

**From:** [Knudson, Cheryl J.](#)  
**To:** [McGill, Richard](#)  
**Cc:** [Eastvold, Jonathan C.](#)  
**Subject:** [External] RE: First Notice Documents from JCAR  
**Date:** Wednesday, May 25, 2022 4:05:34 PM  
**Attachments:** [35-615NT-P JCAR.docx](#)  
[35-615RG-P r01 \(46-22\).docx](#)  
[Redline - 35-615RG-P Agency and 35-615RG-P r01 \(46-22\).pdf](#)

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First Notice documents are attached for your review:

- [Notice Page](#)
- **I<sup>st</sup> Notice** – [Numbered Line Version](#)
- [Agency vs. JCAR r01](#)

If you have any questions or concerns, please contact Jonathan Eastvold @ 217-524-9010.

Thank you,  
Cheryl

Cheryl Knudson  
Joint Committee on Administrative Rules  
Illinois General Assembly  
700 Stratton Building  
Springfield, IL 62706

217.785.8993  
[cherylk@ilga.gov](mailto:cherylk@ilga.gov)

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Existing Activities in a Setback Zone or Regulated Recharge Area
- 2) Code Citation: 35 Ill. Adm. Code 615
- 3) 

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
615.101	Amendment
615.102	Amendment
615.103	Amendment
615.104	Amendment
615.105	Amendment
615.202	Amendment
615.203	Amendment
615.204	Amendment
615.205	Amendment
615.206	Amendment
615.207	Amendment
615.208	Amendment
615.209	Amendment
615.210	Amendment
615.211	Amendment
615.302	Amendment
615.303	Amendment
615.304	Amendment
615.305	Amendment
615.306	Amendment
615.401	Amendment
615.402	Amendment
615.403	Amendment
615.404	Amendment
615.421	Amendment
615.422	Amendment
615.423	Amendment
615.424	Amendment
615.425	Amendment
615.441	Amendment
615.442	Amendment
615.443	Amendment
615.444	Amendment
615.445	Amendment
615.446	Amendment

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615.447	Amendment
615.461	Amendment
615.462	Amendment
615.463	Amendment
615.464	Amendment
615.501	Amendment
615.502	Amendment
615.601	Amendment
615.602	Amendment
615.603	Amendment
615.604	Amendment
615.621	Amendment
615.622	Amendment
615.623	Amendment
615.624	Amendment
615.702	Amendment
615.703	Amendment
615.704	Amendment
615.722	Amendment
615.723	Amendment

- 4) Statutory Authority: Implementing and authorized by Sections 5, 14.4, 21, 22, 27 of the Environmental Protection Act [415 ILCS 5/5, 14.4, 21, 22 and 27].
- 5) A Complete Description of the Subjects and Issues Involved: The rulemaking pertains to the Board's public water supply rules and contain the requirements necessary for owners and official custodians of public water supplies in the State to provide, "continuous operation and maintenance of public water supply facilities to assure that the water is safe in quality, clean, adequate in quantity, and of satisfactory mineral characteristics for ordinary domestic consumption." 35 Ill. Adm. Code 601.101(a). In this rulemaking, the Board proposes non-substantive amendments to remove redundant or unnecessary language, replace outdated language, update statutory references, and reorganize provisions for clarity. The rulemaking also proposes amendments to delete outdated provisions, appropriately match incorporations by reference, eliminate redundancies and correct citations.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: No
- 7) Will this proposed rulemaking replace an emergency rule currently in effect? No

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- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this proposed rulemaking contain incorporations by reference? Yes

CFR (Code of Federal Regulations). Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (202) 783-3238.

Method Detection Limit Definition, appendix B to Part 136, 40 CFR 136 (2017).

49 CFR 173 (2017).

NTIS. National Technical Information Service, 5285 Port Royal Road, Springfield VA 22161, (703) 605-6000

"Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods", EPA Publication No. SW-846, as amended by Updates I, II, IIA, IIB, III, IIIA, and IIIB I, (Doc. No. 55-001-00000-1) (available on line).

- 10) Are there any proposed rulemakings to this Part pending? No
- 11) Statement of Statewide Policy Objectives: This proposed amendment does not create or enlarge a State mandate as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3]
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comments on this proposal for a period of at least 45 days after the date of publication in the *Illinois Register*. Public comments should refer to Docket R18-26 and be filed electronically through the Clerk's Office On-Line (COOL) on the Board's website at [pcb.illinois.gov](http://pcb.illinois.gov). Public comments may be addressed to:

Clerk's Office  
Illinois Pollution Control Board  
100 W. Randolph St., Suite 11-500  
Chicago, IL 60601

Interested persons may download copies of the Board's opinions and orders in R18-26 from the Board's Web site at [pcb.illinois.gov](http://pcb.illinois.gov) and may also request copies by calling the Clerk's office at 312-814-3620.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
  - B) Reporting, bookkeeping or other procedures required for compliance: The proposed amendments in this rulemaking will not themselves require recordkeeping or reporting procedures for compliance.
  - C) Types of professional skills necessary for compliance: None
- 14) Small Business Impact Analysis: The Board does not expect that the proposed rules will impact small business.
- 15) Regulatory Agenda on which this rulemaking was summarized: This rule did not appear in a regulatory agenda.

The full text of the Proposed Amendments begins on the next page:

TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE F: PUBLIC WATER SUPPLIES  
CHAPTER I: POLLUTION CONTROL BOARD

PART 615

EXISTING ACTIVITIES IN A SETBACK ZONE OR REGULATED RECHARGE AREA

SUBPART A: GENERAL

Section

- 615.101 Purpose
- 615.102 Definitions
- 615.103 Incorporations by Reference
- 615.104 Prohibitions
- 615.105 General Exceptions

SUBPART B: GROUNDWATER MONITORING REQUIREMENTS

Section

- 615.201 Applicability
- 615.202 Compliance Period
- 615.203 Compliance with Groundwater Standards
- 615.204 Groundwater Monitoring System
- 615.205 Groundwater Monitoring Program
- 615.206 Contaminants to be Monitored
- 615.207 Sampling Frequency
- 615.208 Reporting
- 615.209 Non-Compliance Response Program
- 615.210 Alternate Non-Compliance Response Program
- 615.211 Corrective Action Program

SUBPART C: GENERAL CLOSURE AND POST-CLOSURE REQUIREMENTS

Section

- 615.301 Applicability
- 615.302 Closure Performance Standard
- 615.303 Certification of Closure
- 615.304 Survey Plat
- 615.305 Post-Closure Notice for Waste Disposal Units
- 615.306 Certification of Completion of Post-Closure Care
- 615.307 Post-Closure Care Period

SUBPART D: ON-SITE LANDFILLS

44  
45 Section  
46 615.401 Applicability  
47 615.402 Required Closure of Units Located Within Minimum Setback Zones  
48 615.403 Required Closure of Units Located Within Maximum Setback Zones  
49 615.404 Required Closure of Units Located Within Regulated Recharge Areas

50  
51 SUBPART E: ON-SITE LAND TREATMENT UNITS

52  
53 Section  
54 615.421 Applicability  
55 615.422 Required Closure of Units Located Within Minimum Setback Zones  
56 615.423 Required Closure of Units Located Within Maximum Setback Zones  
57 615.424 Land Treatment of Sludges in Maximum Setback Zones  
58 615.425 Closure and Post-Closure Care

59  
60 SUBPART F: ON-SITE SURFACE IMPOUNDMENTS

61  
62 Section  
63 615.441 Applicability  
64 615.442 Required Closure of Units Located Within Minimum Setback Zones  
65 615.443 Required Closure of Units Located Within Maximum Setback Zones  
66 615.444 Groundwater Monitoring  
67 615.445 Inspection Requirements  
68 615.446 Operating Requirements  
69 615.447 Closure and Post-Closure Care

70  
71 SUBPART G: ON-SITE WASTE PILES

72  
73 Section  
74 615.461 Applicability  
75 615.462 Required Closure  
76 615.463 Design and Operating Requirements  
77 615.464 Closure

78  
79 SUBPART H: UNDERGROUND STORAGE TANKS

80  
81 Section  
82 615.501 Applicability  
83 615.502 Design and Operating Requirements

84  
85 SUBPART I: PESTICIDE STORAGE AND HANDLING UNITS

- 87 Section
- 88 615.601 Applicability
- 89 615.602 Groundwater Monitoring
- 90 615.603 Design and Operating Requirements
- 91 615.604 Closure and Post-Closure Care

92

93 SUBPART J: FERTILIZER STORAGE AND HANDLING UNITS

94

- 95 Section
- 96 615.621 Applicability
- 97 615.622 Groundwater Monitoring
- 98 615.623 Design and Operating Requirements
- 99 615.624 Closure and Post-Closure Care

100

101 SUBPART K: ROAD OIL STORAGE AND HANDLING UNITS

102

- 103 Section
- 104 615.701 Applicability
- 105 615.702 Required Closure of Units Located Within Minimum Setback Zones
- 106 615.703 Groundwater Monitoring
- 107 615.704 Design and Operating Requirements for Above-Ground Storage Tanks
- 108 615.705 Closure

109

110 SUBPART L: DE-ICING AGENT STORAGE AND HANDLING UNITS

111

- 112 Section
- 113 615.721 Applicability
- 114 615.722 Groundwater Monitoring
- 115 615.723 Design and Operating Requirements
- 116 615.724 Closure

117

118 AUTHORITY: Implementing and authorized by Sections 5, 14.4, 21, 22, and 27 of the  
119 Environmental Protection Act [415 ILCS 5/5, 14.4, 21, 22, and 27].

120

121 SOURCE: Adopted in R89-5 at 16 Ill. Reg. 1538, effective January 10, 1992; amended in R92-  
122 20 at 17 Ill. Reg. 1871, effective January 28, 1993; amended in R96-18 at 21 Ill. Reg. 6503,  
123 effective May 8, 1997; amended in R18-26 at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

124

125 SUBPART A: GENERAL

126

127 **Section 615.101 Purpose**

128

129 This Part ~~specifies~~ prescribes requirements and standards for the protection of groundwater



130 for certain types of existing facilities or units located wholly or partially within a setback zone  
131 regulated by the Act or within a regulated recharge area ~~underas delineated pursuant to~~ Section  
132 17.4 of the Act and 35 Ill. Adm. Code 617.

133  
134 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

135  
136 **Section 615.102 Definitions**

137  
138 Except as stated in this Section, and unless a different meaning of a word or term is clear from  
139 the context, the definitions of words or terms in this Part shall be the same as those used in the  
140 Act or the Illinois Groundwater Protection Act [415 ILCS 55]:

141  
142 "Above-ground storage tank" means a storage tank that is not an underground  
143 storage tank.

144  
145 "Act" means the Environmental Protection Act [415 ILCS 5].

146  
147 "Agency" means the Illinois Environmental Protection Agency.

148  
149 "Board" means the Illinois Pollution Control Board.

150  
151 "Certification" means a statement of professional opinion based upon knowledge  
152 and belief.

153  
154 "Community Water Supply" means *a public supply which serves or is intended to*  
155 *serve at least 15 service connections used by residents or regularly serves at least*  
156 *25 residents. [415 ILCS 5/3.145](Section 3.05 of the Act)*

157  
158 "Compliance point" means any point in groundwater designated at 35 Ill. Adm.  
159 Code 620.Subpart B as a Class I through III groundwater at which a contaminant  
160 released from the unit could pass underneath the unit boundary. There may be  
161 more than one compliance point for a particular unit.

162  
163 "Commencement of construction" means that *all necessary federal, State, and*  
164 *local approvals have been obtained, and work at the site has been initiated and*  
165 *proceeds in a reasonably continuous manner to completion. [415 ILCS*  
166 *5/3.50](Section 3.58 of the Act)*

167  
168 "Container" means any portable device (including, but not limited to, 55-gallon  
169 drums) in which material is stored, treated, disposed of or otherwise handled. The  
170 term "container" does not include a vehicle used to transport material.

171  
172 "Containerized" means being in a container.

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"Contaminant" ~~means~~ *is any solid, liquid, or gaseous matter, any odor, or any form of energy, from whatever source. [415 ILCS 5/3.165]* ~~(Section 3.06 of the Act)~~

"Contamination" or "contaminate", *when used in connection with groundwater, means water pollution of such groundwater. [415 ILCS 5/3.170]* ~~(Section 3.63 of the Act)~~

"Date of first applicability" means the effective date of this Part for any unit located within a minimum setback zone, except that:

If a unit is first incorporated into any setback zone by an ordinance or regulation that establishes a maximum setback zone, the date of first applicability is the effective date of this Part or the effective date of the ordinance or regulation that establishes the maximum setback zone, whichever is later; or

If a unit is located in a part of a regulated recharge area that was not previously part of a setback zone, the date of first applicability is the effective date of the regulation that establishes the regulated recharge area.

"De-Icing agent" means a chemical used for de-icing, including but not limited to sodium chloride and calcium chloride. Sand, ashes, or other abrasive materials that do not alter the freezing point of water are not de-icing agents.

"Detection" means the identification of a contaminant in a sample at a value equal to or greater than the:

"Method Detection Limit" or "MDL", ~~which~~ means the minimum concentration of a substance that can be measured as reported with 99 percent confidence that the true value is greater than zero under 40 CFR 136, Appendix B, pursuant to 56 Fed. Reg. 3526-3397 incorporated by reference at Section 615.103; or

"Method Quantitation Limit" or "MQL", which means the minimum concentration of a substance that can be measured and reported pursuant to "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods", incorporated by reference at Section 615.103.

"Dike" means an embankment or ridge of either natural or manmade materials used to prevent the movement of liquids, sludges, solids, or other materials.

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216 "Discharge" means the accidental or intentional spilling, leaking, pumping,  
217 pouring, emitting, emptying or dumping of any material onto or on any land or  
218 water.

219  
220 "Disposal" means *the discharge, deposit, injection, dumping, spillage, leaking or*  
221 *placing of any waste or hazardous waste into or on any land or water or into any*  
222 *well so that such waste or hazardous waste or any constituent thereof may enter*  
223 *the environment or be emitted into the air or discharged into any waters,*  
224 *including groundwaters. [415 ILCS 5/3.185](Section 3.08 of the Act)*

225  
226 "Existing unit" means a unit that was in operation or for which there is  
227 commencement of construction on or before the date of first applicability, except  
228 that a unit is not an existing unit if the unit:

229  
230 Expands laterally beyond the currently permitted boundary, or the unit  
231 boundary if the unit is not permitted, in existence after the date of first  
232 applicability; or

233  
234 Is part of a facility that undergoes major reconstruction after the date of  
235 first applicability; or

236  
237 Reopens at any time after having submitted a certification of closure to the  
238 Agency.

239  
240 "Facility" means all contiguous land and structures, other appurtenances and  
241 improvements on the land used for the treating, storing, handling, or disposal of  
242 any material which causes that unit to be regulated under this Part. A facility may  
243 consist of one or more units.

244  
245 "Freeboard" means the vertical distance between the top of a tank or dike and the  
246 surface of the material contained therein.

