) of this Section if USEPA Region 5 determines that the State's assumption of responsibility is at least equivalent to the financial mechanisms specified in this Section. USEPA has stated that USEPA Region 5 will evaluate the equivalency of State guarantees principally in terms of the following: the certainty of the availability of funds for the required closure care activities or liability coverage; and the amount of funds that will be made available. USEPA has stated that USEPA Region 5 may also consider other factors as it deems appropriate. The facility owner or operator must submit to USEPA Region 5 a letter from the State describing the nature of the State's assumption of responsibility together with a letter from the owner or operator requesting that the State's assumption of responsibility be considered acceptable for meeting the requirements of this Section. The letter from the State must include, or have attached to it, the following information: the facility's USEPA identification number, the facility name and address, and the amount of funds for closure care or liability

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coverage that are guaranteed by the State. USEPA has stated that USEPA Region 5 will notify the owner or operator of ~~his~~its determination regarding the acceptability of the State's guarantee in lieu of financial mechanisms specified in this Section. USEPA has stated that USEPA Region 5 may require the owner or operator to submit additional information as is deemed necessary to make this determination. Pending this determination, the owner or operator will be deemed to be in compliance with the requirements of subsection (d) or (h) of this Section, as applicable.

- 2) If a State's assumption of responsibility is found acceptable as specified in subsection (k)(1) of this Section except for the amount of funds available, the owner or operator may satisfy the requirements of this Section by use of both the State's assurance and additional financial mechanisms as specified in this Section. The amount of funds available through the State and federal mechanisms must at least equal the amount required by this Section.

BOARD NOTE: Subsection (k) of this Section is derived from 40 CFR 267.150 (2012)~~(2013)~~.

- 1) Wording of the instruments:
 - 1) Forms for using the corporate financial test to demonstrate financial assurance for closure. The chief financial officer of an owner or operator of a facility with a RCRA standardized permit who uses a financial test to demonstrate financial assurance for that facility must complete a letter as specified in subsection (d)(6) of this Section. The letter must be worded as designated by the Agency pursuant to subsection ~~(1)~~(3) of this Section.
 - 2) Forms for using the financial test to demonstrate financial assurance for third-party liability. The chief financial officer of an owner or operator of a facility with a RCRA standardized permit who use a financial test to demonstrate financial assurance only for third party liability for that (or other RCRA standardized permit) facility (or those facilities) must complete a letter as specified in subsection (h)(6) of this Section. The letter must be worded as designated by the Agency pursuant to subsection ~~(1)~~(3) of this Section.

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- 3) The Agency must designate standardized forms based on 40 CFR 264.151 and 40 CFR 267.151 (Wording of the Instruments), each incorporated by reference in 35 Ill. Adm. Code 720.111(b), with such changes in wording as are necessary under Illinois law. Any owner or operator required to establish financial assurance under this Section must do so only upon the standardized forms promulgated by the Agency. The Agency must reject any financial assurance document that is not submitted on such standardized forms.

BOARD NOTE: Subsection (l) of this Section is derived from 40 CFR 267.151 ~~(2012)~~(2013).

- m) Financial component for using the corporate financial test to demonstrate financial assurance for closure:
 - 1) The facility owner or operator must satisfy one of the following three conditions:
 - A) A current rating for its senior unsecured debt of AAA, AA, A, or BBB, as issued by Standard and Poor's, or Aaa, Aa, A or Baa, as issued by Moody's; or
 - B) A ratio of less than 1.5 comparing total liabilities to net worth; or
 - C) A ratio of greater than 0.10 comparing the sum of net income plus depreciation, depletion and amortization, minus \$10 million, to total liabilities.
 - 2) The tangible net worth of the owner or operator must be greater than both of the following:
 - A) The sum of the current environmental obligations (see subsection (n)(1)(A)(i) of this Section), including guarantees, covered by a financial test plus \$10 million, except as provided in subsection (m)(2)(B) of this Section; and
 - B) \$10 million in tangible net worth plus the amount of any

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guarantees that have not been recognized as liabilities on the financial statements provided all of the environmental obligations (see subsection (n)(1)(A)(i) of this Section) covered by a financial test are recognized as liabilities on the owner's or operator's audited financial statements, and subject to the approval of the Agency.

- 3) The facility owner or operator must have assets located in the United States amounting to at least the sum of environmental obligations covered by a financial test as described in subsection (n)(1)(A)(i) of this Section.

BOARD NOTE: Subsection (m) of this Section is derived from 40 CFR 267.143(f)(1)-(2012) (2013). The Board moved the corresponding federal provision to comport with Illinois Administrative Code indent level codification requirements. The Board intends that any citation to subsection (d), (d)(6), or (d)(6)(A) of this Section also include this added subsection (m), as applicable.

- n) Recordkeeping and reporting requirements for using the corporate financial test to demonstrate financial assurance for closure:

- 1) The facility owner or operator must submit the following items to the Agency:

- A) A letter signed by the owner's or operator's chief financial officer that provides the following information:

- i) It lists all the applicable current types, amounts, and sums of environmental obligations covered by a financial test. These obligations include both obligations in the programs that USEPA directly operates and obligations where USEPA has delegated authority to a State or approved a State's program. These obligations include, but are not limited to the information described in subsection (n)(1)(E) of this Section.

BOARD NOTE: It was necessary for the Board to codify 40 CFR 267.143(f)(2)(i)(A)(I) through (f)(2)(i)(A)(I)(vii) as subsection (n)(1)(E) through (n)(1)(E)(vii) of this

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Section to comport with Illinois Administrative Code indent level codification requirements. The Board intends that any citation to subsection (d), (d)(6), or (d)(6)(B) of this Section or to this subsection (n), (n)(1), (n)(1)(A), or (n)(1)(A)(i) also include added subsection (n)(1)(E) through (n)(1)(E)(vii) of this Section, as applicable.

- ii) It provides evidence demonstrating that the firm meets the conditions of either subsection (m)(1)(A), (m)(1)(B), or (m)(1)(C) of this Section and subsections (m)(2) and (m)(3) of this Section.

- B) A copy of the independent certified public accountant's unqualified opinion of the owner's or operator's financial statements for the latest completed fiscal year. To be eligible to use the financial test, the owner's or operator's financial statements must receive an unqualified opinion from the independent certified public accountant. An adverse opinion, disclaimer of opinion, or other qualified opinion will be cause for disallowance, with the potential exception for qualified opinions provided in the next sentence. The Agency may evaluate qualified opinions on a case-by-case basis and allow use of the financial test in cases where the Agency deems that the matters that form the basis for the qualification are insufficient to warrant disallowance of the test. If the Agency does not allow use of the test, the owner or operator must provide alternate financial assurance that meets the requirements of this section within 30 days after the notification of disallowance.

- C) If the chief financial officer's letter providing evidence of financial assurance includes financial data showing that the owner or operator satisfies subsection (m)(1)(B) or (m)(1)(C) of this Section that are different from data in the audited financial statements referred to in subsection (n)(1)(B) of this Section or any other audited financial statement or data filed with the SEC, then a special report from the owner's or operator's independent certified public accountant to the owner or operator is required. The special report must be based upon an agreed upon procedures engagement

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in accordance with professional auditing standards and shall must describe the procedures performed in comparing the data in the chief financial officer's letter derived from the independently audited, year-end financial statements for the latest fiscal year with the amounts in such financial statements, the findings of that comparison, and the reasons for any differences.

- D) If the chief financial officer's letter provides a demonstration that the firm has assured for environmental obligations as provided in subsection (m)(2)(B) of this Section, then the letter shall must include a report from the independent certified public accountant that verifies that all of the environmental obligations covered by a financial test have been recognized as liabilities on the audited financial statements, how these obligations have been measured and reported, and that the tangible net worth of the firm is at least \$10 million plus the amount of any guarantees provided.
- E) Contents of the letter signed by the chief financial officer (for the purposes of subsection (n)(1)(A)(i) of this Section):
 - i) The liability, closure, post-closure and corrective action cost estimates required for hazardous waste treatment, storage, and disposal facilities pursuant to the applicable provisions of 35 Ill. Adm. Code 724.201, 724.242, 724.244, 724.247, 725.242, 725.244, and 725.247;
 - ii) The cost estimates required for municipal solid waste management facilities pursuant to the applicable provisions of Subpart G of 35 Ill. Adm. Code 811;
 - iii) The current plugging cost estimates required for UIC facilities pursuant to 35 Ill. Adm. Code 704.212;
 - iv) The federally required cost estimates required for petroleum underground storage tank facilities pursuant to 40 CFR 280.93;
 - v) The federally required cost estimates required for PCB

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storage facilities pursuant to 40 CFR 761.65;

- vi) Any federally required financial assurance required by or as part of an action undertaken pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (42 USC 9601 et seq.); and
- vii) Any other environmental obligations that are assured through a financial test.

BOARD NOTE: Subsections (n)(1)(E) through (n)(1)(E)(vi) of this Section are derived from 40 CFR 267.143(f)(2)(i)(A)(I) through (f)(2)(i)(A)(I)(vi) (2012) (2013). The Board moved the corresponding federal provision to comport with Illinois Administrative Code indent level codification requirements. The Board intends that any citation to subsection (d), (d)(6), (d)(6)(B), (n), (n)(1), (n)(1)(A), or (n)(1)(A)(i) of this Section also include added subsections (n)(1)(E) through (n)(1)(E)(vi), as applicable.

- 2) The owner or operator of a new facility must submit the items specified in subsection (n)(1) of this Section to the Agency at least 60 days before placing waste in the facility.
- 3) After the initial submission of items specified in subsection (n)(1) of this Section, the owner or operator must send updated information to the Agency within 90 days following the close of the owner's or operator's fiscal year. The Agency may provide up to an additional 45 days for an owner or operator who can demonstrate that 90 days is insufficient time to acquire audited financial statements. The updated information must consist of all items specified in subsection (n)(1) of this Section.
- 4) The owner or operator is no longer required to submit the items specified in this subsection (n) of this Section or comply with the requirements of subsection (d)(6) of this Section when either of the following occurs:
 - A) The owner or operator substitutes alternate financial assurance as specified in subsection (d) of this Section that is not subject to these recordkeeping and reporting requirements; or

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- B) The Agency releases the owner or operator from the requirements of subsection (d) of this Section in accordance with subsection (d)(10) of this Section.
- 5) An owner or operator who no longer meets the requirements of subsection (m) of this Section cannot use the financial test to demonstrate financial assurance. Instead an owner or operator who no longer meets the requirements of subsection (m) of this Section, must do the following:
 - A) It must send notice to the Agency of intent to establish alternate financial assurance as specified in this section. The owner or operator must send this notice by certified mail within 90 days following the close of the owner's or operator's fiscal year for which the year-end financial data show that the owner or operator no longer meets the requirements of this subsection (n) and subsections (d), (m), and (o) of this Section; and
 - B) It must provide alternative financial assurance within 120 days after the end of such fiscal year.
- 6) The Agency may, based on a reasonable belief that the owner or operator may no longer meet the requirements of subsection (m) of this Section, require at any time the owner or operator to provide reports of its financial condition in addition to or including current financial test documentation as specified in this subsection (n). If the Agency finds that the owner or operator no longer meets the requirements of subsection (m) of this Section, the owner or operator must provide alternate financial assurance that meets the requirements of subsection (d) of this Section.

BOARD NOTE: Subsection (n) of this Section is derived from 40 CFR 267.143(f)(2)-(2012) (2013). The Board moved the corresponding federal provision to comport with Illinois Administrative Code indent level codification requirements. The Board intends that any citation to subsection (d), (d)(6), or (d)(6)(B) of this Section also include this added subsection (n), as applicable.

- o) The terms of the guarantee for using the corporate guarantee to demonstrate financial assurance for closure must provide as follows:

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- 1) If the facility owner or operator fails to perform closure at a facility covered by the guarantee, the guarantor will accomplish the following:
 - A) It will perform, or pay a third party to perform closure (performance guarantee); or
 - B) It will establish a fully funded trust fund as specified in subsection (d)(1) of this Section in the name of the owner or operator (payment guarantee).
- 2) The guarantee will remain in force for as long as the facility owner or operator must comply with the applicable financial assurance requirements of this Section unless the guarantor sends prior notice of cancellation by certified mail to the owner or operator and to the Agency. Cancellation may not occur, however, during the 120 days beginning on the date of receipt of the notice of cancellation by both the owner or operator and the Agency as evidenced by the return receipts.
- 3) If notice of cancellation is given, the facility owner or operator must, within 90 days following receipt of the cancellation notice by the owner or operator and the Agency, obtain alternate financial assurance, and submit documentation for that alternate financial assurance to the Agency. If the owner or operator fails to provide alternate financial assurance and obtain the written approval of such alternative assurance from the Agency within the 90-day period, the guarantor must provide that alternate assurance in the name of the owner or operator and submit the necessary documentation for the alternative assurance to the Agency within 120 days after the cancellation notice.

BOARD NOTE: Subsection (o) of this Section is derived from 40 CFR 267.143(g)(3)-(2012) (2013). The Board moved the corresponding federal provision to comport with Illinois Administrative Code indent level codification requirements. The Board intends that any citation to subsection (d), (d)(7), or (d)(7)(C) of this Section also include this added subsection (o), as applicable.

- p) Recordkeeping and reporting requirements-

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- 1) The owner or operator must submit the following items to the Agency:
 - A) A letter signed by the owner's or operator's chief financial officer that provides evidence demonstrating that the firm meets the conditions of subsections (h)(6)(A)(i) and (h)(6)(A)(ii) of this Section. If the firm is providing only liability coverage through a financial test for a facility or facilities with a permit pursuant to this Part 727, the letter should use the wording in subsection (1)(2) of this Section. If the firm is providing only liability coverage through a financial test for facilities regulated pursuant to this Part 727, it should use the letter designated by the Agency pursuant to subsection (1)(3) of this Section. If the firm is providing liability coverage through a financial test for a facility or facilities with a permit pursuant to this Part 727, and it assures closure costs or any other environmental obligations through a financial test, it must use the letter in subsection (1)(1) of this Section for the facilities issued a permit pursuant to this Part 727.
 - B) A copy of the independent certified public accountant's unqualified opinion of the owner's or operator's financial statements for the latest completed fiscal year. To be eligible to use the financial test, the owner's or operator's financial statements must receive an unqualified opinion from the independent certified public accountant. An adverse opinion, disclaimer of opinion, or other qualified opinion will be cause for disallowance, with the potential exception for qualified opinions provided in the next sentence. The Agency may evaluate qualified opinions on a case-by-case basis and allow use of the financial test in cases where the Agency deems that the matters that form the basis for the qualification are insufficient to warrant disallowance of the test. If the Agency does not allow use of the test, the owner or operator must provide alternate financial assurance that meets the requirements of this subsection (h) within 30 days after the notification of disallowance.
 - C) If the chief financial officer's letter providing evidence of financial assurance includes financial data showing that the owner or operator satisfies subsections (h)(6)(A)(i) and (h)(6)(A)(ii) of this

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Section that are different from data in the audited financial statements referred to in subsection (p)(1)(B) of this Section or any other audited financial statement or data filed with the SEC, then a special report from the owner's or operator's independent certified public accountant to the owner or operator is required. The special report shall must be based upon an agreed upon procedures engagement in accordance with professional auditing standards and shall must describe the procedures performed in comparing the data in the chief financial officer's letter derived from the independently audited, year-end financial statements for the latest fiscal year with the amounts in such financial statements, the findings of that comparison, and the reasons for any differences.

- 2) The owner or operator of a new facility must submit the items specified in subsection (p)(1) of this Section to the Agency at least 60 days before placing waste in the facility.
- 3) After the initial submission of items specified in subsection (p)(1) of this Section, the facility owner or operator must send updated information to the Agency within 90 days following the close of the owner's or operator's fiscal year. The Agency may provide up to an additional 45 days for an owner or operator who can demonstrate that 90 days is insufficient time to acquire audited financial statements. The updated information must consist of all items specified in subsection (p)(1) of this Section.
- 4) The owner or operator is no longer required to submit the items specified in this subsection (p) or comply with the requirements of subsection (h)(6) of this Section when either of the following occurs:
 - A) The facility owner or operator substitutes alternate financial assurance as specified in subsection (h) of this Section that is not subject to these recordkeeping and reporting requirements; or
 - B) The Agency releases the facility owner or operator from the requirements of subsection (h) of this Section in accordance with subsection (d)(10) of this Section.

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- 5) An owner or operator that no longer meets the requirements of subsection (h)(6)(A) of this Section cannot use the financial test to demonstrate financial assurance. An owner or operator who no longer meets the requirements of subsection (h)(6)(A) of this Section, must do the following:
 - A) Send notice to the Agency of intent to establish alternate financial assurance as specified in this section. The facility owner or operator must send this notice by certified mail within 90 days following the close of the owner's or operator's fiscal year for which the year-end financial data show that the owner or operator no longer meets the requirements of this Section.
 - B) Provide alternative financial assurance within 120 days after the end of that fiscal year.
- 6) The Agency may, based on a reasonable belief that the owner or operator may no longer meet the requirements of subsection (h)(6)(A) of this Section, require at any time the owner or operator to provide reports of its financial condition in addition to or including current financial test documentation as specified in this subsection (p) of this Section. If the Agency finds that the owner or operator no longer meets the requirements of subsection (h)(6)(A) of this Section, the owner or operator must provide alternate financial assurance that meets the requirements of subsection (h) of this Section.

BOARD NOTE: Subsection (p) of this Section is derived from 40 CFR 267.147(f)(2)-(2012) (2013). The Board moved the corresponding federal provision to comport with Illinois Administrative Code indent level codification requirements. The Board intends that any citation to subsection (h), (h)(6), or (h)(6)(B) of this Section also include this added subsection (p), as applicable.

- q) Foreign corporations:
 - 1) The guarantor must execute the guarantee in Illinois. The guarantee must be accompanied by a letter signed by the guarantor that states as follows:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

- A) The guarantee was signed in Illinois by an authorized agent of the guarantor;
 - B) The guarantee is governed by Illinois law; and
 - C) The name and address of the guarantor's registered agent for service of process.
- 2) The guarantor must have a registered agent pursuant to Section 5.05 of the Business Corporation Act of 1983 [805 ILCS 5/5.05] or Section 105.05 of the General Not-for-Profit Corporation Act of 1986 [805 ILCS 105/105.05].

BOARD NOTE: Subsection (q) of this Section is derived from 40 CFR 267.147(g)(2)-(2012) (2013). The Board moved the corresponding federal provision to comport with Illinois Administrative Code indent level codification requirements. The Board intends that any citation to subsection (h), (h)(7), or (h)(7)(B) of this Section also include this added subsection (q), as applicable. The text of 40 CFR 267.147(g)(2) is substantially identical to that of 40 CFR 264.147(g)(2). The Board has substituted the language of 35 Ill. Adm. Code 724.247(g)(2), which corresponds with 40 CFR 264.147(g)(2), for that of 40 CFR 267.147(g)(2).

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Document comparison by Workshare Compare on Friday, December 13, 2013
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Moved to	0
Style change	0
Format changed	0
Total changes	348

POLLUTION CONTROL BOARD

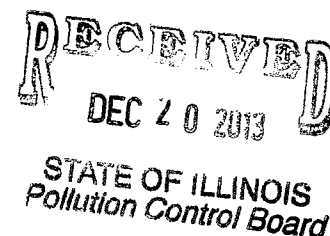
NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Solid Waste Disposal: General Provisions
- 2) Code Citation: 35 Ill. Adm. Code 810
- 3) Section Number: 810.104 Proposed Action: Amend
- 4) Statutory Authority: 415 ILCS 5/7.2, 22.40, and 27
- 5) A Complete Description of the Subjects and Issues Involved: The amendment to Part 810 is a single segment of the docket consolidated R14-1/R14-2/R14-3 rulemaking that also affects 35 Ill. Adm. Code 720, 727, 811 and 814, each of which is covered by a separate notice in this issue of the *Illinois Register*. To save space, a more detailed description of the subjects and issues involved in the docket consolidated R14-1/R14-2/R14-3 rulemaking in this issue of the *Illinois Register* only in the answer to question 5 in the Notice of Adopted Amendments for 35 Ill. Adm. Code 720. A comprehensive description is contained in the Board's opinion and order of December 5, 2013, proposing amendments in docket consolidated R14-1/R14-2/R14-3, which opinion and order is available from the address below.