247  
248 "Free liquids" means liquids which readily separate from the solid portion of a  
249 waste under ambient temperature and pressure. To demonstrate the absence or  
250 presence of free liquids in either a containerized or a bulk waste, the following  
251 test must be used: Method 9095 (Paint Filter Liquids Test) as described in "Test  
252 Methods for Evaluating Solid Wastes, Physical/Chemical Methods" (EPA  
253 ~~Publication No. SW-846~~), incorporated by reference at Section 615.103.

254  
255 "Groundwater" means *underground water which occurs within the saturated zone*  
256 *and geologic materials where the fluid pressure in the pore space is equal to or*  
257 *greater than atmospheric pressure. [415 ILCS 5/3.210](Section 3.64 of the Act)*

258

259 "Groundwater standards" means the water quality standards for groundwater  
260 adopted by the Board under Section 8 of the Illinois Groundwater Protection Act  
261 [415 ILCS 55] and found at 35 Ill. Adm. Code 620.  
262

263 "Hazardous waste" means *a waste, or combination of wastes, which because of its*  
264 *quantity, concentration, or physical, chemical, or infectious characteristics may*  
265 *cause or significantly contribute to an increase in mortality or an increase in*  
266 *serious, irreversible, or incapacitating reversible, illness; or pose a substantial*  
267 *present or potential hazard to human health or the environment when improperly*  
268 *treated, stored, transported, or disposed of, or otherwise managed, and which has*  
269 *been identified, by characteristics or listing, as hazardous pursuant to Section*  
270 *3001 of the Resource Conservation and Recovery Act of 1976, P.L. 94-580, or*  
271 *pursuant to Board regulations. [415 ILCS 5/3.220]35 Ill. Adm. Code 721. (Section*  
272 *3.15 of the Act)*  
273

274 "Incompatible material" means a material which may:

275  
276 Cause corrosion or decay of containment materials (e.g., container inner  
277 liners or tank walls); or

278  
279 When commingled with another material, produces heat or pressure, fire,  
280 explosion, violent reaction, toxic dusts, mists, fumes or gases, or  
281 flammable fumes or gases.  
282

283 "Landfill" means a unit or part of a facility in or on which waste is placed and  
284 accumulated over time for disposal, and which is not a land application unit, a  
285 surface impoundment or an underground injection well.  
286

287 "Landscape waste" means *all accumulations of grass or shrubbery cuttings,*  
288 *leaves, tree limbs and other materials accumulated as the result of the care of*  
289 *lawns, shrubbery, vines and trees. [415 ILCS 5/3.270](Section 3.20 of the Act)*  
290

291 "Land application unit" means an area where wastes are agronomically spread  
292 over or disked into land or otherwise applied so as to become incorporated into  
293 the soil surface.  
294

295 "Land treatment" means the application of waste onto or incorporation of waste  
296 into the soil surface. For the purposes of this Part a land application unit is a land  
297 treatment unit.  
298

299 "Leachate" means any liquid, including suspended components in the liquid, that  
300 has percolated through or drained from a material.  
301

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302 "Licensed water well contractor" means a person licensed under the Water Well  
303 and Pump Installation Contractor's License Act [225 ILCS 345].  
304  
305 "Liner" means a continuous layer of natural or manmade materials beneath or on  
306 the side of a surface impoundment, landfill, landfill cell, waste pile, or storage  
307 pile which restricts the downward or lateral escape of waste, waste constituents,  
308 leachate or stored materials.  
309  
310 "Major reconstruction" means commencement of construction at a facility where  
311 the fixed capital cost of the new components constructed within a 2-year period  
312 exceeds 50% of the fixed capital cost of a comparable entirely new facility. New  
313 components do not include any new components necessary for compliance with  
314 this Part.  
315  
316 "New unit" means a unit that is not an existing unit.  
317  
318 "Non-community water supply" means *a public water supply that is not a*  
319 *community water supply.* [415 ILCS 5/3.145](~~Section 3.05 of the Act~~)  
320  
321 "Non-special waste" means a waste that is not a special waste.  
322  
323 "Off-site" means not on-site.  
324  
325 "On-site", "on the site", or "on the same site" means the same or geographically  
326 contiguous property which may be divided by public or private right-of-way,  
327 provided the entrance and exit between the properties is at a crossroads  
328 intersection and access is by crossing as opposed to going along the right-of-way.  
329 Noncontiguous properties owned by the same person but connected by a right-of-  
330 way which he controls and to which the public does not have access is also  
331 considered on-site property.  
332  
333 "Operator" means the person responsible for the operation of a site, facility or  
334 unit.  
335  
336 "Owner" means the person who owns a site, facility or unit or part of a site,  
337 facility or unit, or who owns the land on which the site, facility or unit is located.  
338  
339 "Pesticide" means *any substance or mixture of substances intended for*  
340 *preventing, destroying, repelling, or mitigating any pest or any substance or*  
341 *mixture of substances intended for use as a plant regulator, defoliant or*  
342 *desiccant.* [415 ILCS 5/3.320](~~Section 3.71 of of the Act~~)  
343  
344 "Pile" means any noncontainerized accumulation of solid, non-flowing material

345 that is used for treatment, storage or disposal.

346  
347 "Potable" means *generally fit for human consumption in accordance with*  
348 *accepted water supply principles and practices.* [415 ILCS 5/3.340](~~Section 3.65~~  
349 ~~of the Act~~)

350  
351 "Practical Quantitation Limit" or "PQL" means the lowest concentration or level  
352 that can be reliably measured within specified limits of precision and accuracy  
353 during routine laboratory operating conditions in ~~compliance~~ ~~accordance~~ with  
354 "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA  
355 Publication SW-846, incorporated by reference at Section 615.103.

356  
357 "Public water supply" means *all mains, pipes and structures through which water*  
358 *is obtained and distributed to the public, including wells and well structures,*  
359 *intakes and cribs, pumping stations, treatment plants, reservoirs, storage tanks*  
360 *and appurtenances, collectively or severally, actually used or intended for use for*  
361 *the purpose of furnishing water for drinking or general domestic use and which*  
362 *serve at least 15 service connections or which regularly serve at least 25 persons*  
363 *at least 60 days per year. A public water supply is either a "community water*  
364 *supply" or a "non-community water supply".* [415 ILCS 5/3.365](~~Section 3.28 of~~  
365 ~~the Act~~)

366  
367 "Reactive material" means a material which meets one or more of the following  
368 criteria:

369  
370 It is normally unstable and readily undergoes violent change without  
371 detonating;

372  
373 It reacts violently with water;

374  
375 It forms potentially explosive mixtures with water;

376  
377 When mixed with water, it generates toxic gases, vapors, or fumes in a  
378 quantity sufficient to present a danger to human health or the environment;

379  
380 It is capable of detonation or explosive reaction if it is subject to a strong  
381 initiating source, or if heated under confinement;

382  
383 It is readily capable of detonation or explosive decomposition or reaction  
384 at standard temperature and pressure; or

385  
386 It is a forbidden explosive as defined in 49 CFR 173 incorporated by  
387 reference at Section 615.103, or a Class A explosive as defined in 49 CFR

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388 173.53 or a Class B explosive as defined in 49 CFR 173.88.  
389  
390 "Registered land surveyor" means a person registered under the Illinois  
391 Professional Land Surveyors Act of 1989 [225 ILCS 330].  
392  
393 "Registered professional engineer" means a person registered under the  
394 Professional Engineering Practice Act of 1989 [225 ILCS 325].  
395  
396 "Regulated recharge area" means *a compact geographic area, as determined by*  
397 *the board pursuant to Section 17.4 of the Act, the geology of which renders a*  
398 *potable resource groundwater particularly susceptible to contamination. [415*  
399 *ILCS 5/3.390](Section 3.67 of the Act)*  
400  
401 "Road oil" means slow-curing asphaltic oils which show no separation on  
402 standing and which are used for road construction, maintenance or repair.  
403  
404 "Runoff" means any rainwater, leachate or other liquid that drains over land from  
405 any part of a facility.  
406  
407 "Run-on" means any rainwater, leachate or other liquid that drains over land onto  
408 any part of a facility.  
409  
410 "Secondary containment structure" means any structure or basin intended to  
411 contain spills and prevent runoff or leaching from piles, containers, or tanks and  
412 related piping.  
413  
414 "Setback zone" means *a geographic area, designated pursuant to this Act,*  
415 *containing a potable water supply well or a potential source or potential route*  
416 *having a continuous boundary, and within which certain prohibitions or*  
417 *regulations are applicable in order to protect groundwaters. [415 ILCS*  
418 *5/3.450](Section 3.61 of the Act)*  
419  
420 "Site" means *any location, place, tract of land, and facilities, including, but not*  
421 *limited to, buildings, and improvements used for purposes subject to regulation or*  
422 *control by this Act or regulations thereunder. [415 ILCS 5/3.460](Section 3.43 of*  
423 *the Act)*  
424  
425 "Sludge" means *any solid, semi-solid, or liquid waste generated from a*  
426 *municipal, commercial, or industrial wastewater treatment plant, water supply*  
427 *treatment plant, or air pollution control facility or any other such waste having*  
428 *similar characteristics and effects. [415 ILCS 5/3.465](Section 3.44 of the Act)*  
429  
430 "Special waste" means *any industrial process waste, pollution control waste or*

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431 *hazardous waste, except as determined pursuant to Section 22.9 of the Act and 35*  
432 *Ill. Adm. Code 808. (Section 3.45 of the Act)*

433  
434 "Storage" means the holding or containment of a material, either on a temporary  
435 basis or for a period of years, in such manner as not to constitute disposal of such  
436 material.

437  
438 "Surface impoundment" means a natural topographical depression, man-made  
439 excavation, or diked area that is designed to hold liquid wastes or wastes  
440 containing free liquids.

441  
442 "Surface water" means all waters that are open to the atmosphere.

443  
444 "Tank" means a stationary device, designed to contain an accumulation of  
445 material which is constructed of non-earthen materials (e.g., wood, concrete, steel,  
446 plastic) which provide structural support. The term "tank" does not include areas  
447 used to accumulate materials prior to pumping to tanks or containers (i.e., sump  
448 pits) or associated piping. The term "tank" does not include vehicles used to  
449 transport material.

450  
451 "Treatment" means any method, technique or process, including neutralization,  
452 designed to change the physical, chemical or biological character or composition  
453 of any material so as to neutralize such material, or so as to recover energy or  
454 material resources from the material or so as to render such material  
455 nonhazardous or less hazardous, safer to transport, store or dispose of, or  
456 amenable for recovery, amenable for storage or reduced in volume.

457  
458 "Underground storage tank" means a storage tank as defined at 35 Ill. Adm. Code  
459 731.101(f).

460  
461 "Unit" means *any device, mechanism, equipment, or area (exclusive of land*  
462 *utilized only for agricultural production). This term includes secondary*  
463 *containment structures and their contents at agrichemical facilities. [415 ILCS*  
464 *5/3.465] (Section 3.62 of the Act)*

465  
466 "Unit boundary" means a line at the land's surface circumscribing the area on  
467 which, above which or below which waste, pesticides, fertilizers, road oils or de-  
468 icing agents will be placed during the active life of the facility. The space taken  
469 up by any liner, dike or other barrier designed to contain waste, pesticides,  
470 fertilizers, road oils or de-icing agents falls within the unit boundary.

471  
472 "Waste" means *any garbage, sludge from a waste treatment plant, water supply*  
473 *treatment plant, or air pollution control facility or other discarded material,*



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474 including solid, liquid, semi-solid, or contained gaseous material resulting from  
475 industrial, commercial, mining and agricultural operations, and from community  
476 activities, but does not include: [\[415 ILCS 5/3.535\]](#)

477  
478 industrial discharges with NPDES permits issued pursuant to 35 Ill. Adm.  
479 Code 309;

480  
481 source, spent nuclear, or by-product materials as defined by the Atomic  
482 Energy Act of 1954 (42 U.S.C. 2014);

483  
484 any solid or dissolved material from any material subject to 62 Ill. Adm.  
485 Code 1700 through 1850. (Section 3.53 of the Act)

486  
487 "Waste pile" means a pile consisting of waste that has a total volume greater than  
488 10 cubic yards or within which the waste remains for more than 90 days.

489  
490 "Waters" means *all accumulations of water, surface and underground, natural*  
491 *and artificial, public and private, or parts thereof, which are wholly or partly*  
492 *within, flow through, or border upon this state.* [\[415 ILCS 5/3.550\]](#)~~(Section 3.56~~  
493 ~~of the Act)~~

494  
495 "Well" means *a bored, drilled or driven shaft, or dug hole, the depth of which is*  
496 *greater than the largest surface dimension.* [\[415 ILCS 5/3.555\]](#)~~(Section 3.57 of~~  
497 ~~the Act)~~

498  
499 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

500

### 501 Section 615.103 Incorporations by Reference

502

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

504

505 [CFR \(Code of Federal Regulations\). Available from the Superintendent of](#)  
506 [Documents, U.S. Government Printing Office, Washington, D.C. 20402](#)  
507 [\(202\) 783-3238. GPO. Superintendent of Documents, U.S. Government](#)  
508 [Printing Office, Washington, D.C. 20401, \(202\)783-3238:](#)

509

510 [Method Detection Limit Definition, appendix B to Part 136, 40](#)  
511 [CFR 136 \(2017\).](#)

512

513 [49 CFR 173 \(2017\).](#)

514

515 [National Primary Drinking Water Regulations, Final Rule, 56 Fed.](#)  
516 [Reg. 3526-3597 \(January 30, 1991\).](#)

517 Shippers – General Requirements for Shipments and Packagings,  
518 49 CFR 173 (1990).  
519

520 NTIS. National Technical Information Service, 5285 Port Royal Road,  
521 Springfield VA 22161, (703) 605-6000(703)487-4600.  
522

523 "Test Methods for Evaluating Solid Wastes, Physical/Chemical  
524 Methods", EPA Publication No. SW-846, as amended by Updates  
525 I, II, IIA, IIB, III, IIIA, and IIIB I, (Third Edition, 1986, as  
526 amended by Revision I (December 1987), Doc. No. 55-001-00000-  
527 1) (available on line).PB 89-148076).  
528

529 b) This Section incorporates no later amendments or editions.