Specifically, the amendment to Part 810 update incorporations by reference to the Code of Federal Regulations and correct some incorporations by reference. The Board has included one correction to the main source note.

Tables appear in the Board's opinion and order of December 5, 2013 in docket consolidated R14-1/R14-2/R14-3 that list numerous corrections and amendments that are not based on current federal amendments. The tables contain deviations from the literal text of the federal amendments underlying these amendments, as well as corrections and clarifications that the Board made in the base text involved. Persons interested in the details of those corrections and amendments should refer to the December 5, 2013 opinion and order in docket consolidated R14-1/R14-2/R14-3.

Section 22.40 of the Environmental Protection Act [415 ILCS 5/22.40 (2012)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35 (2012)] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None



POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this proposed rulemaking contain incorporations by reference? Yes
- 10) Statement of Statewide Policy Objectives: These proposed amendments do not create or enlarge a state mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b) (2012)].
- 11) Are there any other proposed rulemakings pending on this Part? No
- 12) Time, Place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference docket consolidated R14-1/R14-2/R14-3 and be addressed to:

John T. Therriault, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

312/819-3620

Please direct inquiries to the following person and reference docket consolidated R14-1/R14-2/R14-3:

Michael J. McCambridge
Staff Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60601

312/814-6924

e-mail: michael.mccambridge@illinois.gov

Request copies of the Board's opinion and order at 312-814-3620, or download a copy from the Board's Website at <http://www.ipcb.state.il.us>.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

- 13) Initial regulatory flexibility analysis:
- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking may affect those small businesses, small municipalities, and not-for-profit corporations that own or operate a municipal solid waste landfill. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b) (2012)].
 - B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, and maintenance of operating records. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b) (2012)].
 - C) Types of Professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b) (2012)].
- 14) Regulatory Agenda on which this rulemaking was summarized: June 2013

The full text of the proposed rulemaking begins on the next page:

JCAR350810-1320067r01

1 TITLE 35: ENVIRONMENTAL PROTECTION
2 SUBTITLE G: WASTE DISPOSAL
3 CHAPTER I: POLLUTION CONTROL BOARD
4 SUBCHAPTER i: SOLID WASTE AND SPECIAL WASTE HAULING

5
6 PART 810
7 SOLID WASTE DISPOSAL: GENERAL PROVISIONS
8

9	Section	
10	810.101	Scope and Applicability
11	810.102	Severability
12	810.103	Definitions
13	810.104	Incorporations by Reference
14	810.105	Electronic Reporting

15
16 AUTHORITY: Implementing Sections 7.2, 21, 21.1, 22, 22.17, and 22.40 and authorized by
17 Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 21, 21.1, 22, 22.17, 22.40, and
18 27].

19
20 SOURCE: Adopted in R88-7 at 14 Ill. Reg. 15838, effective September 18, 1990; amended in
21 R93-10 at 18 Ill. Reg. 1268, effective January 13, 1994; amended in R90-26 at 18 Ill. Reg.
22 12457, effective August 1, 1994; amended in R95-9 at 19 Ill. Reg. 14427, effective September
23 29, 1995; amended in R96-1 at 20 Ill. Reg. 11985, effective August 15, 1996; amended in R97-
24 20 at 21 Ill. Reg. 15825, effective November 25, 1997; amended in R04-5/R04-15 at 28 Ill. Reg.
25 9090, effective June 18, 2004; amended in R05-1 at 29 Ill. Reg. 5028, effective March 22, 2005;
26 amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 4130, effective February 23, 2006; amended in
27 R06-16/R06-17/R06-18 at 31 Ill. Reg. 1425, effective December 20, 2006; amended in R07-8 at
28 31 Ill. Reg. 16167, effective November 27, 2007; amended in R10-9 at 35 Ill. Reg. 10837,
29 effective June 22, 2011; amended in R14-1/R14-2/R14-3 at 38 Ill. Reg. _____, effective
30 _____.

31
32 **Section 810.104 Incorporations by Reference**
33

34 a) The Board incorporates the following material by reference:

35
36 1) Code of Federal Regulations:

37
38 40 CFR 3.2 (2013), as added at 70 Fed. Reg. 59848 (Oct. 13, 2005)
39 (How Does This Part Provide for Electronic Reporting?),
40 referenced in Section 810.105.
41

42 40 CFR 3.3 ~~(2013)~~, as added at 70 Fed. Reg. 59848 (Oct. 13, 2005)
43 (What Definitions Are Applicable to This Part?), referenced in
44 Section 810.105.

45
46 40 CFR 3.10 ~~(2013)~~, as added at 70 Fed. Reg. 59848 (Oct. 13,
47 2005) (What Are the Requirements for Electronic Reporting to
48 EPA?), referenced in Section 810.105.

49
50 40 CFR 3.2000 ~~(2013)~~, as added at 70 Fed. Reg. 59848 (Oct. 13,
51 2005) (What Are the Requirements Authorized State, Tribe, and
52 Local Programs' Reporting Systems Must Meet?), referenced in
53 Section 810.105.

54
55 40 CFR 141.40 ~~(2013)(2005)~~ (Monitoring Requirements for
56 Unregulated Contaminants), referenced in 35 Ill. Adm. Code
57 811.319 and 817.415.

58
59 Appendix I to 40 CFR 258 (2013), referenced in 35 Ill. Adm. Code
60 811.319-Appendix I (2006).

61
62 Appendix II to 40 CFR 258 (2013), referenced in 35 Ill. Adm.
63 Code 811.319-Appendix II (2006).

- 64
65 2) American Institute of Certified Public Accountants, 1211 Avenue of the
66 Americas, New York NY 10036:

67
68 Financial Accounting Standards Board (FASB) Accounting
69 Standards – Current Text, 2008 Edition, referenced in 35 Ill. Adm.
70 Code 811.715.

71
72 American Institute of Certified Public Accountants (AICPA)
73 Professional Standards – Statements on Auditing Standards, June
74 1, 2008 Edition, referenced in 35 Ill. Adm. Code 811.715.

- 75
76 3) ASTM. American Society for Testing and Materials, 1976 Race Street,
77 Philadelphia PA 19103 215-299-5585:

78
79 Method D2234-76, "Test Method for Collection of Gross Samples
80 of Coal," approved 1976, referenced in 35 Ill. Adm. Code 817.103.

81
82 Method D3987-85, "Standard Test Method for Shake Extraction of
83 Solid Waste with Water," approved 1985, referenced in 35 Ill.
84 Adm. Code 814.601, 814.701, 814.901, 814.902, and 817.103.

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- 4) GASB. Governmental Accounting Standards Board, 401 Merritt 7, P.O. Box 5116, Norwalk CT 06856-5116:

Statement 18, Accounting for Municipal Solid Waste Landfill Closure and Post-Closure Care Costs, August 1993, referenced in 35 Ill. Adm. Code 811.716.

- 5) U.S. Army Corps of Engineers, Publication Department, 2803 52nd Ave., Hyattsville MD 20781, 301-394-0081:

Engineering Manual 1110-2-1906 Appendix VII, Falling-Head Permeability Cylinder (1986), referenced in 35 Ill. Adm. Code 816.530.

- 6) U.S. Government Printing Office, Washington DC 20402, Ph: 202-783-3238:

Method 9095B (Paint Filter Liquids Test) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846 (Third Edition, 1986; Revision 6, January 2005), as amended by Update I (July 1992), II (September 1994), IIA (August 1993), IIB (January 1995), III (December 1996), IIIA (April 1998), and IIIB, (November 2004) (document number ~~955-001-00000-1~~ EPA-SW-846-03-03B or EPA-530-R-04-037), referenced in 35 Ill. Adm. Code 811.107.

b) This incorporation includes no later amendments or editions.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER i: SOLID WASTE AND SPECIAL WASTE HAULING

PART 810
SOLID WASTE DISPOSAL: GENERAL PROVISIONS

Section	
810.101	Scope and Applicability
810.102	Severability
810.103	Definitions
810.104	Incorporations by Reference
810.105	Electronic Reporting

AUTHORITY: Implementing Sections 7.2, 21, 21.1, 22, 22.17, and 22.40 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 21, 21.1, 22, 22.17, 22.40, and 27].

SOURCE: Adopted in R88-7 at 14 Ill. Reg. 15838, effective September 18, 1990; amended in R93-10 at 18 Ill. Reg. 1268, effective January 13, 1994; amended in R90-26 at 18 Ill. Reg. 12457, effective August 1, 1994; amended in R95-9 at 19 Ill. Reg. 14427, effective September 29, 1995; amended in R96-1 at 20 Ill. Reg. 11985, effective August 15, 1996; amended in R97-20 at 21 Ill. Reg. 15825, effective November 25, 1997; amended in R04-5/R04-15 at 28 Ill. Reg. 9090, effective June 18, 2004; amended in R05-1 at 29 Ill. Reg. 5028, effective March 22, 2005; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 4130, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 1425, effective December 20, 2006; amended in R07-8 at 31 Ill. Reg. 16167, effective November 27, 2007; amended in R10-9 at 35 Ill. Reg. 10837, effective June 22, 2011; amended in R14-1/R14-2/R14-3 at 38 Ill. Reg. _____, effective _____.

Section 810.104 Incorporations by Reference

- a) The Board incorporates the following material by reference:
 - 1) Code of Federal Regulations:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

40 CFR ~~3.2~~, as added at 70 Fed. Reg. 59848 (Oct. 13, 2005)3.2 (2013) (How Does This Part Provide for Electronic Reporting?), referenced in Section 810.105.¶

40 CFR ~~3.3~~, as added at 70 Fed. Reg. 59848 (Oct. 13, 2005)3.3 (2013) (What Definitions Are Applicable to This Part?), referenced in Section 810.105.¶

40 CFR ~~3.10~~, as added at 70 Fed. Reg. 59848 (Oct. 13, 2005)3.10 (2013) (What Are the Requirements for Electronic Reporting to EPA?), referenced in Section 810.105.¶

40 CFR ~~3.2000~~, as added at 70 Fed. Reg. 59848 (Oct. 13, 2005)3.2000 (2013) (What Are the Requirements Authorized State, Tribe, and Local Programs² Reporting Systems Must Meet?), referenced in Section 810.105.¶

40 CFR ~~141.40~~(2005) (2013) (Monitoring Requirements for Unregulated Contaminants), referenced in 35 Ill. Adm. Code 811.319 and 817.415.¶

Appendix I to 40 CFR ~~258~~.Appendix I(2006)258 (2013), referenced in 35 Ill. Adm. Code 811.319.¶

Appendix II to 40 CFR ~~258~~.Appendix II(2006)258 (2013), referenced in 35 Ill. Adm. Code 811.319.¶

- 2) American Institute of Certified Public Accountants, 1211 Avenue of the Americas, New York NY 10036:¶

Financial Accounting Standards Board (FASB) Accounting Standards – Current Text, 2008 Edition, referenced in 35 Ill. Adm. Code 811.715.¶

American Institute of Certified Public Accountants (AICPA) Professional Standards – Statements on Auditing Standards, June 1, 2008 Edition, referenced in 35 Ill. Adm. Code 811.715.¶

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

- 3) ASTM. American Society for Testing and Materials, 1976 Race Street, Philadelphia PA 19103 215-299-5585:¶

Method D2234-76, "Test Method for Collection of Gross Samples of Coal," approved 1976, referenced in 35 Ill. Adm. Code 817.103.¶

Method D3987-85, "Standard Test Method for Shake Extraction of Solid Waste with Water," approved 1985, referenced in 35 Ill. Adm. Code 814.601, 814.701, 814.901, 814.902, and 817.103.¶

- 4) GASB. Governmental Accounting Standards Board, 401 Merritt 7, P.O. Box 5116, Norwalk CT 06856-5116:¶

Statement 18, Accounting for Municipal Solid Waste Landfill Closure and Post-Closure Care Costs, August 1993, referenced in 35 Ill. Adm. Code 811.716.¶

- 5) U.S. Army Corps of Engineers, Publication Department, 2803 52nd Ave., Hyattsville, MD 20781, 301-394-0081:¶

Engineering Manual 1110-2-1906 Appendix VII, Falling-Head Permeability Cylinder (1986), referenced in 35 Ill. Adm. Code 816.530.¶

- 6) U.S. Government Printing Office, Washington, DC 20402, Ph: 202-783-3238:¶

Method 9095B (Paint Filter Liquids Test) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846" (Third Edition, 1986; Revision 6, January 2005), as amended by Update I (July 1992), II (September 1994), IIA (August 1993), IIB (January 1995), III (December 1996), IIIA (April 1998), and Update IIIB, (November 2004) (document number 955-001-00000-1 EPA-SW-846-03-03B or EPA-530-R-04-037), referenced in 35 Ill. Adm. Code 811.107.¶

- b) This incorporation includes no later amendments or editions.¶

ILLINOIS REGISTER JCAR350810-1320067r01

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

(Source: Amended at 38 Ill. Reg. _____, effective _____)

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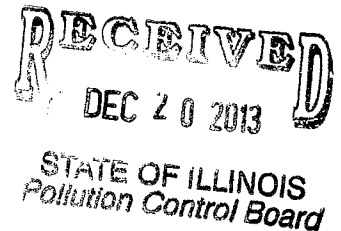
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Moved to	0
Style change	0
Format changed	0
Total changes	95

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Standards for New Solid Waste Landfills
- 2) Code Citation: 35 Ill. Adm. Code 811
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
811.107	Amend
811.319	Amend
811.715	Amend
811.716	Amend
- 4) Statutory Authority: 415 ILCS 5/7.2, 22.40, and 27
- 5) A Complete Description of the Subject and Issues Involved: The amendments to Part 811 are a single segment of the docket consolidated R14-1/R14-2/R14-3 rulemaking that also affects 35 Ill. Adm. Code 720, 727, 810, and 814, each of which is covered by a separate notice in this issue of the *Illinois Register*. To save space, a more detailed description of the subjects and issues involved in the docket consolidated R14-1/R14-2/R14-3 rulemaking in this issue of the *Illinois Register* only in the answer to question 5 in the Notice of Adopted Amendments for 35 Ill. Adm. Code 720. A comprehensive description is contained in the Board's opinion and order of December 5, 2013, proposing amendments in docket consolidated R14-1/R14-2/R14-3, which opinion and order is available from the address below.



Specifically, the amendments to Part 811 correct and amend various references to incorporations by reference. The Board has included a limited number of corrections and clarifying amendments that are not directly related to incorporations by reference, such as updating references to the Code of Federal Regulations, revising the format of references to State and federal regulations, correction of a reference name, and corrections in grammar and style.

Tables appear in the Board's opinion and order of December 5, 2013 in docket consolidated R14-1/R14-2/R14-3 that list numerous corrections and amendments that are not based on current federal amendments. The tables contain deviations from the literal text of the federal amendments underlying these amendments, as well as corrections and clarifications that the Board made in the base text involved. Persons interested in the details of those corrections and amendments should refer to the December 5, 2013 opinion and order in docket consolidated R14-1/R14-2/R14-3.

Section 22.40 of the Environmental Protection Act [415 ILCS 5/22.40 (2012)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35 (2012)] does not

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this proposed rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this proposed rulemaking contain incorporations by reference? Yes
- 10) Statement of Statewide Policy Objectives: These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b) (2012)]
- 11) Are there any other proposed rulemakings pending on this Part? No
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference docket consolidated R14-1/R14-2/R14-3 and be addressed to:

John T. Therriault, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

312/814-3620

Please direct inquiries to the following person and reference docket consolidated R14-1/R14-2/R14-3:

Michael J. McCambridge
Staff Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60601

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

312/814-6924

michael.mccambridge@illinois.gov

Request copies of the Board's opinion and order at 312-814-3620, or download a copy from the Board's Website at <http://www.ipcb.state.il.us>.

- 13) Initial regulatory flexibility analysis:
- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking may affect those small businesses, small municipalities, and not-for-profit corporations that own or operate a municipal solid waste landfill. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b) (2012)]
 - B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, and maintenance of operating records. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b) (2012)]
 - C) Types of Professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b) (2012)]
- 14) Regulatory Agenda on which this rulemaking was summarized: 37 Ill. Reg. 9060, 9109-14, 9121-23, June 28, 2013

The full text of the proposed rulemaking begins on the next page:

1ST NOTICE VERSION

JCAR350811-1320073r01

1 TITLE 35: ENVIRONMENTAL PROTECTION
2 SUBTITLE G: WASTE DISPOSAL
3 CHAPTER I: POLLUTION CONTROL BOARD
4 SUBCHAPTER i: SOLID WASTE AND SPECIAL WASTE HAULING

5
6 PART 811
7 STANDARDS FOR NEW SOLID WASTE LANDFILLS

8
9 SUBPART A: GENERAL STANDARDS FOR ALL LANDFILLS

10	
11	Section
12	811.101 Scope and Applicability
13	811.102 Location Standards
14	811.103 Surface Water Drainage
15	811.104 Survey Controls
16	811.105 Compaction
17	811.106 Daily Cover
18	811.107 Operating Standards
19	811.108 Salvaging
20	811.109 Boundary Control
21	811.110 Closure and Written Closure Plan
22	811.111 Postclosure Maintenance
23	811.112 Recordkeeping Requirements for MSWLF Units
24	811.113 Electronic Reporting

25
26 SUBPART B: INERT WASTE LANDFILLS

27	
28	Section
29	811.201 Scope and Applicability
30	811.202 Determination of Contaminated Leachate
31	811.203 Design Period
32	811.204 Final Cover
33	811.205 Final Slope and Stabilization
34	811.206 Leachate Sampling
35	811.207 Load Checking

36
37 SUBPART C: PUTRESCIBLE AND CHEMICAL WASTE LANDFILLS

38	
39	Section
40	811.301 Scope and Applicability
41	811.302 Facility Location
42	811.303 Design Period
43	811.304 Foundation and Mass Stability Analysis

- 44 811.305 Foundation Construction
- 45 811.306 Liner Systems
- 46 811.307 Leachate Drainage System
- 47 811.308 Leachate Collection System
- 48 811.309 Leachate Treatment and Disposal System
- 49 811.310 Landfill Gas Monitoring
- 50 811.311 Landfill Gas Management System
- 51 811.312 Landfill Gas Processing and Disposal System
- 52 811.313 Intermediate Cover
- 53 811.314 Final Cover System
- 54 811.315 Hydrogeologic Site Investigations
- 55 811.316 Plugging and Sealing of Drill Holes
- 56 811.317 Groundwater Impact Assessment
- 57 811.318 Design, Construction, and Operation of Groundwater Monitoring Systems
- 58 811.319 Groundwater Monitoring Programs
- 59 811.320 Groundwater Quality Standards
- 60 811.321 Waste Placement
- 61 811.322 Final Slope and Stabilization
- 62 811.323 Load Checking Program
- 63 811.324 Corrective Action Measures for MSWLF Units
- 64 811.325 Selection of remedy for MSWLF Units
- 65 811.326 Implementation of the corrective action program at MSWLF Units

66

67 SUBPART D: MANAGEMENT OF SPECIAL WASTES AT LANDFILLS

68

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- 71 811.402 Notice to Generators and Transporters
- 72 811.403 Special Waste Manifests
- 73 811.404 Identification Record
- 74 811.405 Recordkeeping Requirements
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76

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78

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89		
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91		
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120	811.ILLUSTRATION E	Irrevocable Standby Letter of Credit
121	811.ILLUSTRATION F	Certificate of Insurance for Closure and/or Post-Closure
122		Care or Corrective Action
123	811.ILLUSTRATION G	Owner's or Operator's Bond Without Surety
124	811.ILLUSTRATION H	Owner's or Operator's Bond With Parent Surety
125	811.ILLUSTRATION I	Letter from Chief Financial Officer
126	811.APPENDIX B	Section-by-Section correlation between the Standards of the RCRA
127		Subtitle D MSWLF regulations and the Board's nonhazardous waste
128		landfill regulations.
129	811.APPENDIX C	List of Leachate Monitoring Parameters

130
 131 AUTHORITY: Implementing Sections 7.2, 21, 21.1, 22, 22.17, and 22.40 and authorized by
 132 Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 21, 21.1, 22, 22.17, 22.40, and
 133 27].

134
 135 SOURCE: Adopted in R88-7 at 14 Ill. Reg. 15861, effective September 18, 1990; amended in
 136 R92-19 at 17 Ill. Reg. 12413, effective July 19, 1993; amended in R93-10 at 18 Ill. Reg. 1308,
 137 effective January 13, 1994; expedited correction at 18 Ill. Reg. 7504, effective July 19, 1993;
 138 amended in R90-26 at 18 Ill. Reg. 12481, effective August 1, 1994; amended in R95-13 at 19 Ill.
 139 Reg. 12257, effective August 15, 1995; amended in R96-1 at 20 Ill. Reg. 12000, effective
 140 August 15, 1996; amended in R97-20 at 21 Ill. Reg. 15831, effective November 25, 1997;
 141 amended in R98-9 at 22 Ill. Reg. 11491, effective June 23, 1998; amended in R99-1 at 23 Ill.
 142 Reg. 2794, effective February 17, 1999; amended in R98-29 at 23 Ill. Reg. 6880, effective July
 143 1, 1999; amended in R04-5/R04-15 at 28 Ill. Reg. 9107, effective June 18, 2004; amended in
 144 R05-1 at 29 Ill. Reg. 5044, effective March 22, 2005; amended in R06-5/R06-6/R06-7 at 30 Ill.
 145 Reg. 4136, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 1435,
 146 effective December 20, 2006; amended in R07-8 at 31 Ill. Reg. 16172, effective November 27,
 147 2007; amended in R10-9 at 35 Ill. Reg. 10842, effective June 22, 2011; amended in R10-09(A) at
 148 35 Ill. Reg. 18882, effective October 24, 2011; amended in R14-1/R14-2/R14-3 at 38 Ill. Reg.
 149 _____, effective _____.

150
 151 SUBPART A: GENERAL STANDARDS FOR ALL LANDFILLS

152
 153 **Section 811.107 Operating Standards**

154
 155 a) Phasing of Operations

- 156
 157 1) Waste must be placed in a manner and at such a rate that mass stability is
 158 provided during all phases of operation. Mass stability means that the
 159 mass of waste deposited will not undergo settling or slope failure that
 160 interrupts operations at the facility or causes damage to any of the various
 161 landfill operations or structures, such as the liner, leachate or drainage
 162 collection system, gas collection system, or monitoring system.
 163
 164 2) The phasing of operations at the facility must be designed in such a way as
 165 to allow the sequential construction, filling, and closure of discrete units or
 166 parts of units.
 167
 168 3) The operator must design and sequence the waste placement operation in
 169 each discrete unit or parts of units, in conjunction with the overall
 170 operations of the facility, so as to shorten the operational phase and allow
 171 wastes to be built up to the planned final grade.
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- b) Size and Slope of Working Face
 - 1) The working face of the unit must be no larger than is necessary, based on the terrain and equipment used in waste placement, to conduct operations in a safe and efficient manner.
 - 2) The slopes of the working face area must be no steeper than two to one (horizontal to vertical) unless the waste is stable at steeper slopes.
 - c) Equipment. Equipment must be maintained and available for use at the facility during all hours of operation, so as to achieve and maintain compliance with the requirements of this Part
 - d) Utilities. All utilities, including but not limited to heat, lights, power and communications equipment, necessary for safe operation in compliance with the requirements of this Part must be available at the facility at all times.
 - e) Maintenance. The operation must maintain and operate all systems and related appurtenances and structures in a manner that facilitates proper operation in compliance with this Part.
 - f) Open Burning. Open burning is prohibited, except in accordance with 35 Ill. Adm. Code 200 through 245.
 - g) Dust Control. The operator must implement methods for controlling dust, so as to prevent wind dispersal of particulate matter.
 - h) Noise Control. The facility must be designed, constructed, and maintained to minimize the level of equipment noise audible outside the facility. The facility must not cause or contribute to a violation of 35 Ill. Adm. Code 900 through 905 or of Section 24 of the Act [415 ILCS 5/24].
 - i) Vector Control. The operator must implement measures to control the population of disease and nuisance vectors.
 - j) Fire Protection. The operator must institute fire protection measures including, but not limited to, maintaining a supply of water onsite and radio or telephone access to the nearest fire department.
 - k) Litter Control
 - 1) The operator must patrol the facility daily to check for litter accumulation. All litter must be collected and placed in the fill or in a secure, covered

- 216 container for later disposal.
217
218 2) The facility must not accept solid waste from vehicles that do not utilize
219 devices such as covers or tarpaulins to control litter, unless the nature of
220 the solid waste load is such that it cannot cause any litter during its
221 transportation to the facility.
222
- 223 1) Mud Tracking. The facility must implement methods, such as use of wheel
224 washing units, to prevent tracking of mud by hauling vehicles onto public
225 roadways.
226
- 227 m) Liquids Restrictions for MSWLF Units
228
- 229 1) Bulk or noncontainerized liquid waste may not be placed in MSWLF
230 units, unless one of the following conditions is true:
231
- 232 A) The waste is household waste other than septic waste;
233
- 234 B) The waste is leachate or gas condensate derived from the MSWLF
235 unit and the MSWLF unit, whether it is a new or existing MSWLF
236 unit or lateral expansion, is designed with a composite liner and
237 leachate collection system that complies with the requirements of
238 Sections 811.306 through 811.309; or
239
- 240 C) The Agency has issued an RD&D permit pursuant to 35 Ill. Adm.
241 Code 813.112(a)(2) that allows the placement of noncontainerized
242 liquids in the landfill, and that permit is in effect.
243
- 244 2) Containers holding liquid waste may not be placed in an MSWLF unit,
245 unless one of the following conditions is true:
246
- 247 A) The container is a small container similar in size to that normally
248 found in household waste;
249
- 250 B) The container is designed to hold liquids for use other than storage;
251 or
252
- 253 C) The waste is household waste.
254
- 255 3) For purposes of this Section, the following definitions apply:
256
- 257 A) "Liquid waste" means any waste material that is determined to
258 contain "free liquids," as defined by Method 9095B (Paint Filter

259 Liquids Test) (Revision 2, November 2004), as described in "Test
260 Methods for Evaluating Solid Wastes, Physical/Chemical
261 Methods," incorporated by reference in 35 Ill. Adm. Code
262 810.104.

263
264 B) "Gas condensate" means the liquid generated as a result of gas
265 recovery processes at the MSWLF unit.
266

267 BOARD NOTE: Subsections (m)(1) through (m)(3) of this Section are derived
268 from 40 CFR 258.28 (2013). Subsection (m)(1)(C) of this Section relating to
269 RD&D permits is derived from 40 CFR 258.4(a)(2) (2013).
270

271 (Source: Amended at 38 Ill. Reg. _____, effective _____)
272

273 **SUBPART C: PUTRESCIBLE AND CHEMICAL WASTE LANDFILLS**
274

275 **Section 811.319 Groundwater Monitoring Programs**
276

277 a) Detection Monitoring Program. Any use of the term maximum allowable
278 predicted concentration in this Section is a reference to Section 811.318(c). The
279 operator ~~must~~ shall implement a detection monitoring program in accordance with
280 the following requirements:
281

282 1) Monitoring Schedule and Frequency
283

284 A) The monitoring period ~~must~~ shall begin as soon as waste is placed
285 into the unit of a new landfill or within one year of the effective
286 date of this Part for an existing landfill. Monitoring ~~must~~ shall
287 continue for a minimum period of ~~15~~ fifteen years after closure, or
288 in the case of MSWLF units, a minimum period of 30 years after
289 closure, except as otherwise provided by subsection (a)(1)(C) of
290 this Section. The operator ~~must~~ shall sample all monitoring points
291 for all potential sources of contamination on a quarterly basis
292 except as specified in subsection (a)(3), for a period of five years
293 from the date of issuance of the initial permit for significant
294 modification under 35 Ill. Adm. Code 814.104 or a permit for a
295 new unit pursuant to 35 Ill. Adm. Code 813.104. After the initial
296 five-year period, the sampling frequency for each monitoring point
297 ~~must~~ shall be reduced to a semi-annual basis, provided the operator
298 has submitted the certification described in 35 Ill. Adm. Code
299 813.304(b). Alternatively, after the initial five-year period, the
300 Agency ~~must~~ shall allow sampling on a semi-annual basis where
301 the operator demonstrates that monitoring effectiveness has not

302 been compromised, that sufficient quarterly data has been collected
 303 to characterize groundwater, and that leachate from the monitored
 304 unit does not constitute a threat to groundwater. For the purposes
 305 of this Section, the source ~~must~~ shall be considered a threat to
 306 groundwater if the results of the monitoring indicate either that the
 307 concentrations of any of the constituents monitored within the zone
 308 of attenuation is above the maximum allowable predicted
 309 concentration for that constituent or, for existing landfills, subject
 310 to 35 Ill. Adm. Code 814.402 Subpart D, that the concentration of any
 311 constituent has exceeded the applicable standard at the compliance
 312 boundary as defined in 35 Ill. Adm. Code 814.402(b)(3).
 313

314 B) Beginning fifteen years after closure of the unit, or five years after
 315 all other potential sources of discharge no longer constitute a threat
 316 to groundwater, as defined in subsection (a)(1)(A) of this Section,
 317 the monitoring frequency may change on a well by well basis to an
 318 annual schedule if either of the following conditions exist.
 319 However, monitoring ~~must~~ shall return to a quarterly schedule at
 320 any well where a statistically significant increase is determined to
 321 have occurred in accordance with Section 811.320(e), in the
 322 concentration of any constituent with respect to the previous
 323 sample.
 324

- 325 i) All constituents monitored within the zone of attenuation
 326 have returned to a concentration less than or equal to ten
 327 percent of the maximum allowable predicted concentration;
 328 or
 329
- 330 ii) All constituents monitored within the zone of attenuation
 331 are less than or equal to their maximum allowable predicted
 332 concentration for eight consecutive quarters.
 333

334 C) Monitoring ~~must~~ shall be continued for a minimum period of: 30
 335 years after closure at MSWLF units, except as otherwise provided
 336 by subsections (a)(1)(D) and (a)(1)(E) of this Section; five years
 337 after closure at landfills, other than MSWLF units, which are used
 338 exclusively for disposing waste generated at the site; or 15 years
 339 after closure at all other landfills regulated under this Part.
 340 Monitoring, beyond the minimum period, may be discontinued
 341 under the following conditions:
 342

- 343 i) No statistically significant increase is detected in the
 344 concentration of any constituent above that measured and

345 recorded during the immediately preceding scheduled
346 sampling for three consecutive years, after changing to an
347 annual monitoring frequency; or

348
349 ii) Immediately after contaminated leachate is no longer
350 generated by the unit.

351
352 D) The Agency may reduce the groundwater monitoring period at a
353 MSWLF unit upon a demonstration by the owner or operator that
354 the reduced period is sufficient to protect human health and
355 environment.

356
357 E) An owner or operator of a MSWLF unit ~~must~~ shall petition the
358 Board for an adjusted standard in accordance with Section
359 811.303, if the owner or operator seeks a reduction of the ~~post-~~
360 ~~closure~~ ~~postclosure~~-care monitoring period for all of the following
361 requirements:

362
363 i) Inspection and maintenance (Section 811.111);

364
365 ii) Leachate collection (Section 811.309);

366
367 iii) Gas monitoring (Section 811.310); and

368
369 iv) Groundwater monitoring (Section 811.319).

370
371 BOARD NOTE: Changes to subsections (a)(1)(A), ~~and (a)(1)(C), and~~
372 ~~subsections (a)(1)(D), and (a)(1)(E) of this Section~~ are derived from 40
373 CFR 258.61 ~~(2013)~~(1992).

374
375 2) Criteria for Choosing Constituents to be Monitored

376
377 A) The operator ~~must~~ shall monitor each well for constituents that will
378 provide a means for detecting groundwater contamination.
379 Constituents ~~must~~ shall be chosen for monitoring if they meet the
380 following requirements:

381
382 i) The constituent appears in, or is expected to be in, the
383 leachate; and

384
385 ii) Is contained within the following list of constituents:

386
387 Ammonia – Nitrogen (dissolved)

- 388 Arsenic (dissolved)
- 389 Boron (dissolved)
- 390 Cadmium (dissolved)
- 391 Chloride (dissolved)
- 392 Chromium (dissolved)
- 393 Cyanide (total)
- 394 Lead (dissolved)
- 395 Magnesium (dissolved)
- 396 Mercury (dissolved)
- 397 Nitrate (dissolved)
- 398 Sulfate (dissolved)
- 399 Total Dissolved Solids (TDS)
- 400 Zinc (dissolved)

- 401
- 402 iii) This is the minimum list for MSWLFs.
- 403
- 404 iv) Any facility accepting more than 50% by volume non-
- 405 municipal waste must determine additional indicator
- 406 parameters based upon leachate characteristic and waste
- 407 content.
- 408

- 409 B) One or more indicator constituents, representative of the transport
- 410 processes of constituents in the leachate, may be chosen for
- 411 monitoring in place of the constituents it represents. The use of
- 412 such indicator constituents must be included in an Agency
- 413 approved permit.
- 414

- 415 3) Organic Chemicals Monitoring. The operator ~~must~~ shall monitor each
- 416 existing well that is being used as a part of the monitoring well network at
- 417 the facility within one year ~~after~~ of the effective date of this Part, and
- 418 monitor each new well within the three months ~~after~~ of its establishment.
- 419 The monitoring required by this subsection (a)(3) ~~must~~ shall be for a broad
- 420 range of organic chemical contaminants in accordance with the following
- 421 procedures:
- 422

- 423 A) The analysis ~~must~~ shall be at least as comprehensive and sensitive
- 424 as the tests for the 51 organic chemicals in drinking water
- 425 described at 40 CFR 141.40 (1988) and 40 CFR
- 426 ~~258 appendix~~ Appendix I (2006), each incorporated by reference at
- 427 35 Ill. Adm. Code 810.104 and:
- 428

Acetone
Acrylonitrile

Benzene
Bromobenzene
Bromochloromethane
Bromodichloromethane
Bromoform; Tribromomethane
n-Butylbenzene
sec-Butylbenzene
tert-Butylbenzene
Carbon disulfide
Carbon tetrachloride
Chlorobenzene
Chloroethane
Chloroform; Trichloromethane
o-Chlorotoluene
p-Chlorotoluene
Dibromochloromethane
1,2-Dibromo-3-chloropropane
1,2-Dibromoethane
1,2-Dichlorobenzene
1,3-Dichlorobenzene
1,4-Dichlorobenzene
trans-1,4-Dichloro-2-butene
Dichlorodifluoromethane
1,1-Dichloroethane
1,2-Dichloroethane
1,1-Dichloroethylene
cis-1,2-Dichloroethylene
trans-1,2-Dichloroethylene
1,2-Dichloropropane
1,3-Dichloropropane
2,2-Dichloropropane
1,1-Dichloropropene
1,3-Dichloropropene
cis-1,3-Dichloropropene
trans-1,3-Dichloropropene

Ethylbenzene
 Hexachlorobutadiene
 2-Hexanone; Methyl butyl ketone
 Isopropylbenzene
 p-Isopropyltoluene
 Methyl bromide; Bromomethane
 Methyl chloride; Chloromethane
 Methylene bromide; Dibromomethane
 Dichloromethane
 Methyl ethyl ketone
 Methyl iodide; Iodomethane
 4-Methyl-2-pentanone
 Naphthalene
 Oil and Grease (hexane soluble)
 n-Propylbenzene
 Styrene
 1,1,1,2-Tetrachloroethane
 1,1,2,2-Tetrachloroethane
 Tetrachloroethylene
 Tetrahydrofuran
 Toluene
 Total Phenolics
 1,2,3-Trichlorobenzene
 1,2,4-Trichlorobenzene-trichlorobenzene
 1,1,1-Trichloroethane
 1,1,2-Trichloroethane
 Trichloroethylene
 Trichlorofluoromethane
 1,2,3-Trichloropropane
 1,2,4-Trimethylbenzene
 1,3,5-Trimethylbenzene
 Vinyl acetate
 Vinyl chloride
 Xylenes

- 430 B) At least once every two years, the operator mustshall monitor each
- 431 well in accordance with subsection (a)(3)(A) of this Section.
- 432
- 433 C) The operator of a MSWLF unit mustshall monitor each well in
- 434 accordance with subsection (a)(3)(A) of this Section on a semi-
- 435 annual basis.
- 436

437 BOARD NOTE: Subsection (a)(3)(C) of this Section is derived

438 from 40 CFR 258.54(b) (2013)~~(1992)~~.

439

440 4) Confirmation of Monitored Increase

441

- 442 A) The confirmation procedures of this subsection mustshall be used
- 443 only if the concentrations of the constituents monitored can be
- 444 measured at or above the practical quantitation limit (PQL). The
- 445 PQL is defined as the lowest concentration that can be reliably
- 446 measured within specified limits of precision and accuracy, under
- 447 routine laboratory operating conditions. The operator mustshall
- 448 institute the confirmation procedures of subsection (a)(4)(B) of this
- 449 Section after notifying the Agency in writing, within ten days, of
- 450 observed increases:
- 451
- 452 i) The concentration of any inorganic constituent monitored
- 453 in accordance with subsections (a)(1) and (a)(2) of this
- 454 Section shows a progressive increase over eight
- 455 consecutive monitoring events;
- 456
- 457 ii) The concentration of any constituent exceeds the maximum
- 458 allowable predicted concentration at an established
- 459 monitoring point within the zone of attenuation;
- 460
- 461 iii) The concentration of any constituent monitored in
- 462 accordance with subsection (a)(3) of this Section exceeds
- 463 the preceding measured concentration at any established
- 464 monitoring point; and
- 465
- 466 iv) The concentration of any constituent monitored at or
- 467 beyond the zone of attenuation exceeds the applicable
- 468 groundwater quality standards of Section 811.320.
- 469
- 470 B) The confirmation procedures mustshall include the following:
- 471
- 472 i) The operator mustshall verify any observed increase by

- 473 taking additional samples within 90 days after the initial
 474 sampling event and ensure that the samples and sampling
 475 protocol used will detect any statistically significant
 476 increase in the concentration of the suspect constituent in
 477 accordance with Section 811.320(e), so as to confirm the
 478 observed increase. The operator ~~must~~ shall notify the
 479 Agency of any confirmed increase before the end of the
 480 next business day following the confirmation.
 481
- 482 ii) The operator ~~must~~ shall determine the source of any
 483 confirmed increase, which may include, but shall not be
 484 limited to, natural phenomena, sampling or analysis errors,
 485 or an offsite source.
 486
 - 487 iii) The operator ~~must~~ shall notify the Agency in writing of any
 488 confirmed increase. The notification must demonstrate a
 489 source other than the facility and provide the rationale used
 490 in such a determination. The notification must be
 491 submitted to the Agency no later than 180 days after the
 492 original sampling event. If the facility is permitted by the
 493 Agency, the notification must be filed for review as a
 494 significant permit modification pursuant to 35 Ill. Adm.
 495 Code 813.Subpart B.
 496
 - 497 iv) If an alternative source demonstration described in
 498 subsections (a)(4)(B)(ii) and ~~(a)(4)(B)(iii)~~ of this Section
 499 cannot be made, assessment monitoring is required in
 500 accordance with subsection (b) of this Section.
 501
 - 502 v) If an alternative source demonstration, submitted to the
 503 Agency as an application, is denied pursuant to 35 Ill.
 504 Adm. Code 813.105, the operator must commence
 505 sampling for the constituents listed in subsection (b)(5) of
 506 this Section, and submit an assessment monitoring plan as a
 507 significant permit modification, both within 30 days after
 508 the dated notification of Agency denial. The operator must
 509 sample the well or wells that exhibited the confirmed
 510 increase.
 511
- 512 b) Assessment Monitoring. The operator must begin an assessment monitoring
 513 program in order to confirm that the solid waste disposal facility is the source of
 514 the contamination and to provide information needed to carry out a groundwater
 515 impact assessment in accordance with subsection (c) of this Section. The

assessment monitoring program must be conducted in accordance with the following requirements:

- 1) The assessment monitoring ~~must~~ shall be conducted in accordance with this subsection to collect information to assess the nature and extent of groundwater contamination. The owner or operator of a MSWLF unit ~~must~~ shall comply with the additional requirements prescribed in subsection (b)(5) of this Section. The assessment monitoring ~~must~~ shall consist of monitoring of additional constituents that might indicate the source and extent of contamination. In addition, assessment monitoring may include any other investigative techniques that will assist in determining the source, nature and extent of the contamination, which may consist of, but need not be limited to the following:
 - A) More frequent sampling of the wells in which the observation occurred;
 - B) More frequent sampling of any surrounding wells; and
 - C) The placement of additional monitoring wells to determine the source and extent of the contamination.