530  
531 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
532

533 **Section 615.104 Prohibitions**

534  
535 ~~A~~No person ~~must not~~shall cause or allow the construction or operation of any facility or unit in  
536 violation of the Act or regulations adopted by the Board thereunder, including ~~but not limited to~~  
537 this Part.  
538

539 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
540

541 **Section 615.105 General Exceptions**

542  
543 a) This Part does not apply to any facility or unit, or to the owner or operator of any  
544 facility or unit:

545  
546 1) For which the owner or operator obtains certification of minimal hazard  
547 under~~pursuant to~~ Section 14.5 of the Act; or  
548

549 2) For which alternate requirements are imposed in an adjusted standard  
550 proceeding or as part of a site-specific rulemaking, under~~pursuant to~~ Title  
551 VII of the Act; or  
552

553 3) For which alternate requirements are imposed in a regulated recharge area  
554 proceeding under~~pursuant to~~ Section 17.4 of the Act; or  
555

556 4) That is *located on the same site as a non-community water system well*  
557 *and for which the owner is the same for both the facility or unit and the*  
558 *well.* (Section 14.4(b) of the Act); or  
559

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- 560                   5)     That is located *within a regulated recharge area as delineated* in 35 Ill.  
561                   Adm. Code 617, *provided that:*
- 562
- 563                   A)     *The boundary of the lateral area of influence of a community water*  
564                   *supply well located within the regulated recharge area does not*  
565                   *include such facility or unit therein;*
- 566
- 567                   B)     *The distance from the wellhead of the community water supply to*  
568                   *the facility or unit exceeds 2500 feet; and*
- 569
- 570                   C)     *The community water supply well was not in existence prior to*  
571                   *January 1, 1988. ~~[415 ILCS 5/14.4(b)](Section 14.4(b) of the Act);~~*  
572                   *or*
- 573
- 574                   6)     For which the owner or operator of the facility for storage and related  
575                   handling of pesticides or fertilizers for the purpose of commercial  
576                   application or at a central location for the purpose of distribution to retail  
577                   sales outlets that has filed a written notice of intent ~~underpursuant to~~  
578                   Section 14.6 of the Act *with the Department of Agriculture by January 1,*  
579                   *1993, or within 6 months after the date on which a maximum setback zone*  
580                   *is established or a regulated recharge area regulation is adopted that*  
581                   *affects such a facility; or has filed a written certification of intent*  
582                   ~~underpursuant to~~ Section 14.6 of the Act *on the appropriate license or*  
583                   *renewal application form submitted to the Department of Agriculture or*  
584                   *other appropriate agency. ~~[415 ILCS 5/14.6(a)](Section 14.6(a) of the~~*  
585                   ~~Act). This exception ~~doesshall~~ not apply to those facilities that are not in  
586                   compliance with the program requirements of subsections 14.6(b) and  
587                   14.6(c) of the Act.~~
- 588
- 589                   b)     Nothing in this Section ~~willshall~~ limit the authority of the Board to impose  
590                   requirements on any facility or unit within any portion of any setback zone or  
591                   regulated recharge area ~~underpursuant to~~ the Act.

592  
593                   (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### SUBPART B: GROUNDWATER MONITORING REQUIREMENTS

#### Section 615.202 Compliance Period

597  
598  
599     The compliance period is the active life of the unit, including closure and post-closure care  
600     periods.

- 601                   a)     The active life begins when the unit first begins operation or one year after the  
602

- 603 date of first applicability, whichever occurs later, and ends when the post-closure  
604 care period ends.  
605  
606 b) The post-closure care period for units other than pesticide storage and handling  
607 units subject to Subpart I and fertilizer storage and handling units subject to  
608 Subpart J is five years after closure, except as provided at subsection (d) or  
609 Section 615.211(e).  
610  
611 c) The post-closure care period for pesticide storage and handling units subject to  
612 Subpart I and for fertilizer storage and handling units subject to Subpart J is three  
613 years after closure, except as provided at Section 615.211(e).  
614  
615 d) ~~Despite subsections~~ Subsections (a), (b) and (c) notwithstanding, no post-closure  
616 care period is required if all waste, waste residues, contaminated containment  
617 system components and contaminated subsoils are removed or decontaminated at  
618 closure, and no ongoing corrective action is required ~~under~~ pursuant to Section  
619 615.211.  
620

621 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
622

623 **Section 615.203 Compliance with Groundwater Standards**  
624

625 The owner or operator ~~must~~ shall comply with the groundwater standards.  
626

- 627 a) The term of compliance is the compliance period.  
628  
629 b) Compliance ~~must~~ shall be measured at the compliance point, or compliance points  
630 if more than one such point exists.  
631

632 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
633

634 **Section 615.204 Groundwater Monitoring System**  
635

- 636 a) Except as provided otherwise in subsection (b) ~~of this Section~~, the groundwater  
637 monitoring system must consist of a sufficient number of wells, installed at  
638 appropriate locations and depths to yield groundwater samples, that:  
639  
640 1) Represent the quality of background water that has not been affected by  
641 contamination from the facility or unit; and  
642  
643 2) Represent the quality of groundwater at the compliance point or points.  
644  
645 b) If a potable water well or other water well can be used as a monitoring well

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646 ~~under~~ pursuant to this subsection, no additional monitoring wells are required  
647 under this Section. A potable water well or other water well may be used as a  
648 monitoring well if:

649  
650 1) For a potable water well other than a community water supply well, a  
651 construction report has been filed with the Illinois Department of Public  
652 Health for such well, or such well has been located and constructed (or  
653 reconstructed) to meet the Illinois Water Well Construction Code [415  
654 ILCS 30] and 35 Ill. Adm. Code 920;

655  
656 2) For a potable water supply well that was constructed prior to August 20,  
657 1965, the enactment of the Illinois Water Well Construction Code [415  
658 ILCS 30], and meets all of the following criteria:

659  
660 A) Construction must be done in a manner that will enable the  
661 collection of groundwater samples that represent in situ  
662 groundwater conditions;

663  
664 B) Casings and screens must be made from durable material resistant to  
665 expected chemical or physical degradation that do not interfere with  
666 the quality of groundwater samples being collected; and

667  
668 C) The annular space opposite the screened section of the well (i.e., the  
669 space between the bore hole and well screen) must be filled with  
670 gravel or sand if necessary to collect groundwater samples. The  
671 annular space above and below the well screen must be sealed to  
672 prevent migration of water from adjacent formations and the surface  
673 to the sampled depth.

674  
675 ~~32)~~ For a water well other than a potable water well (e.g., a livestock watering  
676 well or an irrigation well), the owner or operator of the unit seeking to use  
677 the well as a monitoring well certifies to the Agency that a construction  
678 report has been filed with the Illinois Department of Public Health or the  
679 Illinois Department of Mines and Minerals for such well, or that such well  
680 has been located and constructed (or reconstructed) to meet the Illinois  
681 Water Well Construction Code [415 ILCS 30] and 35 Ill. Adm. Code 920;  
682 and

683  
684 ~~43)~~ The unit contains solely non-special waste if the unit is a surface  
685 impoundment.

686  
687 c) If a facility contains more than one unit, separate groundwater monitoring systems  
688 are not required for each unit, provided that provisions for sampling the

689 groundwater will enable detection and measurement of contaminants that have  
690 entered the groundwater from all units.

- 691
- 692 d) All monitoring wells must meet the following requirements:
- 693
- 694 1) Construction must be done in a manner that will enable the collection of  
695 groundwater samples;
- 696
- 697 2) Casings and screens must be made from durable material that is resistant  
698 to expected chemical or physical degradation and that does not interfere  
699 with the quality of groundwater samples being collected; and
- 700
- 701 3) The annular space opposite the screened section of the well (i.e., the space  
702 between the bore hole and well screen) must be filled with gravel or sand  
703 if necessary to collect groundwater samples. The annular space above and  
704 below the well screen must be sealed to prevent migration of water from  
705 overlying adjacent formations and the surface to the sampled depth.

706  
707 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

708

709 **Section 615.205 Groundwater Monitoring Program**

710

711 The owner or operator ~~must~~ shall develop a groundwater monitoring program that consists of:

- 712
- 713 a) Consistent sampling and analysis procedures that are designed to ensure  
714 monitoring results that provide a reliable indication of groundwater quality below  
715 the unit. At a minimum the program must include procedures and techniques for:
- 716
- 717 1) Sample collection;
- 718
- 719 2) Sample preservation and shipment;
- 720
- 721 3) Analytical procedures; and
- 722
- 723 4) Chain of custody control.
- 724
- 725 b) Sampling and analytical methods that are appropriate for groundwater monitoring  
726 and that allow for detection and quantification of contaminants specified in this  
727 Subpart, and that are consistent with the sampling and analytical methods  
728 specified in 35 Ill. Adm. Code 620.
- 729
- 730 c) A determination of the groundwater head elevation each time groundwater is  
731 sampled. A determination of the groundwater head elevation is not required for

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732 samples taken from a potable well used as a monitoring well ~~underpursuant to~~  
733 Section 615.204(b).

734

735 d) A determination at least annually of the groundwater flow rate and direction.

736

737 e) If the owner or operator determines that the groundwater monitoring program no  
738 longer satisfies the requirements of this Section, the owner or operator ~~mustshall~~,  
739 within 90 days, make appropriate changes to the program and ~~mustshall~~ notify the  
740 Agency of ~~thesueh~~ changes when submitting the groundwater monitoring reports  
741 under Section 615.208.

742

743 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

744

### Section 615.206 Contaminants to be Monitored

745

746 a) The owner or operator ~~mustshall~~ monitor for all ~~constituentsparameters~~ that meet  
747 the following criteria, except as provided in subsections (b) and (c):

748

749 1) Material containing ~~the constituents~~ ~~aresueh parameter is~~ stored, disposed  
750 of, or otherwise handled at the site; and

751

752 2) There is a groundwater standard for ~~the constituents~~ ~~sueh parameter~~.

753

754 b) The owner or operator of a unit subject to Subpart I for the storage and handling  
755 of pesticides ~~mustshall~~ monitor for five specific pesticides or five groups of  
756 chemically-similar pesticides stored or handled at the unit that are the most likely  
757 to enter into the groundwater from the unit and that are the most toxic. The owner  
758 or operator ~~mustshall~~ choose the five specific pesticides or five groups based upon  
759 the following criteria:

760

761 1) The volume of material stored or handled at the unit;

762

763 2) The leachability characteristics of the pesticides stored or handled at the  
764 unit;

765

766 3) The toxicity characteristics of the pesticides stored or handled at the unit;

767

768 4) The history of spillage of the pesticides stored or handled at the unit; and

769

770 5) Any groundwater standards for the pesticides stored or handled at the unit.

771

772 c) The owner or operator of a unit subject to Subpart J for the storage and handling  
773 of fertilizers ~~mustshall~~ monitor for pH, specific conductance, total organic carbon,  
774

775 nitrates as nitrogen, and ammonia nitrogen.

776  
777 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
778

779 **Section 615.207 Sampling Frequency**

780  
781 a) The owner or operator ~~must~~shall determine whether groundwater standards have  
782 been exceeded at each monitoring well at least quarterly during the compliance  
783 period, except as provided otherwise in subsections (b), (c) or Section 615.209(b).  
784

785 b) The owner or operator of a unit subject to Subpart I for the storage and handling  
786 of pesticides or Subpart J for the storage and handling of fertilizer may substitute  
787 the quarterly determination of subsection (a) with a determination at least semi-  
788 annually ~~if provided that~~ all of the following conditions are met:  
789

790 1) The unit is in compliance with the containment requirements of 8 Ill.  
791 Adm. Code 255;

792  
793 2) There have been no detections within the preceding two years in any of  
794 the monitoring wells of any contaminant stored or handled at the facility  
795 or of any contaminant attributable to operation of the unit; and  
796

797 3) No reportable agrichemical spills, as defined ~~in pursuant to~~ 8 Ill. Adm.  
798 Code 255, have occurred at the facility within the previous two years.  
799

800 c) The owner or operator of a unit subject to Subpart K for the storage and handling  
801 of road oils or Subpart L for the storage and handling of de-icing agents ~~must~~shall  
802 determine whether groundwater standards have been exceeded at each monitoring  
803 well at least annually during the compliance period, except as provided at Section  
804 615.209(b).  
805

806 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
807

808 **Section 615.208 Reporting**

809  
810 The owner or operator ~~must~~shall submit results of all monitoring required ~~underpursuant to~~ this  
811 Subpart to the Agency within 60 days after completion of sampling.  
812

813 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
814

815 **Section 615.209 Non-Compliance Response Program**

816  
817 If monitoring results collected ~~underpursuant to~~ Sections 615.206 and 615.207 show that a



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- §18 groundwater standard has been exceeded, the owner or operator mustshall:  
819
- 820 a) Notify the Agency of this finding when submitting the groundwater monitoring  
821 results required underpursuant to Section 615.208. The notification must indicate  
822 which groundwater standards have been exceeded.  
823
- 824 b) Resample the groundwater within 3 days in all monitoring wells where a  
825 groundwater standard has been exceeded and redetermine the presence and  
826 concentration of each parameter required underpursuant to Section 615.206,  
827 except that:  
828
- 829 1) If the unit is subject to Subpart I for the storage and related handling of  
830 pesticides, resample the groundwater within 3 days in all monitoring wells  
831 where a groundwater standard has been exceeded and determine the  
832 presence and concentration in each such sample of each pesticide  
833 previously and presently stored or handled at the unit.  
834
- 835 2) If the unit is subject to Subpart J for the storage and related handling of  
836 fertilizers, monitor monthly for the parameters set forth in Section  
837 615.206(c) until the groundwater standard is no longer exceeded.  
838
- 839 c) Submit the results of sampling required under subsection (b) when submitting the  
840 groundwater results required underpursuant to Section 615.208.  
841
- 842 d) Prepare an engineering feasibility plan for a corrective action program designed to  
843 achieve the requirements of Section 615.211. This plan mustshall be submitted to  
844 the Agency in writing within 120 days after the date on which the sample results  
845 are submitted to the Agency underpursuant to subsection (c), unless:  
846
- 847 1) None of the parameters identified under subsection (b) exceed the  
848 groundwater standards; or  
849
- 850 2) The owner or operator makes a demonstration underpursuant to Section  
851 615.210.  
852
- 853 e) Begin the corrective action program specified in subsection (d) within 120 days  
854 after the date on which the sample results are submitted to the Agency  
855 underpursuant to subsection (c), unless:  
856
- 857 1) None of the parameters identified under subsection (b) exceed the  
858 groundwater standards; or  
859
- 860 2) The owner or operator makes a demonstration underpursuant to Section

861 615.210.

862  
863 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
864

865 **Section 615.210 Alternate Non-Compliance Response Program**  
866

867 If the groundwater sampling required ~~underpursuant to~~ Section 615.207 shows that a  
868 groundwater standard has been exceeded, it is presumed that contamination from the facility or  
869 unit that is being monitored is responsible for the standard being exceeded. An owner or  
870 operator may overcome that presumption by making a demonstration that a source other than the  
871 facility or unit that is being monitored caused the exceedence or that the exceedence resulted  
872 from error in sampling, analysis or evaluation. In making ~~thesueh~~ demonstration, the owner or  
873 operator ~~must~~shall:

- 874  
875 a) Notify the Agency that the owner or operator intends to make a demonstration  
876 under this Section when submitting the groundwater monitoring results required  
877 ~~underpursuant to~~ Section 615.208.  
878
- 879 b) Submit a report to the Agency that demonstrates that a source other than a facility  
880 or unit for which he is the owner or operator caused the groundwater standard to  
881 be exceeded, or that the groundwater standard was exceeded due to an error in  
882 sampling, analysis or evaluation. Such report must be included with the next  
883 submission of groundwater monitoring results required ~~underpursuant to~~ Section  
884 615.208; and  
885
- 886 c) Continue to monitor in ~~complianceeaeordanee~~ with the groundwater monitoring  
887 program established ~~underpursuant to~~ Sections 615.205, 615.206, and 615.207.  
888

889 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
890

891 **Section 615.211 Corrective Action Program**  
892

893 An owner or operator required to conduct a corrective action program ~~underpursuant to~~ this  
894 Subpart ~~must~~shall:

- 895  
896 a) Begin corrective action within 120 days after the date on which the sample results  
897 are submitted to the Agency ~~underpursuant to~~ Section 615.209(c).  
898
- 899 b) Take corrective action that results in compliance with the groundwater standards  
900 at the compliance point or points.  
901
- 902 c) Establish and implement a groundwater monitoring program to demonstrate the  
903 effectiveness of the corrective action program.