- 2) Except as provided in subsections (a)(4)(B)(iii) and (a)(4)(B)(v) of this Section, the operator of the facility for which assessment monitoring is required ~~must~~ shall file the plans for an assessment monitoring program with the Agency. If the facility is permitted by the Agency, then the plans ~~must~~ shall be filed for review as a significant permit modification pursuant to 35 Ill. Adm. Code 813.Subpart B within 180 days after the original sampling event. The assessment monitoring program ~~must~~ shall be implemented within 180 days after the original sampling event in accordance with subsection (a)(4) of this Section or, in the case of permitted facilities, within 45 days after Agency approval.

- 3) If the analysis of the assessment monitoring data shows that the concentration of one or more constituents, monitored at or beyond the zone of attenuation is above the applicable groundwater quality standards of Section 811.320 and is attributable to the solid waste disposal facility, then the operator ~~must~~ shall determine the nature and extent of the groundwater contamination including an assessment of the potential impact on the groundwater should waste continue to be accepted at the facility and ~~must~~ shall implement the remedial action in accordance with subsection (d) of this Section.

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559 4) If the analysis of the assessment monitoring data shows that the
560 concentration of one or more constituents is attributable to the solid waste
561 disposal facility and exceeds the maximum allowable predicted
562 concentration within the zone of attenuation, then the operator ~~must~~shall
563 conduct a groundwater impact assessment in accordance with the
564 requirements of subsection (c) of this Section.
565

566 5) In addition to the requirements of subsection (b)(1) of this Section, to
567 collect information to assess the nature and extent of groundwater
568 contamination, the following requirements are applicable to MSWLF
569 units:
570

571 A) The monitoring of additional constituents pursuant to subsection
572 (b)(1) of this Section must include, at a minimum (except as
573 otherwise provided in subsection (b)(5)(E) of this Section), the
574 constituents listed in 40 CFR 258.~~appendix~~Appendix II,
575 incorporated by reference at 35 Ill. Adm. Code 810.104 and
576 constituents from 35 Ill. Adm. Code 620.410.
577

578 BOARD NOTE: Subsection (b)(5)(A) of this Section is derived
579 from 40 CFR 258.55(b) (2013)~~(1992)~~.
580

581 B) Within 14 days after obtaining the results of sampling required
582 under subsection (b)(5)(A) of this Section, the owner or operator
583 must do as followsshall:
584

585 i) The owner or operator must placePlace a notice in the
586 operating record identifying the constituents that have been
587 detected; and
588

589 ii) The owner or operator must notifyNotify the Agency that
590 such a notice has been placed in the operating record.
591

592 BOARD NOTE: Subsection (b)(5)(B) of this Section is derived
593 from 40 CFR 258.55(d)(1) (2013)~~(1992)~~.
594

595 C) The owner or operator ~~must~~shall establish background
596 concentrations for any constituents detected pursuant to subsection
597 (b)(5)(A) of this Section in accordance with Section 811.320(e).
598

599 BOARD NOTE: Subsection (b)(5)(C) of this Section is derived
600 from 40 CFR 258.55(d)(3) (2013)~~(1992)~~.
601

602 D) Within 90 days after the initial monitoring in accordance with
603 subsection (b)(5)(A) of this Section, the owner or operator must
604 monitor for the detected constituents listed in 40 CFR 258.
605 ~~appendix~~ Appendix II, incorporated by reference in 35 Ill Adm.
606 Code 810.104 and 35 Ill. Adm. Code 620.410 on a semiannual
607 basis during the assessment monitoring. The operator must
608 monitor all the constituents listed in 40 CFR
609 258.~~appendix~~ Appendix II and 35 Ill. Adm. Code 620.410 on an
610 annual basis during assessment monitoring.
611

612 BOARD NOTE: Subsection (b)(5)(D) of this Section is derived
613 from 40 CFR 258.55(d)(2) (2012)~~(1992)~~.

614
615 E) The owner or operator may request the Agency to delete any of the
616 40 CFR 258.~~Appendix H~~ and 35 Ill. Adm. Code 620.410
617 constituents by demonstrating to the Agency that the deleted
618 constituents are not reasonably expected to be in or derived from
619 the waste contained in the leachate.
620

621 BOARD NOTE: Subsection (b)(5)(E) of this Section is derived
622 from 40 CFR 258.55(b) (2013)~~(1992)~~.

623
624 F) Within 14 days after finding an exceedance above the applicable
625 groundwater quality standards in accordance with subsection (b)(3)
626 of this Section, the owner or operator must do as follows~~shall~~:

- 627
628 i) The owner or operator must place~~place~~ a notice in the
629 operating record that identifies the constituents monitored
630 under subsection (b)(1)(D) of this Section that have
631 exceeded the groundwater quality standard;
632
633 ii) The owner or operator must notify~~Notify~~ the Agency and
634 the appropriate officials of the local municipality or county
635 within whose boundaries the site is located that such a
636 notice has been placed in the operating record; and
637
638 iii) The owner or operator must notify~~Notify~~ all persons who
639 own land or reside on land that directly overlies any part of
640 the plume of contamination if contaminants have migrated
641 off-site.
642

643 BOARD NOTE: Subsection (b)(5)(F) of this Section is derived
644 from 40 CFR 258.55(g)(1)(i) through (iii) (2012)~~(1992)~~.

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G) If the concentrations of all constituents in 40 CFR 258.258, appendix II, incorporated by reference in 35 Ill. Adm. Code 810.104, and 35 Ill. Adm. Code 620.410 constituents are shown to be at or below background values, using the statistical procedures in Section 811.320(e), for two consecutive sampling events, the owner or operator must notify the Agency of this finding and may stop monitoring the 40 CFR 258.258, appendix II and 35 Ill. Adm. Code 620.410 constituents.

BOARD NOTE: Subsection (b)(5)(G) of this Section is derived from 40 CFR 258.55(e) (2013)(1992).

- c) Assessment of Potential Groundwater Impact. An operator required to conduct a groundwater impact assessment in accordance with subsection (b)(4) of this Section must assess the potential impacts outside the zone of attenuation that may result from confirmed increases above the maximum allowable predicted concentration within the zone of attenuation, attributable to the facility, in order to determine if there is need for remedial action. In addition to the requirements of Section 811.317, the following requirements shall apply:
 - 1) The operator must utilize any new information developed since the initial assessment and information from the detection and assessment monitoring programs and such information may be used for the recalibration of the GCT model; and
 - 2) The operator must submit the groundwater impact assessment and any proposed remedial action plans determined necessary pursuant to subsection (d) of this Section to the Agency within 180 days after the start of the assessment monitoring program.

- d) Remedial Action. The owner or operator of a MSWLF unit must conduct corrective action in accordance with Sections 811.324, 811.325, and 811.326. The owner or operator of a landfill facility, other than a MSWLF unit, must conduct remedial action in accordance with this subsection (d).
 - 1) The operator must submit plans for the remedial action to the Agency. Such plans and all supporting information including data collected during the assessment monitoring must be submitted within 90 days after determination of either of the following:
 - A) The groundwater impact assessment, performed in accordance with

- 688 subsection (c) of this Section, indicates that remedial action is
689 needed; or
690
691 B) Any confirmed increase above the applicable groundwater quality
692 standards of Section 811.320 is determined to be attributable to the
693 solid waste disposal facility in accordance with subsection (b) of
694 this Section.
695
696 2) If the facility has been issued a permit by the Agency, then the operator
697 mustshall submit this information as an application for significant
698 modification to the permit;
699
700 3) The operator mustshall implement the plan for remedial action program
701 within 90 days after the following:
702
703 A) Completion of the groundwater impact assessment that requires
704 remedial action;
705
706 B) Establishing that a violation of an applicable groundwater quality
707 standard of Section 811.320 is attributable to the solid waste
708 disposal facility in accordance with subsection (b)(3) of this
709 Section; or
710
711 C) Agency approval of the remedial action plan, where the facility has
712 been permitted by the Agency.
713
714 4) The remedial action program mustshall consist of one or a combination of
715 one of more of the following solutions:
716
717 A) Retrofit additional groundwater protective measures within the
718 unit;
719
720 B) Construct an additional hydraulic barrier, such as a cutoff wall or
721 slurry wall system;
722
723 C) Pump and treat the contaminated groundwater; or
724
725 D) Any other equivalent technique which will prevent further
726 contamination of groundwater.
727
728 5) Termination of the Remedial Action Program
729
730 A) The remedial action program mustshall continue in accordance

731 with the plan until monitoring shows that the concentrations of all
732 monitored constituents are below the maximum allowable
733 predicted concentration within the zone of attenuation, below the
734 applicable groundwater quality standards of Section 811.320 at or
735 beyond the zone of attenuation, over a period of four consecutive
736 quarters no longer exist.

- 737
738 B) The operator ~~must~~shall submit to the Agency all information
739 collected under subsection (d)(5)(A) of this Section. If the facility
740 is permitted then the operator ~~must~~shall submit this information as
741 a significant modification of the permit.

742
743 (Source: Amended at 38 Ill. Reg. _____, effective _____)
744

745 SUBPART G: FINANCIAL ASSURANCE

746
747 **Section 811.715 Self-Insurance for Non-Commercial Sites**
748

- 749 a) Definitions. The following definitions are intended to assist in the understanding
750 of this Part and are not intended to limit the meanings of terms in any way that
751 conflicts with generally accepted accounting principles:

752
753 "Assets" means all existing and all probable future economic benefits obtained or
754 controlled by a particular entity.

755
756 "Current assets" means cash or other assets or resources commonly identified as
757 those that are reasonably expected to be realized in cash or sold or consumed
758 during the normal operating cycle of the business.

759
760 "Current liabilities" means obligations whose liquidation is reasonably expected
761 to require the use of existing resources properly classifiable as current assets or
762 the creation of other current liabilities.

763
764 "Generally accepted accounting principles" means the accounting and auditing
765 standards of the American Institute of Certified Public Accountants and the
766 Governmental Accounting Standards Board that are incorporated by reference
767 inat 35 Ill. Adm. Code 810.104(a)(2).

768
769 "Gross Revenue" means total receipts less returns and allowances.

770
771 "Independently audited" refers to an audit performed by an independent certified
772 public accountant in accordance with generally accepted auditing standards.
773

774 "Liabilities" means probable future sacrifices of economic benefits arising from
775 present obligations to transfer assets or provide services to other entities in the
776 future as a result of past transactions or events.
777

778 "Net working capital" means current assets minus current liabilities.
779

780 "Net worth" means total assets minus total liabilities and is equivalent to owner's
781 equity.
782

783 "Tangible net worth" means tangible assets less liabilities; tangible assets to not
784 include intangibles such as goodwill and rights to patents or royalties.
785

- 786 b) Information to be ~~Filed~~filed. An owner or operator may satisfy the financial
787 assurance requirements of this Part by providing the following:
788
- 789 1) Bond without surety promising to pay the cost estimate (subsection (c) of
790 this Section).
791
 - 792 2) Proof that the owner or operator meets the gross revenue test (subsection
793 (d) of this Section).
794
 - 795 3) Proof that the owner or operator meets the financial test (subsection (e) of
796 this Section).
797
- 798 c) Bond ~~Without Surety~~without surety. An owner or operator utilizing self-
799 insurance must provide a bond without surety on the forms specified in Appendix
800 A, Illustration G of this Part. The owner or operator must promise to pay the
801 current cost estimate to the Agency unless the owner or operator provides closure
802 and post-closure care in accordance with the closure and post-closure care plans.
803
- 804 d) Gross ~~Revenue Test~~revenue test. The owner or operator must demonstrate that
805 less than one-half of its gross revenues are derived from waste disposal
806 operations. Revenue is "from waste disposal operations" if it would stop upon
807 cessation of the owner or operator's waste disposal operations.
808
- 809 e) Financial ~~Test~~test.
810
- 811 1) To pass the financial test, the owner or operator must meet the criteria of
812 either subsection (e)(1)(A) or (e)(1)(B) of this Section:
813
 - 814 A) The owner or operator must have:
815
 - 816 i) Two of the following three ratios: a ratio of total liabilities

- 817 to net worth of less than 2.0; a ratio of the sum of net
818 income plus depreciation, depletion and amortization to
819 total liabilities of greater than 0.1; or a ratio of current
820 assets to current liabilities of greater than 1.5; ~~and~~
821
- 822 ii) Net working capital and tangible net worth each at least six
823 times the current cost estimate; ~~and~~
824
- 825 iii) Tangible net worth of at least \$10 million; and
826
- 827 iv) Assets in the United States amounting to at least 90 percent
828 of the owner's or operator's total assets and at least six
829 times the current cost estimate.
830
- 831 B) The owner or operator must have:
832
- 833 i) A current rating of AAA, AA, A, or BBB for its most
834 recent bond issuance as issued by Standard and Poor, or a
835 rating of Aaa, Aa, A, or Baa, as issued by Moody; ~~and~~
836
- 837 ii) Tangible net worth at least six times the current cost
838 estimate; ~~and~~
839
- 840 iii) Tangible net worth of at least \$10 million; and
841
- 842 iv) Assets located in the United States amounting to at least 90
843 percent of its total assets or at least six times the current
844 cost estimate.
845
- 846 2) To demonstrate that it meets this test, the owner or operator must submit
847 the following items to the Agency:
848
- 849 A) A letter signed by the owner or operator's chief financial officer
850 and worded as specified in Appendix A, Illustration I; ~~and~~
851
- 852 B) A copy of the independent certified public accountant's report on
853 examination of the owner or operator's financial statements for the
854 latest completed fiscal year; and
855
- 856 C) A special report from the owner or operator's independent certified
857 public accountant to the owner or operator stating the
858 following ~~that~~:
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- i) The accountant has compared the data that the letter from the chief financial officer specifies as having been derived from the independently audited, year-end financial statements for the latest fiscal year with the amounts in such financial statements; and
 - ii) In connection with that procedure, no matters came to the accountant's attention that caused the accountant to believe that the specified data should be adjusted.
- 870 f) Updated Information:-
- 871
- 1) After the initial submission of items specified in subsections (d) and (e) of this Section, the owner or operator must send updated information to the Agency within 90 days after the close of each succeeding fiscal year.
 - 2) If the owner or operator no longer meets the requirements of subsections (d) and (e) of this Section, the owner or operator must send notice to the Agency of intent to establish alternative financial assurance. The notice must be sent by certified mail within 90 days after the end of the fiscal year for which the year-end financial data show that the operator no longer meets the requirements.
- 882
- 883 g) Qualified Opinions. If the opinion required by subsections (e)(2)(B) and (e)(2)(C)
- 884 of this Section includes an adverse opinion or a disclaimer of opinion, the Agency
- 885 must disallow the use of self-insurance. If the opinion includes other
- 886 qualifications, the Agency must disallow the use of self-insurance if:
- 887
- 1) The qualifications relate to the numbers that are used in the gross revenue test or the financial test; and,
 - 2) In light of the qualifications, the owner or operator has failed to demonstrate that it meets the gross revenue test or financial test.
- 893
- 894 h) Parent Corporation. An owner or operator may satisfy the financial assurance
- 895 requirements of this Part by either of the following means:
- 896
- 1) Demonstrating that a corporation that owns an interest in the owner or operator meets the requirements of this Section; and
 - 2) Providing a bond to the Agency with the parent corporation as surety on a form specified in Appendix A, Illustration H in accordance with Section 811.711(d), (e), (f), and (g) of this Part.
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(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 811.716 Local Government Financial Test

A unit of local government owner or operator that satisfies the requirements of subsections (a) through (c) of this Section may demonstrate financial assurance up to the amount specified in subsection (d) of this Section.

- a) ~~Financial Component~~ ~~component.~~
 - 1) The unit of local government owner or operator must satisfy subsection (a)(1)(A) or (a)(1)(B) of this Section, as applicable:
 - A) If the owner or operator has outstanding, rated, general obligation bonds that are not secured by insurance, a letter of credit, or other collateral or guarantee, it must have a current rating of Aaa, Aa, A, or Baa, as issued by Moody's, or AAA, AA, A, or BBB, as issued by Standard and Poor's, on all such general obligation bonds; or
 - B) The owner or operator must satisfy each of the following financial ratios based on the owner or operator's most recent audited annual financial statement:
 - i) A ratio of cash plus marketable securities to total expenditures greater than or equal to 0.05; and
 - ii) A ratio of annual debt service to total expenditures less than or equal to 0.20.
 - 2) The unit of local government owner or operator must prepare its financial statements in conformity with Generally Accepted Accounting Principles for governments and have its financial statements audited by an independent certified public accountant or the Comptroller of the State of Illinois pursuant to the Governmental Account Audit Act [50 ILCS 310].
 - 3) A unit of local government is not eligible to assure its obligations pursuant to this Section if any of the following is true:
 - A) It is currently in default on any outstanding general obligation bonds;
 - B) It has any outstanding general obligation bonds rated lower than

946 Baa as issued by Moody's or BBB as issued by Standard and
947 Poor's;

948
949 C) It operated at a deficit equal to five percent or more of total annual
950 revenue in each of the past two fiscal years; or

951
952 D) It receives an adverse opinion, disclaimer of opinion, or other
953 qualified opinion from the independent certified public accountant
954 or the Comptroller of the State of Illinois pursuant to the
955 Governmental Account Audit Act [50 ILCS 310] auditing its
956 financial statement as required pursuant to subsection (a)(2) of this
957 Section. However, the Agency must evaluate qualified opinions
958 on a case-by-case basis and allow use of the financial test in cases
959 where the Agency deems the qualification insufficient to warrant
960 disallowance of use of the test.

961
962 4) Terms used in this Section are defined as follows:

963
964 "Cash plus marketable securities" is all the cash plus marketable securities
965 held by the unit of local government on the last day of a fiscal year,
966 excluding cash and marketable securities designated to satisfy past
967 obligations such as pensions.

968
969 "Debt service" is the amount of principal and interest due on a loan in a
970 given time period, typically the current year.

971
972 "Deficit" equals total annual revenues minus total annual expenditures.

973
974 "Total revenues" include revenues from all taxes and fees but does not
975 include the proceeds from borrowing or asset sales, excluding revenue
976 from funds managed by a unit of local government on behalf of a specific
977 third party.

978
979 "Total expenditures" include all expenditures excluding capital outlays
980 and debt repayment.

981
982 b) Public Notice Component~~notice component.~~

983
984 1) The unit of local government owner or operator must place a reference to
985 the closure and post-closure care costs assured through the financial test
986 into its next comprehensive annual financial report (CAFR), or prior to the
987 initial receipt of waste at the facility, whichever is later.
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- 2) Disclosure must include the nature and source of closure and post-closure care requirements, the reported liability at the balance sheet date, the estimated total closure and post-closure care cost remaining to be recognized, the percentage of landfill capacity used to date, and the estimated landfill life in years.
 - 3) A reference to corrective action costs must be placed in the CAFR not later than 120 days after the corrective action remedy has been selected in accordance with the requirements of Sections 811.319(d) and 811.325.
 - 4) For the first year the financial test is used to assure costs at a particular facility, the reference may instead be placed in the operating record until issuance of the next available CAFR if timing does not permit the reference to be incorporated into the most recently issued CAFR or budget.
 - 5) For closure and post-closure costs, conformance with Government Accounting Standards Board Statement 18, incorporated by reference in 35 Ill. Adm. Code 810.104, assures compliance with this public notice component.

1010 c) Recordkeeping and Reporting Requirements~~reporting requirements.~~

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- 1) The unit of local government owner or operator must place the following items in the facility's operating record:
 - A) A letter signed by the unit of local government's chief financial officer that provides the following information:
 - i) It lists all the current cost estimates covered by a financial test, as described in subsection (d) of this Section;
 - ii) It provides evidence and certifies that the unit of local government meets the conditions of subsections (a)(1), (a)(2), and (a)(3) of this Section; and
 - iii) It certifies that the unit of local government meets the conditions of subsections (b) and (d) of this Section.
 - B) The unit of local government's independently audited year-end financial statements for the latest fiscal year (except for a unit of local government where audits are required every two years, where unaudited statements may be used in years when audits are not

- 1032 required), including the unqualified opinion of the auditor who
 1033 must be an independent certified public accountant (CPA) or the
 1034 Comptroller of the State of Illinois pursuant to the Governmental
 1035 Account Audit Act [50 ILCS 310].
 1036
- 1037 C) A report to the unit of local government from the unit of local
 1038 government's independent CPA or the Comptroller of the State of
 1039 Illinois pursuant to the Governmental Account Audit Act [50 ILCS
 1040 310] based on performing an agreed upon procedures engagement
 1041 relative to the financial ratios required by subsection (a)(1)(B) of
 1042 this Section, if applicable, and the requirements of subsections
 1043 (a)(2), (a)(3)(C), and (a)(3)(D) of this Section. The CPA or
 1044 Comptroller's report should state the procedures performed and the
 1045 CPA or Comptroller's findings.
 1046
- 1047 D) A copy of the comprehensive annual financial report (CAFR) used
 1048 to comply with subsection (b) of this Section or certification that
 1049 the requirements of ~~Government~~ General Accounting Standards
 1050 Board Statement 18, incorporated by reference in Section 810.104,
 1051 have been met.
 1052
- 1053 2) The items required in subsection (c)(1) of this Section must be placed in
 1054 the facility operating record as follows:
 1055
- 1056 A) In the case of closure and post-closure care, before November 27,
 1057 1997 or prior to the initial receipt of waste at the facility,
 1058 whichever is later; or
 1059
- 1060 B) In the case of corrective action, not later than 120 days after the
 1061 corrective action remedy is selected in accordance with the
 1062 requirements of Sections 811.319(d) and 811.325.
 1063
- 1064 3) After the initial placement of the items in the facility operating record, the
 1065 unit of local government owner or operator must update the information
 1066 and place the updated information in the operating record within 180 days
 1067 following the close of the owner or operator's fiscal year.
 1068
- 1069 4) The unit of local government owner or operator is no longer required to
 1070 meet the requirements of subsection (c) of this Section when either of the
 1071 following occurs:
 1072
- 1073 A) The owner or operator substitutes alternative financial assurance as
 1074 specified in this Section; or

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- B) The owner or operator is released from the requirements of this Section in accordance with Section 811.326(g), 811.702(b), or 811.704(j) or (k)(6).

- 5) A unit of local government must satisfy the requirements of the financial test at the close of each fiscal year. If the unit of local government owner or operator no longer meets the requirements of the local government financial test it must, within 120 days following the close of the owner or operator's fiscal year, obtain alternative financial assurance that meets the requirements of this Subpart, place the required submissions for that assurance in the operating record, notify the Agency that the owner or operator no longer meets the criteria of the financial test and that alternative assurance has been obtained, and submit evidence of the alternative financial assurance to the Agency.

- 6) The Agency, based on a reasonable belief that the unit of local government owner or operator may no longer meet the requirements of the local government financial test, may require additional reports of financial condition from the unit of local government at any time. If the Agency determines, on the basis of such reports or other information, that the owner or operator no longer meets the requirements of the local government financial test, the unit of local government must provide alternative financial assurance in accordance with this Subpart.

- d) Calculation of Costs to Be Assured. The portion of the closure, post-closure, and corrective action costs that an owner or operator may assure pursuant to this Section is determined as follows:
 - 1) If the unit of local government owner or operator does not assure other environmental obligations through a financial test, it may assure closure, post-closure, and corrective action costs that equal up to 43 percent of the unit of local government's total annual revenue.

 - 2) If the unit of local government assures other environmental obligations through a financial test, including those associated with UIC facilities pursuant to 35 Ill. Adm. Code 704.213³; petroleum underground storage tank facilities pursuant to 40 CFR 280³; PCB storage facilities pursuant to 40 CFR 761³; and hazardous waste treatment, storage, and disposal facilities pursuant to 35 Ill. Adm. Code 724 and 725, it must add those costs to the closure, post-closure, and corrective action costs it seeks to assure pursuant to this Section. The total that may be assured must not exceed 43 percent of the unit of local government's total annual revenue.

- 1118
1119 3) The owner or operator must obtain an alternative financial assurance
1120 instrument for those costs that exceed the limits set in subsections (d)(1)
1121 and (d)(2) of this Section.
1122

1123 BOARD NOTE: Derived from 40 CFR 258.74(f) ~~(2013)~~(2005).
1124

1125 (Source: Amended at 38 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER i: SOLID WASTE AND SPECIAL WASTE HAULING

PART 811
STANDARDS FOR NEW SOLID WASTE LANDFILLS

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811.103	Surface Water Drainage
811.104	Survey Controls
811.105	Compaction
811.106	Daily Cover
811.107	Operating Standards
811.108	Salvaging
811.109	Boundary Control
811.110	Closure and Written Closure Plan
811.111	Postclosure Maintenance
811.112	Recordkeeping Requirements for MSWLF Units
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811.205	Final Slope and Stabilization
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SUBPART C: PUTRESCIBLE AND CHEMICAL WASTE LANDFILLS

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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811.305	Foundation Construction
811.306	Liner Systems
811.307	Leachate Drainage System
811.308	Leachate Collection System
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811.310	Landfill Gas Monitoring
811.311	Landfill Gas Management System
811.312	Landfill Gas Processing and Disposal System
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811.315	Hydrogeologic Site Investigations
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811.317	Groundwater Impact Assessment
811.318	Design, Construction, and Operation of Groundwater Monitoring Systems
811.319	Groundwater Monitoring Programs
811.320	Groundwater Quality Standards
811.321	Waste Placement
811.322	Final Slope and Stabilization
811.323	Load Checking Program
811.324	Corrective Action Measures for MSWLF Units
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811.402	Notice to Generators and Transporters
811.403	Special Waste Manifests
811.404	Identification Record
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811.406	Procedures for Excluding Regulated Hazardous Wastes

POLLUTION CONTROL BOARD

~~NOTICE OF PROPOSED AMENDMENTS~~

SUBPART E: CONSTRUCTION QUALITY ASSURANCE PROGRAMS

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811.505	Documentation
811.506	Foundations and Subbases
811.507	Compacted Earth Liners
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SUBPART G: FINANCIAL ASSURANCE

Section	
811.700	Scope, Applicability and Definitions
811.701	Upgrading Financial Assurance
811.702	Release of Financial Institution
811.703	Application of Proceeds and Appeals
811.704	Closure and Post-Closure Care Cost Estimates
811.705	Revision of Cost Estimate
811.706	Mechanisms for Financial Assurance
811.707	Use of Multiple Financial Mechanisms
811.708	Use of a Financial Mechanism for Multiple Sites
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811.712	Surety Bond Guaranteeing Performance
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POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 811.APPENDIX A Financial Assurance Forms
- 811.ILLUSTRATION A Trust Agreement
 - 811.ILLUSTRATION B Certificate of Acknowledgment
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 - 811.ILLUSTRATION G Owner's or Operator's Bond Without Surety
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 - 811.ILLUSTRATION I Letter from Chief Financial Officer
- 811.APPENDIX B Section-by-Section correlation between the Standards of the RCRA Subtitle D MSWLF regulations and the Board's nonhazardous waste landfill regulations.
- 811.APPENDIX C List of Leachate Monitoring Parameters

AUTHORITY: Implementing Sections 7.2, 21, 21.1, 22, 22.17, and 22.40 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 21, 21.1, 22, 22.17, 22.40, and 27].

SOURCE: Adopted in R88-7 at 14 Ill. Reg. 15861, effective September 18, 1990; amended in R92-19 at 17 Ill. Reg. 12413, effective July 19, 1993; amended in R93-10 at 18 Ill. Reg. 1308, effective January 13, 1994; expedited correction at 18 Ill. Reg. 7504, effective July 19, 1993; amended in R90-26 at 18 Ill. Reg. 12481, effective August 1, 1994; amended in R95-13 at 19 Ill. Reg. 12257, effective August 15, 1995; amended in R96-1 at 20 Ill. Reg. 12000, effective August 15, 1996; amended in R97-20 at 21 Ill. Reg. 15831, effective November 25, 1997; amended in R98-9 at 22 Ill. Reg. 11491, effective June 23, 1998; amended in R99-1 at 23 Ill. Reg. 2794, effective February 17, 1999; amended in R98-29 at 23 Ill. Reg. 6880, effective July 1, 1999; amended in R04-5/R04-15 at 28 Ill. Reg. 9107, effective June 18, 2004; amended in R05-1 at 29 Ill. Reg. 5044, effective March 22, 2005; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 4136, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 1435, effective December 20, 2006; amended in R07-8 at 31 Ill. Reg. 16172, effective November 27, 2007; amended in R10-9 at 35 Ill. Reg. 10842, effective June 22, 2011; amended in R10-09(A) at 35 Ill. Reg. 18882, effective October 24, 2011; amended in R14-1/~~R14-2~~/~~R14-3~~ at 38 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL STANDARDS FOR ALL LANDFILLS

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Section 811.107 Operating Standards

- a) Phasing of Operations:
 - 1) Waste must be placed in a manner and at such a rate that mass stability is provided during all phases of operation. Mass stability means that the mass of waste deposited will not undergo settling or slope failure that interrupts operations at the facility or causes damage to any of the various landfill operations or structures, such as the liner, leachate or drainage collection system, gas collection system, or monitoring system.
 - 2) The phasing of operations at the facility must be designed in such a way as to allow the sequential construction, filling, and closure of discrete units or parts of units.
 - 3) The operator must design and sequence the waste placement operation in each discrete unit or parts of units, in conjunction with the overall operations of the facility, so as to shorten the operational phase and allow wastes to be built up to the planned final grade.

- b) Size and Slope of Working Face:
 - 1) The working face of the unit must be no larger than is necessary, based on the terrain and equipment used in waste placement, to conduct operations in a safe and efficient manner.
 - 2) The slopes of the working face area must be no steeper than two to one (horizontal to vertical) unless the waste is stable at steeper slopes.

- c) Equipment. Equipment must be maintained and available for use at the facility during all hours of operation, so as to achieve and maintain compliance with the requirements of this Part.

~~Equipment must be maintained and available for use at the facility during all hours of operation, so as to achieve and maintain compliance with the requirements of this Part.~~

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- d) Utilities. All utilities, including but not limited to heat, lights, power and communications equipment, necessary for safe operation in compliance with the requirements of this Part must be available at the facility at all times.

~~All utilities, including but no limited to heat, lights, power and communications equipment, necessary for safe operation in compliance with the requirements of this Part must be available at the facility at all times.~~

- e) Maintenance. ~~The operator~~operation must maintain and operate all systems and related appurtenances and structures in a manner that facilitates proper ~~operations~~operation in compliance with this Part.

~~The operator must maintain and operate all systems and related appurtenances and structures in a manner that facilitates proper operations in compliance with this Part.~~

- f) Open Burning. Open burning is prohibited, except in accordance with 35 Ill. Adm. Code 200 through 245.

~~Open burning is prohibited, except in accordance with 35 Ill. Adm. Code 200 through 245.~~

- g) Dust Control. The operator must implement methods for controlling dust, so as to prevent wind dispersal of particulate matter.

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~~The operator must implement methods for controlling dust, so as to prevent wind dispersal of particulate matter.~~

- h) Noise Control. The facility must be designed, constructed, and maintained to minimize the level of equipment noise audible outside the facility. The facility must not cause or contribute to a violation of 35 Ill. Adm. Code 900 through 905 or of Section 24 of the Act [415 ILCS 5/24].

~~The facility must be designed, constructed, and maintained to minimize the level of equipment noise audible outside the facility. The facility must not cause or contribute to a violation of 35 Ill. Adm. Code 900 through 905 or of Section 24 of the Act [415 ILCS 5/24].~~

- i) Vector Control. The operator must implement measures to control the population of disease and nuisance vectors.

~~The operator must implement measures to control the population of disease and nuisance vectors.~~

- j) Fire Protection. The operator must institute fire protection measures including, but not limited to, maintaining a supply of water onsite and radio or telephone access to the nearest fire department.

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~~The operator must institute fire protection measures including, but not limited to, maintaining a supply of water onsite and radio or telephone access to the nearest fire department.~~

- k) Litter Control:
 - 1) The operator must patrol the facility daily to check for litter accumulation. All litter must be collected and placed in the fill or in a secure, covered container for later disposal.
 - 2) The facility must not accept solid waste from vehicles that do not utilize devices such as covers or tarpaulins to control litter, unless the nature of the solid waste load is such that it cannot cause any litter during its transportation to the facility.
- l) Mud Tracking. The facility must implement methods, such as use of wheel washing units, to prevent tracking of mud by hauling vehicles onto public roadways.
- m) Liquids Restrictions for MSWLF Units:
 - 1) Bulk or noncontainerized liquid waste may not be placed in MSWLF units, unless one of the following conditions is true:
 - A) The waste is household waste other than septic waste;
 - B) The waste is leachate or gas condensate derived from the MSWLF unit and the MSWLF unit, whether it is a new or existing MSWLF unit or lateral expansion, is designed with a composite liner and leachate collection system that complies with the requirements of Sections 811.306 through 811.309; or
 - C) The Agency has issued an RD&D permit pursuant to 35 Ill. Adm.

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Code 813.112(a)(2) that allows the placement of noncontainerized liquids in the landfill, and that permit is in effect.

- 2) Containers holding liquid waste may not be placed in an MSWLF unit, unless one of the following conditions is true:
 - A) The container is a small container similar in size to that normally found in household waste;
 - B) The container is designed to hold liquids for use other than storage; or
 - C) The waste is household waste.
- 3) For purposes of this Section, the following definitions apply:
 - A) "Liquid waste" means any waste material that is determined to contain "free liquids" as defined by Method 9095B (Paint Filter Liquids Test) (Revision 2, November 2004), as described in "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods" (USEPA Pub. No. SW-846), incorporated by reference in 35 Ill. Adm. Code 810.104.
 - B) "Gas condensate" means the liquid generated as a result of gas recovery processes at the MSWLF unit.

BOARD NOTE: Subsections (m)(1) through (m)(3) of this Section are derived from 40 CFR 258.28 (2004)-(2013). Subsection (m)(1)(C) of this Section relating to RD&D permits is derived from 40 CFR 258.4(a)(2) (2004)-(2013).

(Source: Amended at 38 Ill. Reg. _____, effective _____)

SUBPART C: PUTRESCIBLE AND CHEMICAL WASTE LANDFILLS

Section 811.319 Groundwater Monitoring Programs

- a) Detection Monitoring Program. Any use of the term maximum allowable predicted concentration in this Section is a reference to Section 811.318(c). The

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operator ~~must~~mustshall implement a detection monitoring program in accordance with the following requirements:

~~Any use of the term maximum allowable predicted concentration in this Section is a reference to Section 811.318(c). The operator shall implement a detection monitoring program in accordance with the following requirements:~~

- 1) Monitoring Schedule and Frequency₂
 - A) The monitoring period ~~shall~~mustshall begin as soon as waste is placed into the unit of a new landfill or within one year of the effective date of this Part for an existing landfill. Monitoring ~~shall~~mustshall continue for a minimum period of ~~15~~ fifteen years after closure, or in the case of MSWLF units, a minimum period of 30 years after closure, except as otherwise provided by subsection (a)(1)(C) of this Section. The operator ~~shall~~mustshall sample all monitoring points for all potential sources of contamination on a quarterly basis except as specified in subsection (a)(3), for a period of five years from the date of issuance of the initial permit for significant modification under 35 Ill. Adm. Code 814.104 or a permit for a new unit pursuant to 35 Ill. Adm. Code 813.104. After the initial five-year period, the sampling frequency for each monitoring point ~~shall~~mustshall be reduced to a semi-annual basis, provided the operator has submitted the certification described in 35 Ill. Adm. Code 813.304(b). Alternatively, after the initial five-year period, the Agency ~~shall~~mustshall allow sampling on a semi-annual basis where the operator demonstrates that monitoring effectiveness has not been compromised, that sufficient quarterly data has been collected to characterize groundwater, and that leachate from the monitored unit does not constitute a threat to groundwater. For the purposes of this Section, the source ~~shall~~mustshall be considered a threat to groundwater if the results of the monitoring indicate either that the concentrations of any of the constituents monitored within the zone of attenuation is above the maximum allowable predicted concentration for that constituent or, for existing landfills, subject to ~~Subpart D of 35 Ill. Adm. Code 814., 814.,~~ Subpart D, that the

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concentration of any constituent has exceeded the applicable standard at the compliance boundary as defined in 35 Ill. Adm. Code 814.402(b)(3).

- B) Beginning fifteen years after closure of the unit, or five years after all other potential sources of discharge no longer constitute a threat to groundwater, as defined in subsection (a)(1)(A) of this Section, the monitoring frequency may change on a well by well basis to an annual schedule if either of the following conditions exist. However, monitoring ~~shall~~ ~~must~~ ~~must~~ ~~shall~~ return to a quarterly schedule at any well where a statistically significant increase is determined to have occurred in accordance with Section 811.320(e), in the concentration of any constituent with respect to the previous sample.
- i) All constituents monitored within the zone of attenuation have returned to a concentration less than or equal to ten percent of the maximum allowable predicted concentration; or
 - ii) All constituents monitored within the zone of attenuation are less than or equal to their maximum allowable predicted concentration for eight consecutive quarters.
- C) Monitoring ~~shall~~ ~~must~~ ~~must~~ ~~shall~~ be continued for a minimum period of: 30 years after closure at MSWLF units, except as otherwise provided by subsections (a)(1)(D) and (a)(1)(E) of this Section; five years after closure at landfills, other than MSWLF units, which are used exclusively for disposing waste generated at the site; or 15 years after closure at all other landfills regulated under this Part. Monitoring, beyond the minimum period, may be discontinued under the following conditions:
- i) No statistically significant increase is detected in the concentration of any constituent above that measured and recorded during the immediately preceding scheduled sampling for three consecutive years, after changing to an annual monitoring frequency; or

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- ii) Immediately after contaminated leachate is no longer generated by the unit.
- D) The Agency may reduce the groundwater monitoring period at a MSWLF unit upon a demonstration by the owner or operator that the reduced period is sufficient to protect human health and environment.
- E) An owner or operator of a MSWLF unit ~~shall~~ must ~~must~~ shall petition the Board for an adjusted standard in accordance with Section 811.303, if the owner or operator seeks a reduction of the ~~post-closure~~ post-closure ~~post-closure~~ post-closure care monitoring period for all of the following requirements:
 - i) Inspection and maintenance (Section 811.111);
 - ii) Leachate collection (Section 811.309);
 - iii) Gas monitoring (Section 811.310); and
 - iv) Groundwater monitoring (Section 811.319).