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934
- d) Take corrective action that maintains compliance with the groundwater standards:
    - 1) At all compliance points; and
    - 2) Beyond the unit boundary, where necessary to protect human health and the environment, unless the owner or operator demonstrates to the Agency that, despite the owner's or operator's best efforts, the owner or operator was unable to obtain the necessary permission to undertake such action. The owner or operator is not relieved of responsibility to clean up a release that has migrated beyond the unit boundary where off-site access is denied.
  - e) Continue corrective action measures during the compliance period to the extent necessary to ensure that the groundwater standard is not exceeded at the compliance point or points. If the owner or operator is still conducting corrective action at the end of the compliance period, the owner or operator ~~must~~ shall continue that corrective action for as long as necessary to achieve compliance with the groundwater standards. The owner or operator may terminate corrective action measures taken beyond the compliance period if the owner or operator can demonstrate, based on data from the groundwater monitoring program under subsection (c), that the groundwater standards have not been exceeded for a period of three consecutive years.
  - f) Report in writing to the Agency on the effectiveness of the corrective action program. The owner or operator ~~must~~ shall submit these reports semi-annually.
  - g) If the owner or operator determines that the corrective action program no longer satisfies the requirements of this Section, the owner or operator ~~must~~ shall, within 90 days, make any appropriate changes to the program.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### SUBPART C: GENERAL CLOSURE AND POST-CLOSURE REQUIREMENTS

#### Section 615.302 Closure Performance Standard

940  
941 The owner or operator ~~must~~ shall close the unit in a manner that:

- 942  
943  
944  
945  
946
- a) Controls, minimizes or eliminates, to the extent necessary to protect human health and the environment, post-closure escape of waste, waste constituents, leachate, contaminated runoff or waste decomposition products to soils, groundwaters, surface waters, and the atmosphere;

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- 947  
948           b)     Minimizes the need for maintenance during and beyond the post-closure care  
949                    period; and  
950  
951           c)     Complies with the closure requirements of 35 Ill. Adm. Code: Subtitles C and G.  
952  
953           (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
954

### **Section 615.303 Certification of Closure**

955  
956  
957     Within 60 days after ~~the completion of~~ closure is complete, the owner or operator ~~must~~ shall  
958     submit to the Agency, by registered or certified mail, a certification that the unit has been closed  
959     in ~~compliance accordance~~ with the closure requirements. The certification must be signed by the  
960     owner or operator and by an independent registered professional engineer. Documentation  
961     supporting the independent registered professional engineer's certification must be furnished to  
962     the Agency upon request.  
963

964           (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
965

### **Section 615.304 Survey Plat**

- 966  
967  
968           a)     ~~Before~~ No later than the submission of the certification of closure of each unit, the  
969                    owner or operator ~~must~~ shall submit to any local zoning authority, or authority  
970                    with jurisdiction over local land use, and to the Agency, and record with land  
971                    titles, a survey plat indicating the location and dimensions of any waste disposal  
972                    units, and any pesticide or fertilizer storage and handling units, with respect to  
973                    permanently surveyed benchmarks. This plat must be prepared and certified by a  
974                    registered land surveyor.  
975  
976           b)     For pesticide storage and handling units or for fertilizer storage and handling  
977                    units, records or reports required under any other state or Federal regulatory  
978                    program and which contain the information required above may be used to satisfy  
979                    this reporting requirement.  
980

981           (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
982

### **Section 615.305 Post-Closure Notice for Waste Disposal Units**

983  
984  
985     ~~Within~~ No later than 60 days after certification of closure of the unit, the owner or operator of a  
986     unit subject to Subpart D or F ~~must~~ shall submit to the Agency, to the County Recorder and to  
987     any local zoning authority or authority with jurisdiction over local land use, a record of the type,  
988     location and quantity of wastes disposed of within each cell or other area of the unit.  
989

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990 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

991

### 992 **Section 615.306 Certification of Completion of Post-Closure Care**

993

994 ~~Within~~ ~~no later than~~ 60 days after completion of the established post-closure care period, the  
995 owner or operator ~~must~~ ~~shall~~ submit to the Agency, by registered or certified mail, a certification  
996 that the post-closure care period for the unit was performed in ~~compliance~~ ~~accordance~~ with the  
997 specifications in the approved post-closure plan. The certification must be signed by the owner  
998 or operator and an independent registered professional engineer. Documentation supporting the  
999 independent registered professional engineer's certification must be furnished to the Agency  
1000 upon request.

1001

1002 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

1003

### 1004 **SUBPART D: ON-SITE LANDFILLS**

1005

### 1006 **Section 615.401 Applicability**

1007

1008 This Subpart applies to existing landfill units that are located wholly or partially within a setback  
1009 zone or regulated recharge area and that contain special waste or other waste generated on-site,  
1010 except that this Subpart does not apply to any existing landfill unit that:

1011

1012 a) Contains solely one or more of the following: hazardous waste, livestock waste,  
1013 landscape waste, or construction and demolition debris; or

1014

1015 b) Is exempt from this Part ~~under~~ ~~pursuant to~~ Section 615.105.

1016

1017 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

1018

### 1019 **Section 615.402 Required Closure of Units Located Within Minimum Setback Zones**

1020

1021 ~~A~~ ~~No~~ person ~~must not~~ ~~shall~~ cause or allow the operation within a minimum setback zone of any  
1022 landfill unit ~~after January 10, 1994~~ ~~commencing two years after the effective date of this Part.~~  
1023 ~~Closure of a landfill unit must be completed within three years~~ ~~shall be completed three years~~  
1024 ~~after the effective date of this Part.~~

1025

1026 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

1027

### 1028 **Section 615.403 Required Closure of Units Located Within Maximum Setback Zones**

1029

1030 ~~A~~ ~~No~~ person ~~must not~~ ~~shall~~ cause or allow the operation within a maximum setback zone of any  
1031 landfill unit at which special waste is disposed, commencing two years after the effective date of  
1032 the ordinance or regulation that establishes the maximum setback zone. Closure ~~must~~ ~~shall~~ be

1033 completed within three years after the effective date of the ordinance or regulation that  
1034 establishes the maximum setback zone.

1035  
1036 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
1037

1038 **Section 615.404 Required Closure of Units Located Within Regulated Recharge Areas**  
1039

1040 ~~A~~~~N~~o person ~~must not~~~~shall~~ cause or allow the operation within a regulated recharge area of any  
1041 landfill unit that contains special waste and for which the distance from the wellhead of the  
1042 community water supply well to any part of the landfill unit is 2500 feet or less. This provision  
1043 becomes effective four years after the date on which the Board establishes the regulated recharge  
1044 area. Closure ~~must~~~~shall~~ be completed within five years after the date on which the Board  
1045 establishes the regulated recharge area.

1046  
1047 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
1048

1049 SUBPART E: ON-SITE LAND TREATMENT UNITS

1050  
1051 **Section 615.421 Applicability**  
1052

1053 This Subpart applies to existing land treatment units that are located wholly or partially within a  
1054 setback zone or regulated recharge area and that treat or dispose of special waste or other waste  
1055 generated on-site, except that this Subpart does not apply to any existing land treatment unit that:

- 1056  
1057 a) Contains solely one or more of the following: hazardous waste, livestock waste,  
1058 landscape waste, or construction and demolition debris; or  
1059  
1060 b) Is exempt from this Part ~~under~~~~pursuant to~~ Section 615.105.  
1061

1062 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
1063

1064 **Section 615.422 Required Closure of Units Located Within Minimum Setback Zones**  
1065

1066 ~~A~~~~N~~o person ~~must not~~~~shall~~ cause or allow the operation within a minimum setback zone of any  
1067 land treatment unit commencing two years after the effective date of this Part. Closure ~~must~~~~shall~~  
1068 be completed within three years after the effective date of this Part.

1069  
1070 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
1071

1072 **Section 615.423 Required Closure of Units Located Within Maximum Setback Zones**  
1073

1074 ~~A~~~~N~~o person ~~must not~~~~shall~~ cause or allow the operation within a maximum setback zone of any  
1075 land treatment unit at which special waste is treated or disposed, commencing two years after the

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1076 effective date of the ordinance or regulation that establishes the maximum setback zone. Closure  
1077 ~~must~~ shall be completed within three years after the effective date of the ordinance or regulation  
1078 that establishes the maximum setback zone.

1079  
1080 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### 1081 1082 **Section 615.424 Land Treatment of Sludges in Maximum Setback Zones**

1083  
1084 Nothing in this Subpart ~~prohibits~~ shall ~~prohibit~~ land treatment within a maximum setback zone of  
1085 sludge resulting from the treatment of domestic wastewater or of sludge resulting from the  
1086 treatment of water to produce potable water, if such activities are conducted in compliance  
1087 ~~accordance~~ with the Act and 35 Ill. Adm. Code: Subtitle C.

1088  
1089 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### 1090 1091 **Section 615.425 Closure and Post-Closure Care**

1092  
1093 The owner or operator ~~must~~ shall comply with the requirements of Sections 615.302 and 615.303.

1094  
1095 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### 1096 1097 **SUBPART F: ON-SITE SURFACE IMPOUNDMENTS**

#### 1098 1099 **Section 615.441 Applicability**

1100  
1101 This Subpart applies to existing surface impoundment units that are located wholly or partially  
1102 within a setback zone or regulated recharge area and that contain special waste or other waste  
1103 generated on-site, except that this Subpart does not apply to any existing surface impoundment  
1104 unit that:

- 1105
- 1106 a) Contains solely one or more of the following: hazardous waste, livestock waste,  
1107 landscape waste, or construction and demolition debris; or
  - 1108 b) Is exempt from this Part ~~under~~ pursuant to Section 615.105.

1109  
1110 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### 1111 1112 1113 **Section 615.442 Required Closure of Units Located Within Minimum Setback Zones**

1114  
1115 ~~A~~ No person ~~must not~~ shall cause or allow the operation within a minimum setback zone of any  
1116 surface impoundment unit commencing two years after the effective date of this Part. Closure  
1117 ~~must~~ shall be completed within three years after the effective date of this Part.

1118

1119 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
1120

1121 **Section 615.443 Required Closure of Units Located Within Maximum Setback Zones**  
1122

1123 ~~A~~No person ~~must not~~shall cause or allow the operation within a maximum setback zone of any  
1124 surface impoundment unit at which special waste is stored, treated or disposed, commencing two  
1125 years after the effective date of the ordinance or regulation that establishes the maximum setback  
1126 zone. Closure ~~must~~shall be completed within three years after the effective date of the ordinance  
1127 or regulation that establishes the maximum setback zone.

1128  
1129 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
1130

1131 **Section 615.444 Groundwater Monitoring**  
1132

1133 The owner or operator of an existing on-site surface impoundment ~~must~~shall comply with the  
1134 requirements of Subpart B.

1135  
1136 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
1137

1138 **Section 615.445 Inspection Requirements**  
1139

1140 During operation, ~~While a surface impoundment is in operation,~~ it must be inspected weekly and  
1141 after storms to detect evidence of any of the following:

- 1142 a) Deterioration, malfunctions or improper operation of overtopping control  
1143 systems;
- 1144 b) Sudden drops in the level of the impoundment's contents;
- 1145 c) Severe erosion or other signs of deterioration in dikes or other containment  
1146 devices; or
- 1147 d) A leaking dike.

1148  
1149  
1150  
1151 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
1152

1153 **Section 615.446 Operating Requirements**  
1154

- 1155 a) ~~A~~No person ~~must not~~shall cause or allow incompatible materials to be placed in  
1156 the same surface impoundment unit.
- 1157 b) A surface impoundment unit must be removed from service in compliance  
1158 ~~accordance~~ with subsection (c) when:  
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- 1) The level of liquids in the unit suddenly drops and the drop is not known to be caused by changes in the flows into or out of the unit; or
  - 2) The dike leaks.
- c) When a surface impoundment unit must be removed from service as required by subsection (b), the owner or operator must~~shall~~:
- 1) Shut off the flow or stop the addition of wastes into the impoundment unit;
  - 2) Contain any surface leakage that has occurred or is occurring;
  - 3) Stop the leak;
  - 4) Take any other necessary steps to stop or prevent catastrophic failure;
  - 5) If a leak cannot be stopped by any other means, empty the impoundment unit; and
  - 6) Notify the Agency of the removal from service and corrective actions that were taken, such notice to be given within 10 days after the removal from service.
- d) No surface impoundment unit that has been removed from service in compliance~~accordance~~ with the requirements of this Section may be restored to service unless the portion of the unit that failed has been repaired.
- e) A surface impoundment unit that has been removed from service in compliance~~accordance~~ with the requirements of this Section and that is not being repaired must be closed in compliance~~accordance~~ with the provisions of Section 615.447.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 615.447 Closure and Post-Closure Care**

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1204
- a) If closure is to be by removal, the owner or operator must~~shall~~ remove all waste, all waste residues, contaminated containment system components (liners, etc.), contaminated subsoils and structures and equipment contaminated with waste and leachate; and, if disposed of in the State of Illinois, dispose of them at a disposal site permitted by the Agency under the Act.
  - b) If closure is not to be by removal, the owner or operator must~~shall~~ comply with

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the requirements of Subpart C and ~~must~~shall:

- 1) Eliminate free liquids by removing liquid wastes or solidifying the remaining wastes and waste residues.
- 2) Stabilize remaining wastes to a bearing capacity sufficient to support final cover.
- 3) Cover the surface impoundment unit with a final cover consisting of at least a 2-foot thick layer of compacted clay with a permeability of no more than  $1 \times 10^{-7}$  centimeters per second and designed and constructed to:
  - A) Provide long-term minimization of the migration of liquids through the closed impoundment unit;
  - B) Function with minimum maintenance;
  - C) Promote drainage and minimize erosion or abrasion of the final cover; and
  - D) Accommodate settling and subsidence so that the cover's integrity is maintained.

c) If some waste residues or contaminated materials are left in place at final closure, the owner or operator ~~must~~shall comply with the requirements of Subpart C and ~~must~~shall:

- 1) Maintain the integrity and effectiveness of the final cover, including making repairs to the cap as necessary to correct the effects of settling, subsidence, erosion or other events;
- 2) Maintain and monitor the groundwater monitoring system; and
- 3) Prevent run-on and run-off from eroding or otherwise damaging the final cover.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**SUBPART G: ON-SITE WASTE PILES**

**Section 615.461 Applicability**

This Subpart applies to existing waste piles that are located wholly or partially within a setback

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1248 zone or regulated recharge area and that contain special waste or other waste generated on-site,  
1249 except that this Subpart does not apply to any existing waste pile that:

1250

1251 a) Contains solely one or more of the following: hazardous waste, livestock waste,  
1252 landscape waste, or construction and demolition debris;

1253

1254 b) Consists of sludge resulting from the treatment of wastewater from a Publicly  
1255 Owned Treatment Works (POTW) and the sludge pile is situated on an  
1256 underdrained pavement and operated in ~~compliance~~ ~~accordance~~ with the Act, 35  
1257 Ill. Adm. Code: Subtitle C and 35 Ill. Adm. Code: Subtitle G; or

1258

1259 c) Is exempt from this Part ~~under~~ ~~pursuant to~~ Section 615.105.