BOARD NOTE: Changes to subsections (a)(1)(A), and (a)(1)(C), and subsections (a)(1)(D), and (a)(1)(E) of this Section are derived from 40 CFR 258.61 (1992) ~~(2013)~~ (1992).

- 2) Criteria for Choosing Constituents to be Monitored:
 - A) The operator ~~shall~~ must ~~must~~ shall monitor each well for constituents that will provide a means for detecting groundwater contamination. Constituents ~~shall~~ must ~~must~~ shall be chosen for monitoring if they meet the following requirements:
 - i) The constituent appears in, or is expected to be in, the leachate; and
 - ii) Is contained within the following list of constituents:

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Ammonia – Nitrogen (dissolved)
Arsenic (dissolved)
Boron (dissolved)
Cadmium (dissolved)
Chloride (dissolved)
Chromium (dissolved)
Cyanide (total)
Lead (dissolved)
Magnesium (dissolved)
Mercury (dissolved)
Nitrate (dissolved)
Sulfate (dissolved)
Total Dissolved Solids (TDS)
Zinc (dissolved)

- iii) This is the minimum list for MSWLFs.
 - iv) Any facility accepting more than 50% by volume non-municipal waste must determine additional indicator parameters based upon leachate characteristic and waste content.
- B) One or more indicator constituents, representative of the transport processes of constituents in the leachate, may be chosen for monitoring in place of the constituents it represents. The use of such indicator constituents must be included in an Agency approved permit.
- 3) Organic Chemicals Monitoring. The operator ~~must~~shall monitor each existing well that is being used as a part of the monitoring well network at the facility within one year ~~of~~after the effective date of this Part, and monitor each new well within the three months ~~of~~after its establishment. The monitoring required by this subsection (a)(3) ~~must~~shall be for a broad range of organic chemical contaminants in accordance with the following procedures described below:

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The operator shall monitor each existing well that is being used as a part of the monitoring well network at the facility within one year of the effective date of this Part, and monitor each new well within the three months of its establishment. The monitoring required by this subsection (a)(3) shall be for a broad range of organic chemical contaminants in accordance with the procedures described below:

- A) The analysis shall ~~must~~mustshall be at least as comprehensive and sensitive as the tests for the 51 organic chemicals in drinking water described at 40 CFR 141.40 (1988) and ~~appendix I to 40 CFR 258~~Appendix I (2006), each incorporated by reference at 35 Ill. Adm. Code 810.104 and:

Acetone
Acrylonitrile
Benzene
Benzene
Bromobenzene
Bromochloromethane
Bromodichloromethane
Bromoform; Tribromomethane
n-Butylbenzene
sec-Butylbenzene
tert-Butylbenzene
Carbon disulfide
Carbon tetrachloride
Chlorobenzene
Chloroethane
Chloroform; Trichloromethane
o-Chlorotoluene
p-Chlorotoluene
Dibromochloromethane
1,2-Dibromo-3-chloropropane
1,2-Dibromoethane
1,2-Dichlorobenzene
1,3-Dichlorobenzene

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1,4-Dichlorobenzene
trans-1,4-Dichloro-2-butene
Dichlorodifluoromethane
1,1-Dichloroethane
1,2-Dichloroethane
1,1-Dichloroethylene
cis-1,2-Dichloroethylene
trans-1,2-Dichloroethylene
1,2-Dichloropropane
1,3-Dichloropropane
2,2-Dichloropropane
1,1-Dichloropropene
1,3-Dichloropropene
cis-1,3-Dichloropropene
trans-1,3-Dichloropropene
Ethylbenzene
Hexachlorobutadiene
2-Hexanone; Methyl butyl ketone
Isopropylbenzene
p-Isopropyltoluene
Methyl bromide; Bromomethane
Methyl chloride; Chloromethane
Methylene bromide; Dibromomethane
Dichloromethane
Methyl ethyl ketone
Methyl iodide; Iodomethane
4-Methyl-2-pentanone
Naphthalene
Oil and Grease (hexane soluble)
n-Propylbenzene
Styrene
1,1,1,2-Tetrachloroethane
1,1,2,2-Tetrachloroethane
Tetrachloroethylene
Tetrahydrofuran
Toluene
Total Phenolics
1,2,3-Trichlorobenzene

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~~1,2,4-Trichlorobenzene~~
~~1,1,1-Trichloroethane~~
~~1,1,2-Trichloroethane~~
~~Trichloroethylene~~
~~Trichlorofluoromethane~~
~~1,2,3-Trichloropropane~~
~~1,2,4-Trimethylbenzene~~
~~1,3,5-Trimethylbenzene~~
~~Vinyl acetate~~
~~Vinyl chloride~~
~~Xylenes~~

Acetone

Acrylonitrile

Benzene

Bromobenzene

Bromochloromethane

Bromodichloromethane

Bromoform; Tribromomethane

n-Butylbenzene

sec-Butylbenzene

tert-Butylbenzene

Carbon disulfide

Carbon tetrachloride

Chlorobenzene

Chloroethane

Chloroform; Trichloromethane

o-Chlorotoluene

p-Chlorotoluene

Dibromochloromethane

1,2-Dibromo-3-chloropropane

1,2-Dibromoethane

1,2-Dichlorobenzene

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1,3-Dichlorobenzene
1,4-Dichlorobenzene
trans-1,4-Dichloro-2-butene
Dichlorodifluoromethane
1,1-Dichloroethane
1,2-Dichloroethane
1,1-Dichloroethylene
cis-1,2-Dichloroethylene
trans-1,2-Dichloroethylene
1,2-Dichloropropane
1,3-Dichloropropane
2,2-Dichloropropane
1,1-Dichloropropene
1,3-Dichloropropene
cis-1,3-Dichloropropene
trans-1,3-Dichloropropene
Ethylbenzene
Hexachlorobutadiene
2-Hexanone: Methyl butyl ketone
Isopropylbenzene
p-Isopropyltoluene
Methyl bromide: Bromomethane
Methyl chloride: Chloromethane
Methylene bromide: Dibromomethane
Dichloromethane
Methyl ethyl ketone
Methyl iodide: Iodomethane
4-Methyl-2-pentanone
Naphthalene
Oil and Grease (hexane soluble)

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n-Propylbenzene

Styrene

1,1,1,2-Tetrachloroethane

1,1,2,2-Tetrachloroethane

Tetrachloroethylene

Tetrahydrofuran

Toluene

Total Phenolics

1,2,3-Trichlorobenzene

1,2,4-Trichlorobenzene trichlorobenzene

1,1,1-Trichloroethane

1,1,2-Trichloroethane

Trichloroethylene

Trichlorofluoromethane

1,2,3-Trichloropropane

1,2,4-Trimethylbenzene

1,3,5-Trimethylbenzene

Vinyl acetate

Vinyl chloride

Xylenes

- B) At least once every two years, the operator shall ~~must~~must~~shall~~ monitor each well in accordance with subsection (a)(3)(A) of this Section.
- C) The operator of a MSWLF unit shall ~~must~~must~~shall~~ monitor each well in accordance with subsection (a)(3)(A) of this Section on a semi-annual basis.

BOARD NOTE: Subsection (a)(3)(C) of this Section is derived from 40 CFR 258.54(b) (1992)-(2013)(1992).

- 4) Confirmation of Monitored Increase₂

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- A) The confirmation procedures of this subsection shall ~~must~~shall be used only if the concentrations of the constituents monitored can be measured at or above the practical quantitation limit (PQL). The PQL is defined as the lowest concentration that can be reliably measured within specified limits of precision and accuracy, under routine laboratory operating conditions. The operator shall ~~must~~shall institute the confirmation procedures of subsection (a)(4)(B) of this Section after notifying the Agency in writing, within ten days, of observed increases:
- i) The concentration of any inorganic constituent monitored in accordance with subsections (a)(1) and (a)(2) of this Section shows a progressive increase over eight consecutive monitoring events;
 - ii) The concentration of any constituent exceeds the maximum allowable predicted concentration at an established monitoring point within the zone of attenuation;
 - iii) The concentration of any constituent monitored in accordance with subsection (a)(3) of this Section exceeds the preceding measured concentration at any established monitoring point; and
 - iv) The concentration of any constituent monitored at or beyond the zone of attenuation exceeds the applicable groundwater quality standards of Section 811.320.
- B) The confirmation procedures shall ~~must~~shall include the following:
- i) The operator shall ~~must~~shall verify any observed increase by taking additional samples within 90 days after the initial sampling event and ensure that the samples and sampling protocol used will detect any statistically significant increase in the concentration of the suspect

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constituent in accordance with Section 811.320(e), so as to confirm the observed increase. The operator ~~shall~~ must notify the Agency of any confirmed increase before the end of the next business day following the confirmation.

- ii) The operator ~~shall~~ must determine the source of any confirmed increase, which may include, but shall ~~not~~ not be limited to, natural phenomena, sampling or analysis errors, or an offsite source.
 - iii) The operator ~~shall~~ must notify the Agency in writing of any confirmed increase. The notification must demonstrate a source other than the facility and provide the rationale used in such a determination. The notification must be submitted to the Agency no later than 180 days after the original sampling event. If the facility is permitted by the Agency, the notification must be filed for review as a significant permit modification pursuant to 35 Ill. Adm. Code 813.Subpart B.
 - iv) If an alternative source demonstration described in subsections (a)(4)(B)(ii) and (a)(4)(B)(iii) of this Section cannot be made, assessment monitoring is required in accordance with subsection (b) of this Section.
 - v) If an alternative source demonstration, submitted to the Agency as an application, is denied pursuant to 35 Ill. Adm. Code 813.105, the operator must commence sampling for the constituents listed in subsection (b)(5) of this Section, and submit an assessment monitoring plan as a significant permit modification, both within 30 days after the dated notification of Agency denial. The operator must sample the well or wells that exhibited the confirmed increase.
- b) Assessment Monitoring. The operator must begin an assessment monitoring program in order to confirm that the solid waste disposal facility is the source of the contamination and to provide information needed to carry out a groundwater

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impact assessment in accordance with subsection (c) of this Section. The assessment monitoring program must be conducted in accordance with the following requirements:

~~The operator shall begin an assessment monitoring program in order to confirm that the solid waste disposal facility is the source of the contamination and to provide information needed to carry out a groundwater impact assessment in accordance with subsection (c). The assessment monitoring program shall be conducted in accordance with the following requirements:~~

- 1) The assessment monitoring shall ~~must~~must be conducted in accordance with this subsection to collect information to assess the nature and extent of groundwater contamination. The owner or operator of a MSWLF unit shall ~~must~~must comply with the additional requirements prescribed in subsection (b)(5) of this Section. The assessment monitoring shall ~~must~~must consist of monitoring of additional constituents that might indicate the source and extent of contamination. In addition, assessment monitoring may include any other investigative techniques that will assist in determining the source, nature and extent of the contamination, which may consist of, but need not be limited to the following:
 - A) More frequent sampling of the wells in which the observation occurred;
 - B) More frequent sampling of any surrounding wells; and
 - C) The placement of additional monitoring wells to determine the source and extent of the contamination.
- 2) Except as provided for in subsections (a)(4)(B)(iii) and (a)(4)(B)(v) of this Section, the operator of the facility for which assessment monitoring is required shall ~~must~~must file the plans for an assessment monitoring program with the Agency. If the facility is permitted by the Agency, then the plans shall ~~must~~must be filed for review as a significant permit modification pursuant to ~~Subpart B of~~ 35 Ill. Adm. Code 813.Subpart B

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within 180 days after the original sampling event. The assessment monitoring program shall ~~must~~ shall be implemented within 180 days after the original sampling event in accordance with subsection (a)(4) of this Section or, in the case of permitted facilities, within 45 days after Agency approval.

- 3) If the analysis of the assessment monitoring data shows that the concentration of one or more constituents, monitored at or beyond the zone of attenuation is above the applicable groundwater quality standards of Section 811.320 and is attributable to the solid waste disposal facility, then the operator shall ~~must~~ shall determine the nature and extent of the groundwater contamination including an assessment of the potential impact on the groundwater should waste continue to be accepted at the facility and shall ~~must~~ shall implement the remedial action in accordance with subsection (d) of this Section.
- 4) If the analysis of the assessment monitoring data shows that the concentration of one or more constituents is attributable to the solid waste disposal facility and exceeds the maximum allowable predicted concentration within the zone of attenuation, then the operator shall ~~must~~ shall conduct a groundwater impact assessment in accordance with the requirements of subsection (c) of this Section.
- 5) In addition to the requirements of subsection (b)(1) of this Section, to collect information to assess the nature and extent of groundwater contamination, the following requirements are applicable to MSWLF units:
 - A) The monitoring of additional constituents pursuant to subsection (b)(~~1~~) of this Section must include, at a minimum (except as otherwise provided in subsection (b)(5)(E) of this Section), the constituents listed in ~~appendix II to~~ 40 CFR 258. ~~Appendix~~ appendix Appendix II, incorporated by reference at 35 Ill. Adm. Code 810.104, 810.104 and constituents from 35 Ill. Adm. Code 620.410.

BOARD NOTE: Subsection (b)(5)(A) of this Section is derived from 40 CFR 258.55(b) (1992) ~~(2013)~~ (1992).

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B) Within 14 days after obtaining the results of sampling required under subsection (b)(5)(A) of this Section, the owner or operator ~~shall~~ must do as ~~follows:~~follows~~shall:~~

- i) ~~Place~~The owner or operator must ~~place~~placePlace a notice in the operating record identifying the constituents that have been detected; and
- ii) ~~Notify~~The owner or operator must ~~notify~~notifyNotify the Agency that such a notice has been placed in the operating record.

BOARD NOTE: Subsection (b)(5)(B) of this Section is derived from 40 CFR 258.55(d)(1) ~~(1992)~~ (2013)(1992).

C) The owner or operator ~~shall~~ ~~must~~must~~shall~~ establish background concentrations for any constituents detected pursuant to subsection (b)(5)(A) of this Section in accordance with Section 811.320(e).

BOARD NOTE: Subsection (b)(5)(C) of this Section is derived from 40 CFR 258.55(d)(3) ~~(1992)~~ ~~(2013)~~(1992).

D) Within 90 days after the initial monitoring in accordance with subsection (b)(5)(A) of this Section, the owner or operator must monitor for the detected constituents listed in ~~appendix II to 40 CFR 258.~~Appendix IIAppendix II, incorporated by reference in 35 Ill. Adm. Code ~~810.104~~810.104 and 35 Ill. Adm. Code 620.410 on a semiannual basis during the assessment monitoring. The operator must monitor all the constituents listed in ~~appendix II to 40 CFR 258.~~Appendix IIAppendix II and 35 Ill. Adm. Code 620.410 on an annual basis during assessment monitoring.

BOARD NOTE: Subsection (b)(5)(D) of this Section is derived from 40 CFR 258.55(d)(2) ~~(1992)~~ ~~(2012)~~(1992).

E) The owner or operator may request the Agency to delete any of the

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~~appendix II to~~ 40 CFR 258. Appendix II and 35 Ill. Adm. Code 620.410 constituents by demonstrating to the Agency that the deleted constituents are not reasonably expected to be in or derived from the waste contained in the leachate.

BOARD NOTE: Subsection (b)(5)(E) of this Section is derived from 40 CFR 258.55(b) ~~(2013)(1992)(2012)~~.

F) Within 14 days after finding an exceedance above the applicable groundwater quality standards in accordance with subsection (b)(3) of this Section, the owner or operator ~~shall~~ must do as ~~follows: follow~~ shall:

- i) ~~Place~~The owner or operator must ~~place~~Place a notice in the operating record that identifies the constituents monitored under subsection (b)(1)(D) of this Section that have exceeded the groundwater quality standard;
- ii) ~~Notify~~The owner or operator must ~~notify~~Notify the Agency and the appropriate officials of the local municipality or county within whose boundaries the site is located that such a notice has been placed in the operating record; and
- iii) ~~Notify~~The owner or operator must ~~notify~~Notify all persons who own land or reside on land that directly overlies any part of the plume of contamination if contaminants have migrated off-site.

BOARD NOTE: Subsection (b)(5)(F) of this Section is derived from 40 CFR 258.55(g)(1)(i) through (iii) ~~(1992)(2012)(1992)~~.

G) If the concentrations of all constituents in ~~appendix II to~~ 40 CFR 258. ~~Appendix~~Appendix II, incorporated by reference in 35 Ill. Adm. Code 810.104, and 35 Ill. Adm. Code 620.410 constituents are shown to be at or below background values, using the statistical procedures in Section 811.320(e), for two consecutive sampling events, the owner or operator ~~shall~~

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~~must~~shall notify the Agency of this finding and may stop monitoring the ~~appendix II to 40 CFR 258.Appendix~~appendixAppendix II and 35 Ill. Adm. Code 620.410 constituents.

BOARD NOTE: Subsection (b)(5)(G) of this Section is derived from 40 CFR 258.55(e) (~~1992~~)(~~2013~~)(1992).

- c) Assessment of Potential Groundwater Impact. An operator required to conduct a groundwater impact assessment in accordance with subsection (b)(4) of this Section ~~shall~~ ~~must~~shall assess the potential impacts outside the zone of attenuation that may result from confirmed increases above the maximum allowable predicted concentration within the zone of attenuation, attributable to the facility, in order to determine if there is need for remedial action. In addition to the requirements of Section 811.317, the following ~~shall~~ requirements shall apply:
- 1) The operator ~~shall~~ ~~must~~shall utilize any new information developed since the initial assessment and information from the detection and assessment monitoring programs and such information may be used for the recalibration of the GCT model; and
 - 2) The operator ~~shall~~ ~~must~~shall submit the groundwater impact assessment and any proposed remedial action plans determined necessary pursuant to subsection (d) of this Section to the Agency within 180 days after the start of the assessment monitoring program.
- d) Remedial Action. The owner or operator of a MSWLF unit ~~shall~~ ~~must~~shall conduct corrective action in accordance with Sections 811.324, 811.325, and 811.326. The owner or operator of a landfill facility, other than a MSWLF unit, ~~shall~~ ~~must~~shall conduct remedial action in accordance with this subsection, (d).
- 1) The operator ~~shall~~ ~~must~~shall submit plans for the remedial action to the Agency. Such plans and all supporting information including data collected during the assessment monitoring ~~shall~~ ~~must~~shall be submitted within 90 days after determination of either of the following:

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- A) The groundwater impact assessment, performed in accordance with subsection (c) of this Section, indicates that remedial action is needed; or
 - B) Any confirmed increase above the applicable groundwater quality standards of Section 811.320 is determined to be attributable to the solid waste disposal facility in accordance with subsection (b) of this Section.
- 2) If the facility has been issued a permit by the Agency, then the operator ~~shall~~ ~~must~~ ~~must~~ ~~shall~~ submit this information as an application for significant modification to the permit;
- 3) The operator ~~shall~~ ~~must~~ ~~must~~ ~~shall~~ implement the plan for remedial action program within 90 days after the following:
- A) Completion of the groundwater impact assessment that requires remedial action;
 - B) Establishing that a violation of an applicable groundwater quality standard of Section 811.320 is attributable to the solid waste disposal facility in accordance with subsection (b)(3) of this Section; or
 - C) Agency approval of the remedial action plan, where the facility has been permitted by the Agency.
- 4) The remedial action program ~~shall~~ ~~must~~ ~~must~~ ~~shall~~ consist of one or a combination of one or more of the following solutions:
- A) Retrofit additional groundwater protective measures within the unit;
 - B) Construct an additional hydraulic barrier, such as a cutoff wall or slurry wall system;
 - C) Pump and treat the contaminated groundwater; or

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- D) Any other equivalent technique which will prevent further contamination of groundwater.
- 5) Termination of the Remedial Action Program
 - A) The remedial action program ~~shall mustmustshall~~ continue in accordance with the plan until monitoring shows that the concentrations of all monitored constituents are below the maximum allowable predicted concentration within the zone of attenuation, below the applicable groundwater quality standards of Section 811.320 at or beyond the zone of attenuation, over a period of four consecutive quarters no longer exist.
 - B) The operator ~~shall mustmustshall~~ submit to the Agency all information collected under subsection (d)(5)(A) of this Section. If the facility is permitted then the operator ~~shall mustmustshall~~ submit this information as a significant modification of the permit.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

SUBPART G: FINANCIAL ASSURANCE

Section 811.715 Self-Insurance for Non-Commercial Sites

- a) ~~a)~~ _____ Definitions. The following definitions are intended to assist in the understanding of this Part and are not intended to limit the meanings of terms in any way that conflicts with generally accepted accounting principles:

“Assets” means all existing and all probable future economic benefits obtained or controlled by a particular entity.