1260

1261 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

1262

### 1263 Section 615.462 Required Closure

1264

1265 A waste pile is ~~considered~~ ~~deemed~~ to be a landfill and thereby subject to the closure requirements  
1266 of Subpart D unless the operator can demonstrate to the Agency that the wastes are not  
1267 accumulated over time for disposal. At the minimum, such demonstration ~~must~~ ~~shall~~ include  
1268 photographs, records, or other observable or discernable information, maintained on a yearly  
1269 basis, that show that within the preceding year the waste has been removed for utilization or  
1270 disposed elsewhere.

1271

1272 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

1273

### 1274 Section 615.463 Design and Operating Requirements

1275

1276 ~~This Section applies six months after the date of first applicability to~~ For a waste pile not subject  
1277 to Section 615.462,

1278

1279 a) The owner or operator ~~must~~ ~~shall~~ not cause or allow:

1280

1281 1) Disposal or storage in the waste pile of liquids or materials containing free  
1282 liquids; or

1283

1284 2) Migration and runoff of leachate into adjacent soil, surface water, or  
1285 groundwater.

1286

1287 b) The waste pile must comply with the following standards:

1288

1289 1) The waste pile must be under an impermeable membrane or cover that  
1290 provides protection from precipitation;

- 1291
- 1292                   2)     The waste pile must be protected from surface water run-on; and
- 1293
- 1294                   3)     The waste pile must be designed and operated to control wind dispersal of
- 1295                   waste by a means other than wetting.
- 1296
- 1297           e)     This Section becomes applicable six months after the date of first applicability.
- 1298
- 1299           (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)
- 1300

**Section 615.464 Closure**

1301  
1302  
1303 The owner or operator ~~must~~ shall accomplish closure by removing and disposing of all wastes  
1304 and containment system components (liners, etc). If disposed of in the State of Illinois, the waste  
1305 and containment system components must be disposed of at a disposal site permitted by the  
1306 Agency under the Act.

1307  
1308           (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

1309  
1310                                   SUBPART H: UNDERGROUND STORAGE TANKS

1311  
1312 **Section 615.501 Applicability**

1313  
1314 This Subpart applies to existing underground storage tanks that are located wholly or partially  
1315 within a setback zone or regulated recharge area and that contain special waste, except that this  
1316 Subpart does not apply to any existing underground storage tank that:

- 1317
- 1318           a)     ~~Under Pursuant to~~ 35 Ill. Adm. Code 731.110(a) must meet the requirements set
- 1319                   forth in 35 Ill. Adm. Code 731, unless ~~thesuch~~ a tank is excluded from those
- 1320                   requirements ~~underpursuant to~~ 35 Ill. Adm. Code 731.110(b); or
- 1321
- 1322           b)     ~~HasMust have~~ interim status or a RCRA permit under 35 Ill. Adm. Code: Subtitle
- 1323                   G; or
- 1324
- 1325           c)     Is exempt from this Part ~~underpursuant to~~ Section 615.105.
- 1326

1327           (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

1328  
1329 **Section 615.502 Design and Operating Requirements**

1330  
1331 Owners and operators of existing underground storage tanks that store special waste ~~must~~ shall  
1332 meet the requirements ~~set forth~~ in 35 Ill. Adm. Code 731. Such requirements must be met even  
1333 if the tanks are excluded from coverage under 35 Ill. Adm. Code 731 by 35 Ill. Adm. Code

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1334 731.110(b). The exclusions ~~set forth~~ in 35 Ill. Adm. Code 731.110(b) do not apply to any  
1335 underground storage tank which stores special waste.

1336  
1337 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### 1338 1339 SUBPART I: PESTICIDE STORAGE AND HANDLING UNITS

#### 1340 1341 **Section 615.601 Applicability**

1342  
1343 This Subpart applies to any existing unit for the storage and handling of pesticides that is located  
1344 wholly or partially within a setback zone or regulated recharge area and that:

- 1345
- 1346 a) Is operated for the purpose of commercial application; or
  - 1347
  - 1348 b) Stores or accumulates pesticides prior to distribution to retail sales outlets,  
1349 including but not limited to a unit that is a warehouse or bulk terminal.
  - 1350
  - 1351 c) ~~Despite subsections~~Subsections (a) and (b) ~~notwithstanding~~, this Subpart does not  
1352 apply to any unit exempt ~~underpursuant to~~ Section 615.105.

1353  
1354 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### 1355 1356 **Section 615.602 Groundwater Monitoring**

1357  
1358 The owner or operator ~~mustshall~~ comply with the requirements of Subpart B.

1359  
1360 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### 1361 1362 **Section 615.603 Design and Operating Requirements**

1363  
1364 The owner or operator ~~mustshall~~:

- 1365
- 1366 a) Maintain a written record inventorying all pesticides stored or handled at the unit.
  - 1367
  - 1368 b) At least weekly when pesticides are being stored, inspect storage containers,  
1369 tanks, vents, valves, and appurtenances for leaks or deterioration caused by  
1370 corrosion or other factors. If a leak or deterioration is found in any of these  
1371 devices, the owner or operator must immediately repair or replace the device.  
1372 The owner or operator ~~mustshall~~ maintain a written record of all inspections  
1373 conducted under this Section and of all maintenance relating to leaks and  
1374 deterioration of these devices.
  - 1375
  - 1376 c) Store all containers containing pesticides within a pesticide secondary

1377 containment structure, if such containers are stored outside of a roofed structure  
1378 or enclosed warehouse. For the purpose of this subsection a pesticide secondary  
1379 containment structure is a structure that complies with the design standards set  
1380 forth in 8 Ill. Adm. Code 255.

1381  
1382 d) Maintain all written records required under this Section at the site. The owner or  
1383 operator ~~must~~shall provide any such record to the Agency upon request.

1384  
1385 (Board Note: Owners or operators of facilities or units subject to this Part may also be subject to  
1386 regulations under 8 Ill. Adm. Code 255.)

1387  
1388 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

1389  
1390 **Section 615.604 Closure and Post-Closure Care**

1391  
1392 The owner or operator ~~must~~shall comply with the requirements of Subpart C.

1393  
1394 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

1395  
1396 **SUBPART J: FERTILIZER STORAGE AND HANDLING UNITS**

1397  
1398 **Section 615.621 Applicability**

1399  
1400 This Subpart applies to any existing unit for the storage and handling of fertilizers that is located  
1401 wholly or partially within a setback zone or regulated recharge area and that:

- 1402  
1403 a) Is operated for the purpose of commercial application; or  
1404  
1405 b) Stores or accumulates fertilizers prior to distribution to retail sales outlets,  
1406 including but not limited to a unit that is a warehouse or bulk terminal.  
1407  
1408 c) ~~Despite subsections~~Subsections (a) and (b) ~~notwithstanding~~, this Subpart does not  
1409 apply to any unit exempt ~~under~~pursuant to Section 615.105.

1410  
1411 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

1412  
1413 **Section 615.622 Groundwater Monitoring**

1414  
1415 The owner or operator ~~must~~shall comply with the requirements of Subpart B.

1416  
1417 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

1418  
1419 **Section 615.623 Design and Operating Requirements**

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1421 The owner or operator ~~must~~shall:

1422

1423 a) Maintain a written record inventorying all fertilizers stored or handled at the unit.

1424

1425 b) At least weekly when fertilizers are being stored, inspect storage containers,  
1426 tanks, vents, valves, and appurtenances for leaks or deterioration caused by  
1427 corrosion or other factors. If a leak or deterioration is found in any of these  
1428 devices, the owner or operator ~~must~~shall immediately repair or replace the device.  
1429 The owner or operator ~~must~~shall maintain a written record of all inspections  
1430 conducted under this Section and of all maintenance relating to leaks and  
1431 deterioration of these devices.

1432

1433 c) Store all containers containing fertilizers (except anhydrous ammonia) within a  
1434 fertilizer secondary containment structure, if such containers are stored outside of  
1435 a roofed structure or enclosed warehouse. For the purpose of this subsection, a  
1436 fertilizer secondary containment structure is a structure that complies with the  
1437 design standards set forth in 8 Ill. Adm. Code 255.

1438

1439 d) Maintain all written records required under this Section at the site. The owner or  
1440 operator ~~must~~shall provide any such record to the Agency upon request.

1441

1442 (Board Note: Owners or operators of facilities or units subject to this Part may also be subject to  
1443 regulations under 8 Ill. Adm. Code 255).

1444

1445 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

1446

### Section 615.624 Closure and Post-Closure Care

1448

1449 The owner or operator ~~must~~shall comply with the requirements of Subpart C.

1450

1451 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

1452

### SUBPART K: ROAD OIL STORAGE AND HANDLING UNITS

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### Section 615.702 Required Closure of Units Located Within Minimum Setback Zones

1456

1457 a) ~~A~~~~N~~~~o~~ person ~~must not~~shall cause or allow the operation within a minimum setback zone of any  
1458 road oil storage and handling unit after January 10, 1994. Closure of a road oil storage handling  
1459 unit must be completed within three years.

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1461 b) ~~Subsection (a) is effective two years after the effective date of this Part. Closure~~  
1462 ~~must be completed within three years after the effective date of this Part.~~

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1464

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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1466

### **Section 615.703 Groundwater Monitoring**

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1468

The owner or operator ~~must~~shall comply with the requirements of Subpart B.

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1470

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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### **Section 615.704 Design and Operating Requirements for Above-Ground Storage Tanks**

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1474

a) The owner or operator ~~must~~shall not cause or allow:

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1) Materials to be placed in a tank if such materials could cause the tank to rupture, leak, corrode, or otherwise fail.

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2) Uncovered tanks to be placed or operated so as to maintain less than 60 centimeters (2 feet) of freeboard unless:

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A) The tank is equipped with a containment structure (e.g., dike or trench), a drainage control system, or a diversion structure (e.g., standby tank); and

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B) Such containment structure, drainage control system, or diversion structure has a capacity that equals or exceeds the volume of the top 60 centimeters (2 feet) of the tank.

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3) Material to be continuously fed into a tank, unless the tank is equipped with a means to stop this inflow (e.g., a feed cutoff system or a bypass system to a standby tank).

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4) Incompatible materials to be placed in the same tank.

1495

1496

5) Material to be placed in a tank that previously held an incompatible material unless the incompatible material has been washed from the tank.

1497

1498

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6) Ignitable or reactive material to be placed in a tank unless:

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1501

A) The material is stored or treated in such a way that it is protected from any material or conditions that may cause it to ignite or react;  
or

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B) The tank is used solely for emergencies.

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- b) The owner or operator ~~must~~shall provide and maintain primary containment for the tank such that:
    - 1) The tank has a minimum shell thickness that ensures that the tank will not fail (i.e., collapse, rupture, etc.).
    - 2) The tank is compatible with the material to be placed in the tank or the tank is lined with a substance that is compatible with the material to be placed in the tank.
  - c) The owner or operator ~~must~~shall provide and maintain secondary containment for the tank that:
    - 1) Is capable of containing the volume of the largest tank or 10% of the total volume for all tanks, whichever is greater;
    - 2) Is constructed of material capable of containing a spill until cleanup occurs (e.g., concrete or clay). The base of the secondary containment area must be capable of minimizing vertical migration of a spill until cleanup occurs (e.g., concrete or clay);
    - 3) Has cover (e.g., crushed rock or vegetative growth) on earthen embankments sufficient to prevent erosion; and
    - 4) Isolates the tank from storm water drains and from combined storm water drains and sewer drains.
  - d) If incompatible materials are handled at the site, the owner or operator must provide secondary containment sufficient to isolate the units containing the incompatible materials ~~must be provided~~.
  - e) The owner or operator of a tank ~~must~~shall also:
    - 1) Test above-ground tanks and associated piping every five years for structural integrity.
    - 2) Remove uncontaminated storm water runoff from the secondary containment area immediately after a precipitation event.
    - 3) Handle contaminated storm water runoff in ~~compliance~~accordance with 35 Ill. Adm. Code 302.Subpart A.

## 1<sup>st</sup> Notice

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- 1549 4) Provide a method for obtaining a sample from each tank.  
1550  
1551 5) Install, maintain, and operate a material level indicator on each tank.  
1552  
1553 6) When not in use, lock all devices (gauges and valves) that are used to  
1554 inspect levels in the tank. All such devices must be located within the  
1555 containment structure.  
1556  
1557 f) This Section becomes applicable two years after the date of first applicability.  
1558

1559 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
1560

### SUBPART L: DE-ICING AGENT STORAGE AND HANDLING UNITS

#### Section 615.722 Groundwater Monitoring

1563 The owner or operator must~~shall~~ comply with the requirements of Subpart B.  
1564  
1565

1566 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
1567  
1568

#### Section 615.723 Design and Operating Requirements

- 1569 a) Indoor facilities must comply with the following standards beginning two years  
1570 after the date of first applicability:  
1571  
1572 1) The base of the facility must be constructed of materials capable of  
1573 containing de-icing agents (i.e., bituminous or concrete pad).  
1574  
1575 2) The roof and walls of the facility must be constructed of materials capable  
1576 of protecting the storage pile from precipitation and capable of preventing  
1577 dissolved de-icing agents from entering into the adjacent soil, surface  
1578 water, or groundwater. The walls of the facility must be constructed of  
1579 materials compatible with the de-icing agents to be placed in the facility.  
1580 Run-off from the roof must be diverted away from the loading pad.  
1581  
1582 3) All areas surrounding the storage pile, including ~~but not limited to~~ the  
1583 loading pad, must be routinely inspected to determine whether any release  
1584 of de-icing agents has occurred. Such areas must~~shall~~ be cleaned as  
1585 necessary. Spilled de-icing agents must be placed back under the  
1586 protective covering of the indoor storage pile. The storage pile must be  
1587 reshaped as often as necessary to prevent leaching.  
1588  
1589 4) The integrity of the facility and loading pad must be maintained.  
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## 1<sup>st</sup> Notice

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- 5) All areas surrounding the storage facility must be inspected daily to determine whether any release of de-icing agents has occurred. Spilled de-icing agents must be placed back into the storage facility.
- b) Outdoor facilities or units must comply with the following standards beginning two years after the date of first applicability:
  - 1) An impermeable membrane or cover must be placed over all storage piles to protect the piles from precipitation and surface water run-on. The membrane or cover must prevent runoff and leachate from being generated by the outdoor storage piles. The piles must be formed in a conical shape, covered and stored on a paved pad capable of preventing leachate from entering adjacent soil, surface water, or groundwater.
  - 2) Surface drainage must be directed to prevent flow through the base of the storage piles. De-icing agents must not be stored where drainage may enter into water supplies, farm lands or streams.
  - 3) All areas surrounding the storage piles must be cleaned and must be inspected daily to determine whether any release of de-icing agents has occurred. Spilled de-icing agents must be placed back under the protective covering of the outdoor storage piles. The storage piles must be reshaped as often as necessary to prevent leaching.
  - 4) The storage piles must be designed and operated to control wind dispersal of the product by means other than wetting.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