“Current assets” means cash or other assets or resources commonly identified as those that are reasonably expected to be realized in cash or sold or consumed during the normal operating cycle of the business.

“Current liabilities” means obligations whose liquidation is reasonably expected to require the use of existing resources properly classifiable as current assets or the creation of other current liabilities.

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"Generally accepted accounting principles" means the accounting and auditing standards of the American Institute of Certified Public Accountants and the Governmental Accounting Standards Board that are incorporated by reference at ~~in~~ina 35 Ill. Adm. Code 810.104(a)(2).

"Gross Revenue" means total receipts less returns and allowances.

"Independently audited" refers to an audit performed by an independent certified public accountant in accordance with generally accepted auditing standards.

"Liabilities" means probable future sacrifices of economic benefits arising from present obligations to transfer assets or provide services to other entities in the future as a result of past transactions or events.

"Net working capital" means current assets minus current liabilities.

"Net worth" means total assets minus total liabilities and is equivalent to owner's equity.

"Tangible net worth" means tangible assets less liabilities; tangible assets to not include intangibles such as goodwill and rights to patents or royalties.

b) Information to be ~~filed~~Filed~~filed~~. An owner or operator may satisfy the financial assurance requirements of this Part by providing the following:

~~An owner or operator may satisfy the financial assurance requirements of this Part by providing the following:~~

- 1) Bond without surety promising to pay the cost estimate (subsection (c) of this Section).
- 2) Proof that the owner or operator meets the gross revenue test (subsection (d) of this Section).
- 3) Proof that the owner or operator meets the financial test (subsection (e) of this Section).

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- c) ~~Bond without~~Without Surety~~without~~ surety. An owner or operator utilizing self-insurance must provide a bond without surety on the forms specified in Appendix A, Illustration G of this Part. The owner or operator must promise to pay the current cost estimate to the Agency unless the owner or operator provides closure and post-closure care in accordance with the closure and post-closure care plans.
- d) ~~Gross revenue~~Revenue Test~~revenue~~ test. The owner or operator must demonstrate that less than one-half of its gross revenues are derived from waste disposal operations. Revenue is "from waste disposal operations" if it would stop upon cessation of the owner or operator's waste disposal operations.
- e) ~~Financial test~~Test~~test~~.
 - 1) To pass the financial test, the owner or operator must meet the criteria of either subsection (e)(1)(A) or (e)(1)(B) of this Section:
 - A) The owner or operator must have:
 - i) Two of the following three ratios: a ratio of total liabilities to net worth of less than 2.0; a ratio of the sum of net income plus depreciation, depletion and amortization to total liabilities of greater than 0.1; or a ratio of current assets to current liabilities of greater than 1.5; and
 - ii) Net working capital and tangible net worth each at least six times the current cost estimate; and
 - iii) Tangible net worth of at least \$10 million; and
 - iv) Assets in the United States amounting to at least 90 percent of the owner's or operator's total assets and at least six times the current cost estimate.
 - B) The owner or operator must have:
 - i) A current rating of AAA, AA, A, or BBB for its most

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recent bond issuance as issued by Standard and Poor, or a rating of Aaa, Aa, A, or Baa, as issued by Moody; and

- ii) Tangible net worth at least six times the current cost estimate; and
- iii) Tangible net worth of at least \$10 million; and
- iv) Assets located in the United States amounting to at least 90 percent of its total assets or at least six times the current cost estimate.

2) To demonstrate that it meets this test, the owner or operator must submit the following items to the Agency:

- A) A letter signed by the owner or operator's chief financial officer and worded as specified in Appendix A, Illustration I; and
- B) A copy of the independent certified public accountant's report on examination of the owner or operator's financial statements for the latest completed fiscal year; and
- C) A special report from the owner or operator's independent certified public accountant to the owner or operator stating ~~that the following:~~ following that:
 - i) The accountant has compared the data that the letter from the chief financial officer specifies as having been derived from the independently audited, year-end financial statements for the latest fiscal year with the amounts in such financial statements; and
 - ii) In connection with that procedure, no matters came to the accountant's attention that caused the accountant to believe that the specified data should be adjusted.

f) Updated Information.

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- 1) After the initial submission of items specified in subsections (d) and (e) of this Section, the owner or operator must send updated information to the Agency within 90 days after the close of each succeeding fiscal year.
- 2) If the owner or operator no longer meets the requirements of subsections (d) and (e) of this Section, the owner or operator must send notice to the Agency of intent to establish alternative financial assurance. The notice must be sent by certified mail within 90 days after the end of the fiscal year for which the year-end financial data show that the operator no longer meets the requirements.
- g) Qualified Opinions. If the opinion required by subsections (e)(2)(B) and (e)(2)(C) of this Section includes an adverse opinion or a disclaimer of opinion, the Agency must disallow the use of self-insurance. If the opinion includes other qualifications, the Agency must disallow the use of self-insurance if:
 - 1) The qualifications relate to the numbers that are used in the gross revenue test or the financial test; and,
 - 2) In light of the qualifications, the owner or operator has failed to demonstrate that it meets the gross revenue test or financial test.
- h) Parent Corporation. An owner or operator may satisfy the financial assurance requirements of this Part by either of the following means:
 - 1) Demonstrating that a corporation that owns an interest in the owner or operator meets the requirements of this Section; and
 - 2) Providing a bond to the Agency with the parent corporation as surety on a form specified in Appendix A, Illustration H in accordance with Section 811.711(d), (e), (f), and (g) of this Part.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 811.716 Local Government Financial Test

A unit of local government owner or operator that satisfies the requirements of subsections (a) through (c) of this Section may demonstrate financial assurance up to the amount specified in

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subsection (d) of this Section.

- a) ~~Financial component.~~ Component component.
 - 1) The unit of local government owner or operator must satisfy subsection (a)(1)(A) or (a)(1)(B) of this Section, as applicable:
 - A) If the owner or operator has outstanding, rated, general obligation bonds that are not secured by insurance, a letter of credit, or other collateral or guarantee, it must have a current rating of Aaa, Aa, A, or Baa, as issued by Moody's, or AAA, AA, A, or BBB, as issued by Standard and Poor's, on all such general obligation bonds; or
 - B) The owner or operator must satisfy each of the following financial ratios based on the owner or operator's most recent audited annual financial statement:
 - i) A ratio of cash plus marketable securities to total expenditures greater than or equal to 0.05; and
 - ii) A ratio of annual debt service to total expenditures less than or equal to 0.20.
 - 2) The unit of local government owner or operator must prepare its financial statements in conformity with Generally Accepted Accounting Principles for governments and have its financial statements audited by an independent certified public accountant or the Comptroller of the State of Illinois pursuant to the Governmental Account Audit Act [50 ILCS 310].
 - 3) A unit of local government is not eligible to assure its obligations pursuant to this Section if any of the following is true:
 - A) It is currently in default on any outstanding general obligation bonds;
 - B) It has any outstanding general obligation bonds rated lower than Baa as issued by Moody's or BBB as issued by Standard and Poor's;

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- C) It operated at a deficit equal to five percent or more of total annual revenue in each of the past two fiscal years; or
- D) It receives an adverse opinion, disclaimer of opinion, or other qualified opinion from the independent certified public accountant or the Comptroller of the State of Illinois pursuant to the Governmental Account Audit Act [50 ILCS 310] auditing its financial statement as required pursuant to subsection (a)(2) of this Section. However, the Agency must evaluate qualified opinions on a case-by-case basis and allow use of the financial test in cases where the Agency deems the qualification insufficient to warrant disallowance of use of the test.

4) Terms used in this Section are defined as follows:

“Cash plus marketable securities” is all the cash plus marketable securities held by the unit of local government on the last day of a fiscal year, excluding cash and marketable securities designated to satisfy past obligations such as pensions.

“Debt service” is the amount of principal and interest due on a loan in a given time period, typically the current year.

“Deficit” equals total annual revenues minus total annual expenditures.

“Total revenues” include revenues from all taxes and fees but does not include the proceeds from borrowing or asset sales, excluding revenue from funds managed by a unit of local government on behalf of a specific third party.

“Total expenditures” include all expenditures excluding capital outlays and debt repayment.

b) ~~Public notice~~ Notice Component notice component.

- 1) The unit of local government owner or operator must place a reference to the closure and post-closure care costs assured through the financial test into its next comprehensive annual financial report (CAFR), or prior to the

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initial receipt of waste at the facility, whichever is later.

- 2) Disclosure must include the nature and source of closure and post-closure care requirements, the reported liability at the balance sheet date, the estimated total closure and post-closure care cost remaining to be recognized, the percentage of landfill capacity used to date, and the estimated landfill life in years.
 - 3) A reference to corrective action costs must be placed in the CAFR not later than 120 days after the corrective action remedy has been selected in accordance with the requirements of Sections 811.319(d) and 811.325.
 - 4) For the first year the financial test is used to assure costs at a particular facility, the reference may instead be placed in the operating record until issuance of the next available CAFR if timing does not permit the reference to be incorporated into the most recently issued CAFR or budget.
 - 5) For closure and post-closure costs, conformance with Government Accounting Standards Board Statement 18, incorporated by reference in 35 Ill. Adm. Code 810.104, assures compliance with this public notice component.
- c) ~~Recordkeeping and reporting~~ Reporting Requirements reporting requirements.
- 1) The unit of local government owner or operator must place the following items in the facility's operating record:
 - A) A letter signed by the unit of local government's chief financial officer that provides the following information:
 - i) It lists all the current cost estimates covered by a financial test, as described in subsection (d) of this Section;
 - ii) It provides evidence and certifies that the unit of local government meets the conditions of subsections (a)(1), (a)(2), and (a)(3) of this Section; and

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- iii) It certifies that the unit of local government meets the conditions of subsections (b) and (d) of this Section.
 - B) The unit of local government's independently audited year-end financial statements for the latest fiscal year (except for a unit of local government where audits are required every two years, where unaudited statements may be used in years when audits are not required), including the unqualified opinion of the auditor who must be an independent certified public accountant (CPA) or the Comptroller of the State of Illinois pursuant to the Governmental Account Audit Act [50 ILCS 310].
 - C) A report to the unit of local government from the unit of local government's independent CPA or the Comptroller of the State of Illinois pursuant to the Governmental Account Audit Act [50 ILCS 310] based on performing an agreed upon procedures engagement relative to the financial ratios required by subsection (a)(1)(B) of this Section, if applicable, and the requirements of subsections (a)(2), (a)(3)(C), and (a)(3)(D) of this Section. The CPA or Comptroller's report should state the procedures performed and the CPA or Comptroller's findings.
 - D) A copy of the comprehensive annual financial report (CAFR) used to comply with subsection (b) of this Section or certification that the requirements of ~~General Government~~Government General Accounting Standards Board Statement 18, incorporated by reference in Section 810.104, have been met.
- 2) The items required in subsection (c)(1) of this Section must be placed in the facility operating record as follows:
- A) In the case of closure and post-closure care, before November 27, 1997 or prior to the initial receipt of waste at the facility, whichever is later; or
 - B) In the case of corrective action, not later than 120 days after the corrective action remedy is selected in accordance with the requirements of Sections 811.319(d) and 811.325.

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- 3) After the initial placement of the items in the facility operating record, the unit of local government owner or operator must update the information and place the updated information in the operating record within 180 days following the close of the owner or operator's fiscal year.
 - 4) The unit of local government owner or operator is no longer required to meet the requirements of subsection (c) of this Section when either of the following occurs:
 - A) The owner or operator substitutes alternative financial assurance as specified in this Section; or
 - B) The owner or operator is released from the requirements of this Section in accordance with Section 811.326(g), 811.702(b), or 811.704(j) or (k)(6).
 - 5) A unit of local government must satisfy the requirements of the financial test at the close of each fiscal year. If the unit of local government owner or operator no longer meets the requirements of the local government financial test it must, within 120 days following the close of the owner or operator's fiscal year, obtain alternative financial assurance that meets the requirements of this Subpart, place the required submissions for that assurance in the operating record, notify the Agency that the owner or operator no longer meets the criteria of the financial test and that alternative assurance has been obtained, and submit evidence of the alternative financial assurance to the Agency.
 - 6) The Agency, based on a reasonable belief that the unit of local government owner or operator may no longer meet the requirements of the local government financial test, may require additional reports of financial condition from the unit of local government at any time. If the Agency determines, on the basis of such reports or other information, that the owner or operator no longer meets the requirements of the local government financial test, the unit of local government must provide alternative financial assurance in accordance with this Subpart.
- d) Calculation of Costs to Be Assured. The portion of the closure, post-closure, and

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corrective action costs that an owner or operator may assure pursuant to this Section is determined as follows:

- 1) If the unit of local government owner or operator does not assure other environmental obligations through a financial test, it may assure closure, post-closure, and corrective action costs that equal up to 43 percent of the unit of local government's total annual revenue.
- 2) If the unit of local government assures other environmental obligations through a financial test, including those associated with UIC facilities pursuant to 35 Ill. Adm. Code ~~704.213, 704.213,~~ petroleum underground storage tank facilities pursuant to 40 CFR ~~280, 280,~~ PCB storage facilities pursuant to 40 CFR ~~761, 761,~~ and hazardous waste treatment, storage, and disposal facilities pursuant to 35 Ill. Adm. Code 724 and 725, it must add those costs to the closure, post-closure, and corrective action costs it seeks to assure pursuant to this Section. The total that may be assured must not exceed 43 percent of the unit of local government's total annual revenue.
- 3) The owner or operator must obtain an alternative financial assurance instrument for those costs that exceed the limits set in subsections (d)(1) and (d)(2) of this Section.

BOARD NOTE: Derived from 40 CFR 258.74(f) ~~(2005)~~ ~~(2013)~~ (2005).

(Source: Amended at 38 Ill. Reg. _____, effective _____)

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Moved to	0
Style change	0
Format changed	0
Total changes	496

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1) Heading of the Part: Standards for Existing Landfills and Units

2) Code Citation: 35 Ill. Adm. Code 814

<u>Section Numbers</u> :	<u>Proposed Action</u> :
814.601	Amend
814.701	Amend
814.901	Amend
814.902	Amend

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STATE OF ILLINOIS
Pollution Control Board

4) Statutory Authority: 415 ILCS 5/7.2, 22.40, and 27.

5) A Complete Description of the Subjects and Issues Involved: The amendments to Part 814 are a single segment of the docket consolidated R14-1/R14-2/R14-3 rulemaking that also affects 35 Ill. Adm. Code 720, 727, 810, and 811, each of which is covered by a separate notice in this issue of the *Illinois Register*. To save space, a more detailed description of the subjects and issues involved in the docket consolidated R14-1/R14-2/R14-3 rulemaking in this issue of the *Illinois Register* only in the answer to question 5 in the Notice of Adopted Amendments for 35 Ill. Adm. Code 720. A comprehensive description is contained in the Board's opinion and order of December 5, 2013, proposing amendments in docket consolidated R14-1/R14-2/R14-3, which opinion and order is available from the address below.

Specifically, the amendments to Part 814 correct and amend various references to incorporations by reference. The Board has included a limited number of corrections and clarifying amendments that are not directly related to incorporations by reference, such as updating references to the Code of Federal Regulations, revising the format of references to State and federal regulations, correction of a reference name, and corrections in grammar and style.

Tables appear in the Board's opinion and order of December 5, 2013 in docket consolidated R14-1/R14-2/R14-3 that list numerous corrections and amendments that are not based on current federal amendments. The tables contain deviations from the literal text of the federal amendments underlying these amendments, as well as corrections and clarifications that the Board made in the base text involved. Persons interested in the details of those corrections and amendments should refer to the December 5, 2013 opinion and order in docket consolidated R14-1/R14-2/R14-3.

Section 22.40 of the Environmental Protection Act [415 ILCS 5/22.40 (2012)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35 (2012)] does not

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apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemakings currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes
- 10) Statement of Statewide Policy Objective: These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b) (2012)]
- 11) Are there any other proposed rulemakings pending on this Part? No
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference docket consolidated R14-1/R14-2/R14-3 and be addressed to:

John T. Therriault, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

312/819-3620

Please direct inquiries to the following person and reference docket consolidated R14-1/R14-2/R14-3:

Michael J. McCambridge
Staff Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60601

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

312/814-6924

michael.mccambridge@illinois.gov

Request copies of the Board's opinion and order at 312/814-3620, or download a copy from the Board's Website at <http://www.ipcb.state.il.us>.

- 13) Initial regulatory flexibility analysis:
- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking may affect those small businesses, small municipalities, and not-for-profit corporations that own or operate a municipal solid waste landfill. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b) (2012)]
 - B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, and maintenance of operating records. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b) (2012)]
 - C) Types of Professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b) (2012)]
- 14) Regulatory Agenda on which this rulemaking was summarized: 37 Ill. Reg. 9060, 9109-14, 9121-23, June 28, 2013.

The full text of the proposed rulemaking begins on the next page:

1 TITLE 35: ENVIRONMENTAL PROTECTION
2 SUBTITLE G: WASTE DISPOSAL
3 CHAPTER I: POLLUTION CONTROL BOARD
4 SUBCHAPTER i: SOLID WASTE AND SPECIAL WASTE HAULING
5

6 PART 814
7 STANDARDS FOR EXISTING LANDFILLS AND UNITS
8

9 SUBPART A: GENERAL REQUIREMENTS
10

11 Section

- 12 814.101 Scope and Applicability
13 814.102 Compliance Date
14 814.103 Notification to Agency
15 814.104 Applications for Significant Modification of Permits
16 814.105 Effect of Timely Filing of Notification and Application for Significant
17 Modification
18 814.106 Agency Action on Applications for Significant Modifications to Existing Permits
19 814.107 Compliance Dates for Existing MSWLF Units
20 814.108 Interim Permit Requirements for Existing MSWLF Units
21 814.109 Permit Requirements for Lateral Expansions at Existing MSWLF Units
22 814.110 Electronic Reporting
23

24 SUBPART B: STANDARDS FOR UNITS ACCEPTING INERT WASTE
25

26 Section

- 27 814.201 Scope and Applicability
28 814.202 Applicable Standards
29

30 SUBPART C: STANDARDS FOR EXISTING UNITS ACCEPTING CHEMICAL OR
31 PUTRESCIBLE WASTES THAT MAY REMAIN OPEN FOR MORE THAN SEVEN YEARS
32

33 Section

- 34 814.301 Scope and Applicability
35 814.302 Applicable Standards
36

37 SUBPART D: STANDARDS FOR EXISTING UNITS ACCEPTING CHEMICAL AND
38 PUTRESCIBLE WASTES THAT MUST INITIATE CLOSURE WITHIN SEVEN YEARS
39

40 Section

- 41 814.401 Scope and Applicability
42 814.402 Applicable Standards
43

44 SUBPART E: STANDARDS FOR EXISTING UNITS ACCEPTING INERT WASTE
45 ONLY, OR ACCEPTING CHEMICAL AND PUTRESCIBLE WASTES THAT MUST
46 INITIATE CLOSURE WITHIN TWO YEARS
47

48 Section

49 814.501 Scope and Applicability

50 814.502 Standards for Operation and Closure
51

52 SUBPART F: STANDARDS FOR EXISTING UNITS ACCEPTING ONLY
53 LOW RISK WASTES FROM THE STEEL AND FOUNDRY INDUSTRIES
54 THAT MAY REMAIN OPEN FOR MORE THAN SEVEN YEARS
55

56 Section

57 814.601 Scope and Applicability

58 814.602 Applicable Standards
59

60 SUBPART G: STANDARDS FOR EXISTING UNITS ACCEPTING
61 ONLY LOW RISK WASTES FROM THE STEEL OR FOUNDRY INDUSTRIES
62 THAT MUST INITIATE CLOSURE WITHIN SEVEN YEARS
63

64 Section

65 814.701 Scope and Applicability

66 814.702 Applicable Standards
67

68 SUBPART H: STANDARDS FOR EXISTING UNITS ACCEPTING ONLY
69 POTENTIALLY USABLE STEEL OR FOUNDRY INDUSTRY WASTE,
70 OR ACCEPTING ONLY LOW RISK STEEL OR FOUNDRY INDUSTRY WASTES
71 THAT MUST INITIATE CLOSURE WITHIN TWO YEARS
72

73 Section

74 814.801 Scope and Applicability

75 814.802 Standards for Operation and Closure
76

77 SUBPART I: STANDARDS FOR EXISTING UNITS ACCEPTING
78 ONLY POTENTIALLY USABLE STEEL OR FOUNDRY INDUSTRY WASTE
79 THAT PLAN TO STAY OPEN FOR MORE THAN TWO YEARS
80

81 Section

82 814.901 Scope and Applicability

83 814.902 Standards for Operation and Closure
84

85 814.APPENDIX A Additional Requirements for Existing MSWLF Units and Lateral
86 Expansions Operating Under Permits Issued Pursuant to 35 Ill.

Adm. Code 807.

AUTHORITY: Implementing Sections 7.2, 21, 21.1, 22, 22.17, and 22.40 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 21, 21.1, 22, 22.17, 22.40, and 27].

SOURCE: Adopted in R88-7 at 14 Ill. Reg. 15850, effective September 18, 1990; amended in R93-10 at 18 Ill. Reg. 1284, effective January 13, 1994; emergency amendment in R94-13 at 18 Ill. Reg. 8488, effective May 12, 1994, for a maximum of 150 days; amended in R90-26 at 18 Ill. Reg. 12471, effective August 1, 1994; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 1472, effective December 20, 2006; amended in R14-1/R14-2/R14-3 at 38 Ill. Reg. _____, effective _____.

SUBPART F: STANDARDS FOR EXISTING UNITS ACCEPTING ONLY
 LOW RISK WASTES FROM THE STEEL AND FOUNDRY INDUSTRIES
 THAT MAY REMAIN OPEN FOR MORE THAN SEVEN YEARS

Section 814.601 Scope and Applicability

- a) The standards in this Subpart F are applicable to all existing units of landfills, including those exempt from permit requirements in accordance with Section 21(d) of the Act, that have accepted or accept low risk wastes and are classified as low risk waste landfill in accordance with subsection (c) of this Section. Based on an evaluation of the information submitted pursuant to Subpart A of this Part and any Agency site inspection, units that meet the requirements of this Subpart F may remain open for an indefinite period of time beyond seven years after September 18, 1990.
- b) Based on an evaluation of the information submitted pursuant to Subpart A of this Part and any Agency site inspection, units which are unable to comply with the requirements of this Subpart are subject to the requirements of Subpart G or Subpart H of this Part.
- c) An owner or operator ~~must~~shall demonstrate that the existing landfill unit is a low risk waste landfill unit pursuant to 35 Ill. Adm. Code 817.105 and 817.106 as follows:
 - 1) Collecting a representative sample of undiluted and unattenuated landfill leachate obtained in accordance with 35 Ill. Adm. Code 817.103(b)(3); or
 - 2) Extracting leachate from representative core samples obtained from the existing unit. The core samples ~~must~~shall be individually extracted by using ASTM Method D3987-85, incorporated by reference specified in 35

130 Ill. Adm. Code ~~810.104, 817.103(a)~~ and the resulting leachate ~~must~~ shall be
131 used for waste classification purposes.

132
133 (Source: Amended at 38 Ill. Reg. _____, effective _____)
134

135 SUBPART G: STANDARDS FOR EXISTING UNITS ACCEPTING
136 ONLY LOW RISK WASTES FROM THE STEEL OR FOUNDRY INDUSTRIES
137 THAT MUST INITIATE CLOSURE WITHIN SEVEN YEARS
138

139 **Section 814.701 Scope and Applicability**
140

- 141 a) The standards in this Subpart G are applicable to all existing units of landfills,
142 including those exempt from permit requirements in accordance with Section
143 21(d) of the Act, that have accepted or accept low risk wastes and are classified as
144 low risk waste landfill in accordance with subsection (c)-below. Based on an
145 evaluation of the information submitted pursuant to Subpart A of this Part and any
146 Agency site inspection, units that meet the requirements of this Subpart G
147 ~~must~~ shall initiate closure between two and seven years after August 1, 1994.
148
- 149 b) Based on an evaluation of the information submitted pursuant to Subpart A of this
150 Part and any Agency site inspection, units which are unable to comply with the
151 requirements of this Section are subject to the requirements of Subpart H of this
152 Part.
153
- 154 c) An owner or operator ~~must~~ shall demonstrate that the existing landfill unit is a low
155 risk waste landfill unit pursuant to 35 Ill. Adm. Code 817.105 and 817.106 as
156 follows:
157
- 158 1) Collecting a representative sample of undiluted and unattenuated landfill
159 leachate obtained in accordance with 35 Ill. Adm. Code 817.103(b)(3); or
160
 - 161 2) Extracting leachate from representative core samples obtained from the
162 existing unit. The core samples ~~must~~ shall be individually extracted by
163 using ASTM Method D3987-85, incorporated by reference ~~specified in 35~~
164 Ill. Adm. Code ~~810.104, 817.103(a)~~ and the resulting leachate ~~must~~ shall be
165 used for waste classification purposes.
166

167 (Source: Amended at 38 Ill. Reg. _____, effective _____)
168

169 SUBPART I: STANDARDS FOR EXISTING UNITS ACCEPTING
170 ONLY POTENTIALLY USABLE STEEL OR FOUNDRY INDUSTRY WASTE
171 THAT PLAN TO STAY OPEN FOR MORE THAN TWO YEARS
172

173 **Section 814.901 Scope and Applicability**

- 174
- 175 a) The standards in this Subpart I are applicable to all existing units of landfills,
- 176 including those exempt from permit requirements in accordance with Section
- 177 21(d) of the Act, that accept only potentially usable waste and are classified as
- 178 potentially usable waste landfills in accordance with subsection (c) of this Section
- 179 below. Based on an evaluation of the information submitted pursuant to Subpart
- 180 A of this Part and any Agency site inspection, units that meet the requirements of
- 181 this Subpart I may remain open for an indefinite period of time after August 1,
- 182 1994.
- 183
- 184 b) Based on an evaluation of the information submitted pursuant to Subpart A of this
- 185 Part and any Agency site inspection, units which are unable to comply with the
- 186 requirements of this Section are subject to the requirements of Subpart H of this
- 187 Part.
- 188
- 189 c) An owner or operator ~~must~~shall demonstrate that the existing landfill unit is a
- 190 potentially usable waste landfill unit pursuant to 35 Ill. Adm. Code 817.105 and
- 191 817.106 as follows:
- 192
- 193 1) Collecting a representative sample of undiluted and unattenuated landfill
- 194 leachate obtained in accordance 35 Ill. Adm. Code 817.103(b)(3); or
- 195
- 196 2) Extracting leachate from representative core samples obtained from the
- 197 existing unit. The core samples ~~must~~shall be individually extracted by
- 198 using ASTM method D3987-85, incorporated by reference specified in 35
- 199 Ill. Adm. Code 810.104, 817.103(a) and the resulting leachate ~~must~~shall be
- 200 used for waste classification purposes.

201

202 (Source: Amended at 38 Ill. Reg. _____, effective _____)

203

204 **Section 814.902 Standards for Operation and Closure**

- 205
- 206 a) All units regulated in this Subpart I are subject to all requirements in 35 Ill. Adm.
- 207 Code 817.Subpart C.
- 208
- 209 b) If an owner or operator of a unit regulated under this Subpart I is unable to obtain
- 210 the representative leachate samples required pursuant to 35 Ill. Adm. Code
- 211 817.305(a), representative core samples ~~must~~shall be taken at appropriate
- 212 locations in the unit. Each sample ~~must~~shall be individually subjected to the
- 213 ASTM Method D3987-85 extraction procedure, incorporated by reference
- 214 prescribed in 35 Ill. Adm. Code 810.104 817.103(a). The resulting leachate from
- 215 the extraction procedure ~~must~~shall be substituted for that to be collected pursuant

216
217
218

to 35 Ill. Adm. Code 817.305(a).

(Source: Amended at 38 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER i: SOLID WASTE AND SPECIAL WASTE HAULING

PART 814
STANDARDS FOR EXISTING LANDFILLS AND UNITS

SUBPART A: GENERAL REQUIREMENTS

Section

- 814.101 Scope and Applicability
- 814.102 Compliance Date
- 814.103 Notification to Agency
- 814.104 Applications for Significant Modification of Permits
- 814.105 Effect of Timely Filing of Notification and Application for Significant Modification
- 814.106 Agency Action on Applications for Significant Modifications to Existing Permits
- 814.107 Compliance Dates for Existing MSWLF Units
- 814.108 Interim Permit Requirements for Existing MSWLF Units
- 814.109 Permit Requirements for Lateral Expansions at Existing MSWLF Units
- 814.110 Electronic Reporting

SUBPART B: STANDARDS FOR UNITS ACCEPTING INERT WASTE

Section

- 814.201 Scope and Applicability
- 814.202 Applicable Standards

SUBPART C: STANDARDS FOR EXISTING UNITS ACCEPTING CHEMICAL OR PUTRESCIBLE WASTES THAT MAY REMAIN OPEN FOR MORE THAN SEVEN YEARS

Section

- 814.301 Scope and Applicability
- 814.302 Applicable Standards

SUBPART D: STANDARDS FOR EXISTING UNITS ACCEPTING CHEMICAL AND PUTRESCIBLE WASTES THAT MUST INITIATE CLOSURE WITHIN SEVEN YEARS

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section
814.401 Scope and Applicability
814.402 Applicable Standards

SUBPART E: STANDARDS FOR EXISTING UNITS ACCEPTING INERT WASTE ONLY, OR ACCEPTING CHEMICAL AND PUTRESCIBLE WASTES THAT MUST INITIATE CLOSURE WITHIN TWO YEARS

Section
814.501 Scope and Applicability
814.502 Standards for Operation and Closure

SUBPART F: STANDARDS FOR EXISTING UNITS ACCEPTING ONLY LOW RISK WASTES FROM THE STEEL AND FOUNDRY INDUSTRIES THAT MAY REMAIN OPEN FOR MORE THAN SEVEN YEARS

Section
814.601 Scope and Applicability
814.602 Applicable Standards

SUBPART G: STANDARDS FOR EXISTING UNITS ACCEPTING ONLY LOW RISK WASTES FROM THE STEEL OR FOUNDRY INDUSTRIES THAT MUST INITIATE CLOSURE WITHIN SEVEN YEARS

Section
814.701 Scope and Applicability
814.702 Applicable Standards

SUBPART H: STANDARDS FOR EXISTING UNITS ACCEPTING ONLY POTENTIALLY USABLE STEEL OR FOUNDRY INDUSTRY WASTE, OR ACCEPTING ONLY LOW RISK STEEL OR FOUNDRY INDUSTRY WASTES THAT MUST INITIATE CLOSURE WITHIN TWO YEARS

Section
814.801 Scope and Applicability
814.802 Standards for Operation and Closure

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

SUBPART I: STANDARDS FOR EXISTING UNITS ACCEPTING ONLY POTENTIALLY USABLE STEEL OR FOUNDRY INDUSTRY WASTE THAT PLAN TO STAY OPEN FOR MORE THAN TWO YEARS

Section	
814.901	Scope and Applicability
814.902	Standards for Operation and Closure

~~Appendix 814.~~ APPENDIX A Additional Requirements for Existing MSWLF Units and Lateral Expansions Operating Under Permits Issued Pursuant to 35 Ill. Adm. Code 807.

AUTHORITY: Implementing Sections 7.2, 21, 21.1, 22, 22.17, and 22.40 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 21, 21.1, 22, 22.17, 22.40, and 27].

SOURCE: Adopted in R88-7 at 14 Ill. Reg. 15850, effective September 18, 1990; amended in R93-10 at 18 Ill. Reg. 1284, effective January 13, 1994; emergency amendment in R94-13 at 18 Ill. Reg. 8488, effective May 12, 1994, for a maximum of 150 days; amended in R90-26 at 18 Ill. Reg. 12471, effective August 1, 1994; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 1472, effective December 20, 2006; amended in R14-1/-R14-2/-R14-3 at 38 Ill. Reg. _____, effective _____.

NOTE: Capitalization indicates statutory language.

SUBPART F: STANDARDS FOR EXISTING UNITS ACCEPTING ONLY LOW RISK WASTES FROM THE STEEL AND FOUNDRY INDUSTRIES THAT MAY REMAIN OPEN FOR MORE THAN SEVEN YEARS

Section 814.601 Scope and Applicability

- a) The standards in this Subpart F are applicable to all existing units of landfills, including those exempt from permit requirements in accordance with Section 21(d) of the Act, that have accepted or accept low risk wastes and are classified as low risk waste landfill in accordance with subsection (c) of this Section. Based on an evaluation of the information submitted pursuant to Subpart A of this Part and any Agency site inspection, units that meet the requirements of this Subpart F may remain open for an indefinite period of time beyond seven years after September 18, 1990.

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- b) Based on an evaluation of the information submitted pursuant to Subpart A of this Part and any Agency site inspection, units which are unable to comply with the requirements of this Subpart are subject to the requirements of Subpart G or Subpart H of this Part.
- c) An owner or operator ~~shall must~~ shall demonstrate that the existing landfill unit is a low risk waste landfill unit pursuant to 35 Ill. Adm. Code 817.105 and 817.106 as follows:
 - 1) Collecting a representative sample of undiluted and unattenuated landfill leachate obtained in accordance with 35 Ill. Adm. Code 817.103(b)(3); or
 - 2) Extracting leachate from representative core samples obtained from the existing unit. The core samples ~~shall must~~ shall be individually extracted by using ASTM Method D3987-85 ~~specified, 85,~~ incorporated by reference specified in 35 Ill. Adm. Code ~~817.103~~ 810.104, 817.103(a) 810.104, and the resulting leachate ~~shall must~~ shall be used for waste classification purposes.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

SUBPART G: STANDARDS FOR EXISTING UNITS ACCEPTING ONLY LOW RISK WASTES FROM THE STEEL OR FOUNDRY INDUSTRIES THAT MUST INITIATE CLOSURE WITHIN SEVEN YEARS

Section 814.701 Scope and Applicability

- a) The standards in this Subpart G are applicable to all existing units of landfills, including those exempt from permit requirements in accordance with Section 21(d) of the Act, that have accepted or accept low risk wastes and are classified as low risk waste landfill in accordance with subsection (c) below. Based on an evaluation of the information submitted pursuant to Subpart A of this Part and any Agency site inspection, units that meet the requirements of this Subpart G ~~shall must~~ shall initiate closure between two and seven years after August 1, 1994.
- b) Based on an evaluation of the information submitted pursuant to Subpart A of this Part and any Agency site inspection, units which are unable to comply with the

POLLUTION CONTROL BOARD

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requirements of this Section are subject to the requirements of Subpart H of this Part.

- c) An owner or operator ~~shall~~ ~~must~~ ~~must~~ ~~shall~~ demonstrate that the existing landfill unit is a low risk waste landfill unit pursuant to 35 Ill. Adm. Code 817.105 and 817.106 as follows:
- 1) Collecting a representative sample of undiluted and unattenuated landfill leachate obtained in accordance with 35 Ill. Adm. Code 817.103(b)(3); or
 - 2) Extracting leachate from representative core samples obtained from the existing unit. The core samples ~~shall~~ ~~must~~ ~~must~~ ~~shall~~ be individually extracted by using ASTM Method D3987-85 ~~specified~~ ~~85~~, incorporated by reference ~~specified~~ in 35 Ill. Adm. Code ~~817.103~~ ~~810.104~~ ~~817.103(a)~~ ~~810.104~~, and the resulting leachate ~~shall~~ ~~must~~ ~~must~~ ~~shall~~ be used for waste classification purposes.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

SUBPART I: STANDARDS FOR EXISTING UNITS ACCEPTING ONLY POTENTIALLY USABLE STEEL OR FOUNDRY INDUSTRY WASTE THAT PLAN TO STAY OPEN FOR MORE THAN TWO YEARS

Section 814.901 Scope and Applicability

- a) The standards in this Subpart I are applicable to all existing units of landfills, including those exempt from permit requirements in accordance with Section 21(d) of the Act, that accept only potentially usable waste and are classified as potentially usable waste landfills in accordance with subsection (c) ~~below~~ of this Section below. Based on an evaluation of the information submitted pursuant to Subpart A of this Part and any Agency site inspection, units that meet the requirements of this Subpart I may remain open for an indefinite period of time after August 1, 1994.
- b) Based on an evaluation of the information submitted pursuant to Subpart A of this Part and any Agency site inspection, units which are unable to comply with the requirements of this Section are subject to the requirements of Subpart H of this Part.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- c) An owner or operator shall ~~must~~ must demonstrate that the existing landfill unit is a potentially usable waste landfill unit pursuant to 35 Ill. Adm. Code 817.105 and 817.106 as follows:
- 1) Collecting a representative sample of undiluted and unattenuated landfill leachate obtained in accordance 35 Ill. Adm. Code 817.103(b)(3); or
 - 2) Extracting leachate from representative core samples obtained from the existing unit. The core samples shall ~~must~~ must be individually extracted by using ASTM method D3987-85 ~~specified, 85,~~ incorporated by reference specified in 35 Ill. Adm. Code ~~817.103~~ 810.104, ~~817.103(a) 810.104,~~ and the resulting leachate shall ~~must~~ must be used for waste classification purposes.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 814.902 Standards for Operation and Closure

- a) All units regulated in this Subpart I are subject to all requirements in ~~Subpart C of~~ 35 Ill. Adm. Code 817.Subpart C.
- b) If an owner or operator of a unit regulated under this Subpart I is unable to obtain the representative leachate samples required pursuant to 35 Ill. Adm. Code 817.305(a), representative core samples shall ~~must~~ must be taken at appropriate locations in the unit. Each sample shall ~~must~~ must be individually subjected to the ASTM Method D3987-85 extraction procedure ~~prescribed,~~ incorporated by reference prescribed in 35 Ill. Adm. Code ~~817.103(a) 810.104~~ 810.104, ~~817.103(a) 810.104~~ 817.103(a). The resulting leachate from the extraction procedure shall ~~must~~ must be substituted for that to be collected pursuant to 35 Ill. Adm. Code 817.305(a).

(Source: Amended at 38 Ill. Reg. _____, effective _____)

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Moved to	0
Style change	0
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