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0	TITLE 35: ENVIRONMENTAL PROTECTION
1	SUBTITLE F: PUBLIC WATER SUPPLIES
2	CHAPTER I: POLLUTION CONTROL BOARD
3	
4	PART 615
5	EXISTING ACTIVITIES IN A SETBACK ZONE OR REGULATED RECHARGE AREA
6	
7	SUBPART A: GENERAL
8	
9	Section
10615.101	Purpose
11615.102	Definitions
12615.103	Incorporations by Reference
13615.104	Prohibitions
14615.105	General Exceptions
15	
16	
17	SUBPART B: GROUNDWATER MONITORING REQUIREMENTS
18	
19	Section
20615.201	Applicability
21615.202	Compliance Period
22615.203	Compliance with Groundwater Standards
23615.204	Groundwater Monitoring System
24615.205	Groundwater Monitoring Program
25615.206	Contaminants to be Monitored
26615.207	Sampling Frequency
27615.208	Reporting
28615.209	Non-Compliance Response Program
29615.210	Alternate Non-Compliance Response Program
30615.211	Corrective Action Program
31	
32	SUBPART C: GENERAL CLOSURE AND POST-CLOSURE REQUIREMENTS
33	
34	Section
35615.301	Applicability
36615.302	Closure Performance Standard
37615.303	Certification of Closure

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38615.304	Survey Plat
39615.305	Post-Closure Notice for Waste Disposal Units
40615.306	Certification of Completion of Post-Closure Care
41615.307	Post-Closure Care Period
42	
43	SUBPART D: ON-SITE LANDFILLS
44	
45	Section
46615.401	Applicability
47615.402	Required Closure of Units Located Within Minimum Setback Zones
48615.403	Required Closure of Units Located Within Maximum Setback Zones
49615.404	Required Closure of Units Located Within Regulated Recharge Areas
50	
51	SUBPART E: ON-SITE LAND TREATMENT UNITS
52	
53	Section
54615.421	Applicability
55615.422	Required Closure of Units Located Within Minimum Setback Zones
56615.423	Required Closure of Units Located Within Maximum Setback Zones
57615.424	Land Treatment of Sludges in Maximum Setback Zones
58615.425	Closure and Post-Closure Care
59	
60	SUBPART F: ON-SITE SURFACE IMPOUNDMENTS
61	
62	Section
63615.441	Applicability
64615.442	Required Closure of Units Located Within Minimum Setback Zones
65615.443	Required Closure of Units Located Within Maximum Setback Zones
66615.444	Groundwater Monitoring
67615.445	Inspection Requirements
68615.446	Operating Requirements
69615.447	Closure and Post-Closure Care
70	
71	SUBPART G: ON-SITE WASTE PILES
72	
73	Section
74615.461	Applicability
75615.462	Required Closure

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76615.463	Design and Operating Requirements
77615.464	Closure
78	
79	SUBPART H: UNDERGROUND STORAGE TANKS
80	
81Section	
82615.501	Applicability
83615.502	Design and Operating Requirements
84	
85	SUBPART I: PESTICIDE STORAGE AND HANDLING UNITS
86	
87Section	
88615.601	Applicability
89615.602	Groundwater Monitoring
90615.603	Design and Operating Requirements
91615.604	Closure and Post-Closure Care
92	
93	SUBPART J: FERTILIZER STORAGE AND HANDLING UNITS
94	
95Section	
96615.621	Applicability
97615.622	Groundwater Monitoring
98615.623	Design and Operating Requirements
99615.624	Closure and Post-Closure Care
100	
101	SUBPART K: ROAD OIL STORAGE AND HANDLING UNITS
102	
103Section	
104615.701	Applicability
105615.702	Required Closure of Units Located Within Minimum Setback Zones
106615.703	Groundwater Monitoring
107615.704	Design and Operating Requirements for Above-Ground Storage Tanks
108615.705	Closure
109	
110	SUBPART L: DE-ICING AGENT STORAGE AND HANDLING UNITS
111	
112Section	
113615.721	Applicability

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**NOTICE OF PROPOSED AMENDMENTS**

- 114615.722 Groundwater Monitoring
- 115615.723 Design and ~~ad~~ Operating Requirements
- 116615.724 Closure

117

118AUTHORITY: Implementing and authorized by Sections 5, 14.4, 21, 22, and 27 of the  
119Environmental Protection Act [415 ILCS 5/5, 14.4, 21, 22, and 27].

120

121SOURCE: Adopted in R89-5 at 16 Ill. Reg. 1538, effective January 10, 1992; amended in  
122R92-20 at 17 Ill. Reg. 1871, effective January 28, 1993; amended in R96-18 at 21 Ill. Reg. 6503,  
123effective May 8, 1997; amended in R18-26 at 46 Ill. Reg. ~~—~~ \_\_\_\_\_, effective \_\_\_\_\_.

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SUBPART A: GENERAL

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**127Section 615.101 Purpose**

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129This Part ~~prescribes~~ specifies the requirements and standards for the protection of groundwater  
130for certain types of existing facilities or units located wholly or partially within a setback zone  
131regulated by the Act or within a regulated recharge area ~~as delineated~~ under ~~pursuant to~~ Section  
13217.4 of the Act and 35 Ill. Adm. Code 617.

133

134 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

135

**136Section 615.102 Definitions**

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138Except as stated in this Section, and unless a different meaning of a word or term is clear from  
139the context, the definitions of words or terms in this Part shall be the same as those used in the  
140Act or the Illinois Groundwater Protection Act [415 ILCS 55]:

141

142 "Above-ground storage tank" means a storage tank that is not an underground  
143 storage tank.

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147 "Act" means the Environmental Protection Act [415 ILCS 5].

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151 "Agency" means the Illinois Environmental Protection Agency.

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"Board" means the Illinois Pollution Control Board.

"Certification" means a statement of professional opinion based upon knowledge and belief.

"Community ~~water supply~~ Water Supply" means a public ~~water~~ supply which serves or is intended to serve at least 15 service connections used by residents or regularly serves at least 25 residents. [415 ILCS 5/3.145] ~~"COMMUNITY WATER SUPPLY" MEANS A PUBLIC SUPPLY WHICH SERVES OR IS INTENDED TO SERVE AT LEAST 15 SERVICE CONNECTIONS USED BY RESIDENTS OR REGULARLY SERVES AT LEAST 25 RESIDENTS. (Section 3.05 of the Act)~~

"Compliance point" means any point in groundwater designated at 35 Ill. Adm. Code 620.Subpart B as a Class I through III groundwater at which a contaminant released from the unit could pass underneath the unit boundary. There may be more than one compliance point for a particular unit.

"Commencement of construction" means that *all necessary federal, State, and local approvals have been obtained, and work at the site has been initiated and proceeds in a reasonably continuous manner to completion.* [415 ILCS ~~5/3.350~~; ~~ALL NECESSARY FEDERAL, STATE, AND LOCAL APPROVALS HAVE BEEN OBTAINED, AND WORK AT THE SITE HAS BEEN INITIATED AND PROCEEDS IN A REASONABLY CONTINUOUS MANNER TO COMPLETION. (Section 3.58 of the Act)~~5/3.50]

"Container" means any portable device (including, but not limited to, 55-gallon drums) in which material is stored, treated, disposed of or otherwise handled. The term "container" does not include a vehicle used to transport material.



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"Containerized" means being in a container.

"Contaminant" means *any solid, liquid, or gaseous matter, any odor, or any form of energy, from whatever source.* [415 ILCS 5/3.165] ~~"CONTAMINANT" IS ANY SOLID, LIQUID, OR GASEOUS MATTER, ANY ODOR, OR ANY FORM OF ENERGY, FROM WHATEVER SOURCE. (Section 3.06 of the Act)~~

"Contamination" or "contaminate", *when used in connection with groundwater, means water pollution of such groundwater.* [415 ILCS 5/3.170] ~~"CONTAMINATION" OR "CONTAMINATE", WHEN USED IN CONNECTION WITH GROUNDWATER, MEANS WATER POLLUTION OF SUCH GROUNDWATER. (Section 3.63 of the Act)~~

"Date of first applicability" means the effective date of this Part for any unit located within a minimum setback zone, except that:

If a unit is first incorporated into any setback zone by an ordinance or regulation that establishes a maximum setback zone, the date of first applicability is the effective date of this Part or the effective date of the ordinance or regulation that establishes the maximum setback zone, whichever is later; or

If a unit is located in a part of a regulated recharge area that was not previously part of a setback zone, the date of first applicability is the effective date of the regulation that establishes the regulated recharge area.

"De-Icing agent" means a chemical used for de-icing, including but not limited to sodium chloride and calcium chloride. Sand, ashes, or other abrasive materials that do not alter the freezing point of water are not de-icing agents.

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"Detection" means the identification of a contaminant in a sample at a value equal to or greater than the:

"Method Detection Limit" or "MDL", ~~which~~ means the minimum concentration of a substance that can be measured as reported with 99 percent confidence that the true value is greater than zero under 40 CFR 136, Appendix B, ~~pursuant to 56 Fed. Reg. 3526-3597~~; incorporated by reference at Section 615.103; or

"Method Quantitation Limit" or "MQL", which means the minimum concentration of a substance that can be measured and reported pursuant to "Test Methods for Evaluating Solid Wastes, Physical/ Chemical Methods", incorporated by reference at Section 615.103.

"Dike" means an embankment or ridge of either natural or manmade materials used to prevent the movement of liquids, sludges, solids, or other materials.

"Discharge" means the accidental or intentional spilling, leaking, pumping, pouring, emitting, emptying or dumping of any material onto or on any land or water.

"Disposal" means *the discharge, deposit, injection, dumping, ~~spilling~~ spillage, leaking or placing of any waste or hazardous waste into or on any land or water or into any well so that such waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ~~ground waters~~ groundwaters.* [415 ILCS 5/3.185] ~~"DISPOSAL" MEANS THE DISCHARGE, DEPOSIT, INJECTION, DUMPING, SPILLAGE, LEAKING OR PLACING OF ANY WASTE OR HAZARDOUS WASTE INTO OR ON ANY LAND OR WATER OR INTO ANY WELL SO THAT SUCH WASTE OR HAZARDOUS WASTE OR ANY CONSTITUENT THEREOF MAY ENTER THE ENVIRONMENT OR BE EMITTED INTO THE AIR OR DISCHARGED INTO ANY WATERS, INCLUDING GROUNDWATERS. (Section 3.08 of the Act)~~

"Existing unit" means a unit that was in operation or for which there is

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266 commencement of construction on or before the date of first applicability, except  
267 that a unit is not an existing unit if the unit:

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270 Expands laterally beyond the currently permitted boundary, or the unit  
271 boundary if the unit is not permitted, in existence after the date of first  
272 applicability; or

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275 Is part of a facility that undergoes major reconstruction after the date of  
276 first applicability; or

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278 Reopens at any time after having submitted a certification of closure to  
279 the Agency.

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282 "Facility" means all contiguous land and structures, other appurtenances and  
283 improvements on the land used for the treating, storing, handling, or disposal of  
284 any material which causes that unit to be regulated under this Part. A facility may  
285 consist of one or more units.

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288 "Freeboard" means the vertical distance between the top of a tank or dike and the  
289 surface of the material contained therein.

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292 "Free liquids" means liquids which readily separate from the solid portion of a  
293 waste under ambient temperature and pressure. To demonstrate the absence or  
294 presence of free liquids in either a containerized or a bulk waste, the following  
295 test must be used: Method 9095 (Paint Filter Liquids Test) as described in "Test  
296 Methods for Evaluating Solid Wastes, Physical/Chemical Methods" ~~(EPA~~  
297 ~~Publication No. SW-846)~~, incorporated by reference at Section 615.103.

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299  
300 "Groundwater" means *underground water which occurs within the saturated zone*  
301 *and geologic materials where the fluid pressure in the pore space is equal to or*  
302 *greater than atmospheric pressure.* [415 ILCS 5/3.210] ~~"GROUNDWATER"~~  
303 ~~MEANS UNDERGROUND WATER WHICH OCCURS WITHIN THE~~

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~~SATURATED ZONE AND GEOLOGIC MATERIALS WHERE THE FLUID PRESSURE IN THE PORE SPACE IS EQUAL TO OR GREATER THAN ATMOSPHERIC PRESSURE. (Section 3.64 of the Act)~~

"Groundwater standards" means the water quality standards for groundwater adopted by the Board under Section 8 of the Illinois Groundwater Protection Act [415 ILCS 55] and found at 35 Ill. Adm. Code 620.

"Hazardous waste" means *a waste, or combination of wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious, irreversible, or incapacitating reversible, illness; or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed, and which has been identified, by characteristics or listing, as hazardous pursuant to Section 3001 of the Resource Conservation and Recovery Act of 1976, P.L. 94-580, or pursuant to Board regulations.* [415 ILCS 5/3.220] ~~"HAZARDOUS WASTE" MEANS A WASTE, OR COMBINATION OF WASTES, WHICH BECAUSE OF ITS QUANTITY, CONCENTRATION, OR PHYSICAL, CHEMICAL, OR INFECTIOUS CHARACTERISTICS MAY CAUSE OR SIGNIFICANTLY CONTRIBUTE TO AN INCREASE IN MORTALITY OR AN INCREASE IN SERIOUS, IRREVERSIBLE, OR INCAPACITATING REVERSIBLE, ILLNESS; OR POSE A SUBSTANTIAL PRESENT OR POTENTIAL HAZARD TO HUMAN HEALTH OR THE ENVIRONMENT WHEN IMPROPERLY TREATED, STORED, TRANSPORTED, OR DISPOSED OF, OR OTHERWISE MANAGED, AND WHICH HAS BEEN IDENTIFIED, BY CHARACTERISTICS OR LISTING, AS HAZARDOUS PURSUANT 35 III. Adm. Code 721. (Section 3.15 of the Act)~~

"Incompatible material" means a material which may:

Cause corrosion or decay of containment materials (e.g., container inner liners or tank walls); or

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When commingled with another material, produces heat or pressure, fire, explosion, violent reaction, toxic dusts, mists, fumes or gases, or flammable fumes or gases.

"Landfill" means a unit or part of a facility in or on which waste is placed and accumulated over time for disposal, and which is not a land application unit, a surface impoundment or an underground injection well.

"Landscape waste" means *all accumulations of grass or shrubbery cuttings, leaves, tree limbs and other materials accumulated as the result of the care of lawns, shrubbery, vines and trees.* [415 ILCS 5/3.270] ~~"LANDSCAPE WASTE" MEANS ALL ACCUMULATIONS OF GRASS OR SHRUBBERY CUTTINGS, LEAVES, TREE LIMBS AND OTHER MATERIALS ACCUMULATED AS THE RESULT OF THE CARE OF LAWNS, SHRUBBERY, VINES AND TREES. (Section 3.20 of the Act)~~

"Land application unit" means an area where wastes are agronomically spread over or disked into land or otherwise applied so as to become incorporated into the soil surface.

"Land treatment" means the application of waste onto or incorporation of waste into the soil surface. For the purposes of this Part a land application unit is a land treatment unit.

"Leachate" means any liquid, including suspended components in the liquid, that has percolated through or drained from a material.

"Licensed water well contractor" means a person licensed under the Water Well and Pump Installation Contractor's License Act [225 ILCS 345].

"Liner" means a continuous layer of natural or manmade materials beneath or on

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380 the side of a surface impoundment, landfill, landfill cell, waste pile, or storage  
381 pile which restricts the downward or lateral escape of waste, waste constituents,  
382 leachate or stored materials.

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385 "Major reconstruction" means commencement of construction at a facility where  
386 the fixed capital cost of the new components constructed within a 2-year period  
387 exceeds 50% of the fixed capital cost of a comparable entirely new facility. New  
388 components do not include any new components necessary for compliance with  
389 this Part.

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393 "New unit" means a unit that is not an existing unit.

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396 "Non-community water supply" means *a public water supply that is not a*  
397 *community water supply.* [415 ILCS 5/3.145] ~~"NON-COMMUNITY WATER~~  
398 ~~SUPPLY" MEANS A PUBLIC WATER SUPPLY THAT IS NOT A~~  
399 ~~COMMUNITY WATER SUPPLY. (Section 3.05 of the Act)~~

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403 "Non-special waste" means a waste that is not a special waste.

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407 "Off-site" means not on-site.

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410 "On-site", "on the site", or "on the same site" means the same or geographically  
411 contiguous property which may be divided by public or private right of way,  
412 provided the entrance and exit between the properties is at a crossroads  
413 intersection and access is by crossing as opposed to going along the right of  
414 way. Noncontiguous properties owned by the same person but connected by a  
415 right of way which he controls and to which the public does not have access is  
416 also considered on site property.

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"Operator" means the person responsible for the operation of a site, facility or unit.

"Owner" means the person who owns a site, facility or unit or part of a site, facility or unit, or who owns the land on which the site, facility or unit is located.

"Pesticide" means *any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest or any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant.* [415 ILCS 5/3.320] ~~"PESTICIDE" MEANS ANY SUBSTANCE OR MIXTURE OF SUBSTANCES INTENDED FOR PREVENTING, DESTROYING, REPELLING, OR MITIGATING ANY PEST OR ANY SUBSTANCE OR MIXTURE OF SUBSTANCES INTENDED FOR USE AS A PLANT REGULATOR, DEFOLIANT OR DESICCANT. (Section 3.71 of the Act)~~

"Pile" means any noncontainerized accumulation of solid, non-flowing material that is used for treatment, storage or disposal.

"Potable" means *generally fit for human consumption in accordance with accepted water supply principles and practices.* [415 ILCS 5/3.340] ~~"POTABLE" MEANS GENERALLY FIT FOR HUMAN CONSUMPTION IN ACCORDANCE WITH ACCEPTED WATER SUPPLY PRINCIPLES AND PRACTICES. (Section 3.65 of the Act)~~

"Practical Quantitation Limit" or "PQL" means the lowest concentration or level that can be reliably measured within specified limits of precision and accuracy during routine laboratory operating conditions in compliance ~~accordance~~ with "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," ~~EPA Publication SW-846~~, incorporated by reference at Section 615.103.

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"Public water supply" means *all mains, pipes and structures through which water is obtained and distributed to the public, including wells and well structures, intakes and cribs, pumping stations, treatment plants, reservoirs, storage tanks and appurtenances, collectively or severally, actually used or intended for use for the purpose of furnishing water for drinking or general domestic use and which serve at least 15 service connections or which regularly serve at least 25 persons at least 60 days per year. A public water supply is either a "community water supply" or a "non-community water supply". [415 ILCS 5/3.365]* ~~"PUBLIC WATER SUPPLY" MEANS ALL MAINS, PIPES AND STRUCTURES THROUGH WHICH WATER IS OBTAINED AND DISTRIBUTED TO THE PUBLIC, INCLUDING WELLS AND WELL STRUCTURES, INTAKES AND CRIBS, PUMPING STATIONS, TREATMENT PLANTS, RESERVOIRS, STORAGE TANKS AND APPURTENANCES, COLLECTIVELY OR SEVERALLY, ACTUALLY USED OR INTENDED FOR USE FOR THE PURPOSE OF FURNISHING WATER FOR DRINKING OR GENERAL DOMESTIC USE AND WHICH SERVE AT LEAST 15 SERVICE CONNECTIONS OR WHICH REGULARLY SERVE AT LEAST 25 PERSONS AT LEAST 60 DAYS PER YEAR. A PUBLIC WATER SUPPLY IS EITHER A "COMMUNITY WATER SUPPLY" OR A "NON-COMMUNITY WATER SUPPLY". (Section 3.28 of the Act)~~

"Reactive material" means a material which meets one or more of the following criteria:

It is normally unstable and readily undergoes violent change without detonating;

It reacts violently with water;

It forms potentially explosive mixtures with water;



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494 When mixed with water, it generates toxic gases, vapors, or fumes in a  
495 quantity sufficient to present a danger to human health or the environment;

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It is capable of detonation or explosive reaction if it is subject to a strong  
499 initiating source, or if heated under confinement;

500

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502

It is readily capable of detonation or explosive decomposition or reaction  
503 at standard temperature and pressure; or

504

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506

It is a forbidden explosive as defined in 49 CFR 173 incorporated by  
507 reference at Section 615.103, or a Class A explosive as defined in 49 CFR  
508 173.53 or a Class B explosive as defined in 49 CFR 173.88.

509

510

"Registered land surveyor" means a person registered under the Illinois  
511 Professional Land Surveyors Act of 1989 [225 ILCS 330].

512

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514

"Registered professional engineer" means a person registered under the  
515 Professional Engineering Practice Act of 1989 [225 ILCS 325].

516

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"Regulated recharge area" means *a compact geographic area, as determined by  
519 the ~~Board~~ pursuant to Section 17.4 of the Act, the geology of which renders  
520 a potable resource groundwater particularly susceptible to contamination.* [415  
521 ILCS 5/3.390] ~~"REGULATED RECHARGE AREA" MEANS A COMPACT  
522 GEOGRAPHIC AREA, AS DETERMINED BY THE BOARD pursuant to  
523 Section 17.4 of the Act, THE GEOLOGY OF WHICH RENDERS A POTABLE  
524 RESOURCE GROUNDWATER PARTICULARLY SUSCEPTIBLE TO  
525 CONTAMINATION. (Section 3.67 of the Act)~~

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"Road oil" means slow-curing asphaltic oils which show no separation on  
529 standing and which are used for road construction, maintenance or repair.

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532 "Runoff" means any rainwater, leachate or other liquid that drains over land from  
533 any part of a facility.

534

535

536 "Run-on" means any rainwater, leachate or other liquid that drains over land onto  
537 any part of a facility.

538

539

540 "Secondary containment structure" means any structure or basin intended to  
541 contain spills and prevent runoff or leaching from piles, containers, or tanks and  
542 related piping.

543

544

545 "Setback zone" means *a geographic area, designated pursuant to this Act,*  
546 *containing a potable water supply well or a potential source or potential route,*  
547 *having a continuous boundary, and within which certain prohibitions or*  
548 *regulations are applicable in order to protect groundwaters. [415 ILCS 5/3.450]*

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"Sludge" means *any solid, semi-solid, or liquid waste generated from a*  
*municipal, commercial, or industrial wastewater treatment plant, water supply*  
*treatment plant, or air pollution control facility or any other such waste having*  
*similar characteristics and effects. [415 ILCS 5/3.465] ~~"SLUDGE" MEANS~~*

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570 ~~ANY SOLID, SEMI-SOLID, OR LIQUID WASTE GENERATED FROM A~~  
571 ~~MUNICIPAL, COMMERCIAL, OR INDUSTRIAL WASTEWATER~~  
572 ~~TREATMENT PLANT, WATER SUPPLY TREATMENT PLANT, OR AIR~~  
573 ~~POLLUTION CONTROL FACILITY OR ANY OTHER SUCH WASTE~~  
574 ~~HAVING SIMILAR CHARACTERISTICS AND EFFECTS. (Section 3.44 of~~  
575 ~~the Act)~~

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578 "Special waste" means *any industrial process waste, pollution control waste or*  
579 *hazardous waste, except as determined pursuant to Section 22.9 of ~~the Act~~*  
580 ~~"SPECIAL WASTE" MEANS ANY INDUSTRIAL PROCESS WASTE,~~  
581 ~~POLLUTION CONTROL WASTE OR HAZARDOUS WASTE, EXCEPT AS~~  
582 ~~DETERMINED PURSUANT TO SECTION 22.9 OF~~ the Act and 35 Ill. Adm.  
583 Code 808. (Section 3.45 of the Act)

584  
585  
586 "Storage" ~~"STORAGE"~~ means the holding or containment of a material, either on  
587 a temporary basis or for a period of years, in such manner as not to constitute  
588 disposal of such material.

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591 "Surface impoundment" means a natural topographical depression, man made  
592 excavation, or diked area that is designed to hold liquid wastes or wastes  
593 containing free liquids.

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597 "Surface water" means all waters that are open to the atmosphere.

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600 "Tank" means a stationary device, designed to contain an accumulation of  
601 material which is constructed of non-earthen materials (e.g., wood, concrete,  
602 steel, plastic) which provide structural support. The term "tank" does not include  
603 areas used to accumulate materials prior to pumping to tanks or containers (i.e.,  
604 sump pits) or associated piping. The term "tank" does not include vehicles used  
605 to transport material.

606  
607 "Treatment" means any method, technique or process, including neutralization,

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608 designed to change the physical, chemical or biological character or composition  
609 of any material so as to neutralize such material, or so as to recover energy or  
610 material resources from the material or so as to render such material  
611 nonhazardous or less hazardous, safer to transport, store or dispose of, or  
612 amenable for recovery, amenable for storage or reduced in volume.

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614  
615 "Underground storage tank" means a storage tank as defined at 35 Ill. Adm. Code  
616 731.101(f).

617  
618  
619 "Unit" means *any device, mechanism, equipment, or area (exclusive of land*  
620 *utilized only for agricultural production). This term includes secondary*  
621 *containment structures and their contents at agrichemical facilities.* [415 ILCS  
622 5/3.465] ~~"UNIT" MEANS ANY DEVICE, MECHANISM, EQUIPMENT, OR~~  
623 ~~AREA (EXCLUSIVE OF LAND UTILIZED ONLY FOR AGRICULTURAL~~  
624 ~~PRODUCTION). (Section 3.62 of the Act)~~

625  
626 "Unit boundary" means a line at the land's surface circumscribing the area on  
627 which, above which or below which waste, pesticides, fertilizers, road oils or  
628 de-icing agents will be placed during the active life of the facility. The space  
629 taken up by any liner, dike or other barrier designed to contain waste, pesticides,  
630 fertilizers, road oils or de-icing agents falls within the unit boundary.

631  
632  
633 "Waste" means *any garbage, sludge from a waste treatment plant, water supply*  
634 *treatment plant, or air pollution control facility or other discarded material,*  
635 *including solid, liquid, semi-solid, or contained gaseous material resulting from*  
636 *industrial, commercial, mining and agricultural operations, and from community*  
637 *activities, but does not include:* [415 ILCS 5/3.535]

638  
639 ~~Industrial dischargers~~industrial discharges with NPDES permits issued  
640 pursuant to 35 Ill. Adm. Code 309;

641  
642 Source  
643  
644 source, spent nuclear, or by-product materials as defined by the atomic  
645 energy act Atomic Energy Act of 1954 (42 U.S.C. 2014);

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~~*Any* solid or dissolved material from any material subject to 62 Ill. Adm. Code 1700 through 1850.~~

~~"WASTE" MEANS ANY GARBAGE, SLUDGE FROM A WASTE TREATMENT PLANT, WATER SUPPLY TREATMENT PLANT, OR AIR POLLUTION CONTROL FACILITY OR OTHER DISCARDED MATERIAL, INCLUDING SOLID, LIQUID, SEMI-SOLID, OR CONTAINED GASEOUS MATERIAL RESULTING FROM INDUSTRIAL, COMMERCIAL, MINING AND AGRICULTURAL OPERATIONS, AND FROM COMMUNITY ACTIVITIES, BUT DOES NOT INCLUDE:~~

~~INDUSTRIAL DISCHARGES WITH NPDES PERMITS ISSUED PURSUANT TO 35 ILL. ADM. CODE 309;~~

~~SOURCE, SPENT NUCLEAR, OR BY-PRODUCT MATERIALS AS DEFINED BY THE ATOMIC ENERGY ACT OF 1954 (42 U.S.C. 2014);~~

~~ANY SOLID OR DISSOLVED MATERIAL FROM ANY MATERIAL SUBJECT TO 62 ILL. ADM. CODE 1700 THROUGH 1850. (Section 3.53 of the Act)~~

~~"Waste pile" means a pile consisting of waste that has a total volume greater than 10 cubic yards or within which the waste remains for more than 90 days.~~

~~"Waters" means all accumulations of water, surface and underground, natural, and artificial, public and private, or parts thereof, which are wholly or~~

~~*partially* partly within, flow through, or border upon this ~~State~~state. [415 ILCS~~

~~5/3.550] "WATERS" MEANS ALL ACCUMULATIONS OF WATER, SURFACE AND UNDERGROUND, NATURAL AND ARTIFICIAL, PUBLIC AND PRIVATE, OR PARTS THEREOF, WHICH ARE WHOLLY OR PARTLY WITHIN, FLOW THROUGH, OR BORDER UPON THIS STATE.~~

~~(Section 3.56 of the Act)~~

~~"Well" means a bored, drilled or driven shaft, or dug hole, the depth of which is greater than the largest surface dimension. [415 ILCS 5/3.555] "WELL" MEANS A BORED, DRILLED OR DRIVEN SHAFT, OR DUG HOLE, THE DEPTH OF WHICH IS GREATER THAN THE LARGEST SURFACE DIMENSION.~~

~~(Section 3.57 of the Act)~~

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684 (Source: Amended at 46 Ill. Reg.     , effective     )

685

686 **Section 615.103 Incorporations by Reference**

687

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

689

690 CFR (Code of Federal Regulations). Available from the Superintendent of  
691 Documents, U.S. Government Printing Office, Washington, D.C. 20402  
692 (202) 783-3238. ~~GPO. Superintendent of Documents, U.S. Government~~  
693 ~~Printing Office, Washington, D.C. 20401, (202) 783-3238:~~

694

695 Method Detection Limit Definition, appendix B to Part 136, 40  
696 CFR 136 (2017).

697

698 49 CFR 173 (2017).

699

700 ~~National Primary Drinking Water Regulations, Final Rule, 56 Fed. Reg.~~  
701 ~~3526-3597 (January 30, 1991). Shippers General Requirements for~~  
702 ~~Shipments and Packagings, 49 CFR 173 (1990)~~

703

704 NTIS. National Technical Information Service, 5285 Port Royal Road,  
705 Springfield VA 22161, (703) ~~605-6000(703)487-4600~~ 605-6000.

706

707 "Test Methods for Evaluating Solid Wastes, Physical/Chemical  
708 Methods", EPA Publication No. SW-846, as amended by Updates  
709 I, II, IIA, IIB, III, IIIA, and IIIB I, (Third Edition, 1986, as amended  
710 by Revision I (December 1987), Doc. No. 55-001-00000-1)  
711 (available on line). ~~PB-89-148076~~.

712

713 b) This Section incorporates no later amendments or editions.

714

715 (Source: Amended at 46 Ill. Reg.     , effective     )

716

717 **Section 615.104 Prohibitions**

718

719 ~~No~~ person must not ~~shall~~ cause or allow the construction or operation of any facility or unit in  
720 violation of the Act or regulations adopted by the Board thereunder, including ~~but not limited to~~  
721 this Part.

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723

(Source: Amended at 46 Ill. Reg. ~~---~~, effective ---)

724

725 **Section 615.105 General Exceptions**

726

727

a) This Part does not apply to any facility or unit, or to the owner or operator of any facility or unit:

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1) For which the owner or operator obtains certification of minimal hazard under ~~pursuant to~~ Section 14.5 of the Act; or

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2) For which alternate requirements are imposed in an adjusted standard proceeding or as part of a site-specific rulemaking, under ~~pursuant to~~ Title VII of the Act; or

734

735

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737

3) For which alternate requirements are imposed in a regulated recharge area proceeding under ~~pursuant to~~ Section 17.4 of the Act; or

738

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740

4) That is *located on the same site as a non-community water system well and for which the owner is the same for both* ~~the LOCATED ON THE SAME SITE AS A NON-COMMUNITY WATER SYSTEM WELL AND FOR WHICH THE OWNER IS THE SAME FOR BOTH THE~~ *the* facility or unit *and the* ~~well AND THE WELL~~ *well*. (Section 14.4(b) of the Act); or

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5) That is located *within a regulated recharge area as delineated* ~~WITHIN A REGULATED RECHARGE AREA AS DELINEATED~~ in 35 Ill. Adm. Code 617, *provided that* ~~PROVIDED THAT~~:

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750

751

A) *The boundary of the lateral area of influence of a community water supply well located within the regulated recharge area* ~~THE BOUNDARY OF THE LATERAL AREA OF INFLUENCE OF A COMMUNITY WATER SUPPLY WELL LOCATED WITHIN THE REGULATED RECHARGE AREA~~ does not include such ~~INCLUDE SUCH~~ facility or unit *therein* ~~THEREIN~~;

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758

B) *The distance from the wellhead of the community water supply to* ~~the~~ ~~THE DISTANCE FROM THE WELLHEAD OF THE~~

759

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760 ~~COMMUNITY WATER SUPPLY TO THE~~the facility or unit  
761 ~~exceeds 2500 feet; and~~

762  
763 C) ~~The community water supply well~~ ~~was~~THE COMMUNITY  
764 ~~WATER SUPPLY WELL WAS~~was not in existence prior to  
765 ~~January 1, 1988~~N EXISTENCE PRIOR TO JANUARY 1, 1988.  
766 ~~[415 ILCS 5/14.4(b)]~~ ~~(Section 14.4(b) of the Act)~~; or  
767

768 6) For which the owner or operator of the facility for storage and related  
769 handling of pesticides or fertilizers for the purpose of commercial  
770 application or at a central location for the purpose of distribution to retail  
771 sales outlets that has filed a written notice of intent under ~~pursuant to~~  
772 ~~Section 14.6 of the Act with the Department of Agriculture by January 1,~~  
773 ~~1993, or within 6 months after the date on which a maximum setback zone~~  
774 ~~is established or a regulated recharge area regulation is adopted that~~  
775 ~~affects such a~~ ~~facility~~WITH THE DEPARTMENT OF AGRICULTURE  
776 ~~BY JANUARY 1, 1993, OR WITHIN 6 MONTHS AFTER THE DATE~~  
777 ~~ON WHICH A MAXIMUM SETBACK ZONE IS ESTABLISHED OR A~~  
778 ~~REGULATED RECHARGE AREA REGULATION IS ADOPTED~~  
779 ~~THAT AFFECTS SUCH A FACILITY~~facility; or has filed a written  
780 certification of intent under ~~pursuant to~~ Section 14.6 of the Act ~~on the~~  
781 ~~appropriate license or renewal application form submitted to the~~  
782 ~~Department of Agriculture or other appropriate agency~~ON THE  
783 ~~APPROPRIATE LICENSE OR RENEWAL APPLICATION FORM~~  
784 ~~SUBMITTED TO THE DEPARTMENT OF AGRICULTURE OR~~  
785 ~~OTHER APPROPRIATE AGENCY~~; [415 ILCS 5/14.6(a)]~~(Section~~  
786 ~~14.6(a) of the Act)~~. This exception does ~~shall~~ not apply to those facilities  
787 that are not in compliance with the program requirements of subsections  
788 14.6(b) and 14.6(c) of the Act.  
789

790 b) Nothing in this Section will ~~shall~~ limit the authority of the Board to impose  
791 requirements on any facility or unit within any portion of any setback zone or  
792 regulated recharge area under ~~pursuant to~~ the Act.  
793

794 (Source: Amended at 46 Ill. Reg. ~~---~~, effective ~~---~~)  
795

796 SUBPART B: GROUNDWATER MONITORING REQUIREMENTS  
797



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**798 Section 615.202 Compliance Period**

799

800 The compliance period is the active life of the unit, including closure and post-closure care  
801 periods.

802

803 a) The active life begins when the unit first begins operation or one year after the  
804 date of first applicability, whichever occurs later, and ends when the post-closure  
805 care period ends.

806

807 b) The post-closure care period for units other than pesticide storage and handling  
808 units subject to Subpart I and fertilizer storage and handling units subject to  
809 Subpart J is five years after closure, except as provided at subsection (d) or  
810 Section 615.211(e).

811

812 c) The post-closure care period for pesticide storage and handling units subject to  
813 Subpart I and for fertilizer storage and handling units subject to Subpart J is three  
814 years after closure, except as provided at Section 615.211(e).

815

816 d) Despite subsections ~~Subsections~~ (a), (b) and (c) ~~notwithstanding~~, no post-closure  
817 care period is required if all waste, waste residues, contaminated containment  
818 system components and contaminated subsoils are removed or decontaminated at  
819 closure, and no ongoing corrective action is required under ~~pursuant to~~ Section  
820 615.211.

821

822 (Source: Amended at 46 Ill. Reg. ~~---~~, effective \_\_\_\_\_)

823

**824 Section 615.203 Compliance with Groundwater Standards**

825

826 The owner or operator must ~~shall~~ comply with the groundwater standards.

827

828 a) The term of compliance is the compliance period.

829

830 b) Compliance must ~~shall~~ be measured at the compliance point, or compliance points  
831 if more than one such point exists.

832

833 (Source: Amended at 46 Ill. Reg. ~~---~~, effective \_\_\_\_\_)

834

**835 Section 615.204 Groundwater Monitoring System**

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- a) Except as provided otherwise in subsection (b) ~~of this Section~~, the groundwater monitoring system must consist of a sufficient number of wells, installed at appropriate locations and depths to yield groundwater samples, that:
  - 1) Represent the quality of background water that has not been affected by contamination from the facility or unit; and
  - 2) Represent the quality of groundwater at the compliance point or points.
- b) If a potable water well or other water well can be used as a monitoring well under ~~pursuant to~~ this subsection, no additional monitoring wells are required under this Section. A potable water well or other water well may be used as a monitoring well if:
  - 1) For a potable water well other than a community water supply well, a construction report has been filed with the Illinois Department of Public Health for such well, or such well has been located and constructed (or reconstructed) to meet the Illinois Water Well Construction Code [415 ILCS 30] and 35 Ill. Adm. Code 920;
  - 2) For a potable water supply well that was constructed prior to August 20, 1965, the enactment of the Illinois Water Well Construction Code [415 ILCS 30], and meets all of the following criteria:
    - A) Construction must be done in a manner that will enable the collection of groundwater samples that represent in situ groundwater conditions;
    - B) Casings and screens must be made from durable material resistant to expected chemical or physical degradation that do not interfere with the quality of groundwater samples being collected; and
    - C) The annular space opposite the screened section of the well (i.e., the space between the bore hole and well screen) must be filled with gravel or sand if necessary to collect groundwater samples. The annular space above and below the well screen must be sealed to

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873 prevent migration of water from adjacent formations and the surface  
874 to the sampled depth.

875

876 ~~323~~) For a water well other than a potable water well (e.g., a livestock watering  
877 well or an irrigation well), the owner or operator of the unit seeking to use  
878 the well as a monitoring well certifies to the Agency that a construction  
879 report has been filed with the Illinois Department of Public Health or the  
880 Illinois Department of Mines and Minerals for such well, or that such well  
881 has been located and constructed (or reconstructed) to meet the Illinois  
882 Water Well Construction Code [415 ILCS 30] and 35 Ill. Adm. Code 920;  
883 and

884

885 ~~43~~

886

887 4) The unit contains solely non-special waste if the unit is a surface  
888 impoundment.

889

890 c) If a facility contains more than one unit, separate groundwater monitoring systems  
891 are not required for each unit, provided that provisions for sampling the  
892 groundwater will enable detection and measurement of contaminants that have  
893 entered the groundwater from all units.

894

895 d) All monitoring wells must meet the following requirements:

896

897 1) Construction must be done in a manner that will enable the collection of  
898 groundwater samples;

899

900 2) Casings and screens must be made from durable material that is resistant  
901 to expected chemical or physical degradation and that does not interfere  
902 with the quality of groundwater samples being collected; and

903

904 3) The annular space opposite the screened section of the well (i.e., the space  
905 between the bore hole and well screen) must be filled with gravel or sand  
906 if necessary to collect groundwater samples. The annular space above and  
907 below the well screen must be sealed to prevent migration of water from  
908 overlying adjacent formations and the surface to the sampled depth.

909

910 (Source: Amended at 46 Ill. Reg.     , effective     )

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912 **Section 615.205 Groundwater Monitoring Program**

913

914 The owner or operator must ~~shall~~ develop a groundwater monitoring program that consists of:

915

916 a) Consistent sampling and analysis procedures that are designed to ensure  
917 monitoring results that provide a reliable indication of groundwater quality below  
918 the unit. At a minimum the program must include procedures and techniques for:

919

920 1) Sample collection;

921

922 2) Sample preservation and shipment;

923

924 3) Analytical procedures; and

925

926 4) Chain of custody control.

927

928 b) Sampling and analytical methods that are appropriate for groundwater monitoring  
929 and that allow for detection and quantification of contaminants specified in this  
930 Subpart, and that are consistent with the sampling and analytical methods  
931 specified in 35 Ill. Adm. Code 620.

932

933 c) A determination of the groundwater head elevation each time groundwater is  
934 sampled. A determination of the groundwater head elevation is not required for  
935 samples taken from a potable well used as a monitoring well under ~~pursuant to~~  
936 Section 615.204(b).

937

938 d) A determination at least annually of the groundwater flow rate and direction.

939

940 e) If the owner or operator determines that the groundwater monitoring program no  
941 longer satisfies the requirements of this Section, the owner or operator  
942 ~~must shall must~~, within 90 days, make appropriate changes to the program and  
943 ~~must shall must~~ notify the Agency of the ~~such~~ changes when submitting the  
944 groundwater monitoring reports under Section 615.208.

945

946 (Source: Amended at 46 Ill. Reg. ~~---~~, effective \_\_\_\_\_)

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948 **Section 615.206 Contaminants to be Monitored**

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- a) The owner or operator must ~~shall~~ monitor for all constituents ~~parameters~~ that meet the following criteria, except as provided in subsections (b) and (c):
- 1) Material containing the constituents are ~~such parameter is~~ stored, disposed of, or otherwise handled at the site; and
  - 2) There is a groundwater standard for the constituents ~~such parameter~~.
- b) The owner or operator of a unit subject to Subpart I for the storage and handling of pesticides must ~~shall~~ monitor for five specific pesticides or five groups of chemically-similar pesticides stored or handled at the unit that are the most likely to enter into the groundwater from the unit and that are the most toxic. The owner or operator ~~must shall must~~ choose the five specific pesticides or five groups based upon the following criteria:
- 1) The volume of material stored or handled at the unit;
  - 2) The leachability characteristics of the pesticides stored or handled at the unit;
  - 3) The toxicity characteristics of the pesticides stored or handled at the unit;
  - 4) The history of spillage of the pesticides stored or handled at the unit; and
  - 5) Any groundwater standards for the pesticides stored or handled at the unit.
- c) The owner or operator of a unit subject to Subpart J for the storage and handling of fertilizers must ~~shall~~ monitor for pH, specific conductance, total organic carbon, nitrates as nitrogen, and ammonia nitrogen.

(Source: Amended at 46 Ill. Reg. ~~—~~, effective ~~—~~)

**Section 615.207 Sampling Frequency**

- a) The owner or operator must ~~shall~~ determine whether groundwater standards have been exceeded at each monitoring well at least quarterly during the compliance period, except as provided otherwise in subsections (b), (c) or Section 615.209(b).

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1011 **Section 615.208 Reporting**

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1013 The owner or operator must ~~shall~~ submit results of all monitoring required under ~~pursuant to~~ this  
1014 Subpart to the Agency within 60 days after completion of sampling.

1015

1016 (Source: Amended at 46 Ill. Reg. ~~—~~ \_\_\_\_\_, effective ~~—~~ \_\_\_\_\_)

1017

1018 **Section 615.209 Non-Compliance Response Program**

1019

1020 If monitoring results collected under ~~pursuant to~~ Sections 615.206 and 615.207 show that a  
1021 groundwater standard has been exceeded, the owner or operator must ~~shall~~:

1022

1023

1024

- a) Notify the Agency of this finding when submitting the groundwater monitoring results required under ~~pursuant to~~ Section 615.208. The notification must indicate

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- 1025 which groundwater standards have been exceeded.  
1026  
1027 b) Resample the groundwater within 3 days in all monitoring wells where a  
1028 groundwater standard has been exceeded and redetermine the presence and  
1029 concentration of each parameter required under ~~pursuant to~~ Section 615.206,  
1030 except that:  
1031  
1032 1) If the unit is subject to Subpart I for the storage and related handling of  
1033 pesticides, resample the groundwater within 3 days in all monitoring wells  
1034 where a groundwater standard has been exceeded and determine the  
1035 presence and concentration in each such sample of each pesticide  
1036 previously and presently stored or handled at the unit.  
1037  
1038 2) If the unit is subject to Subpart J for the storage and related handling of  
1039 fertilizers, monitor monthly for the parameters set forth in Section  
1040 615.206(c) until the groundwater standard is no longer exceeded.  
1041  
1042 c) Submit the results of sampling required under subsection (b) when submitting the  
1043 groundwater results required under ~~pursuant to~~ Section 615.208.  
1044  
1045 d) Prepare an engineering feasibility plan for a corrective action program designed to  
1046 achieve the requirements of Section 615.211. This plan must ~~shall~~ be submitted  
1047 to the Agency in writing within 120 days after the date on which the sample  
1048 results are submitted to the Agency under ~~pursuant to~~ subsection (c), unless:  
1049  
1050 1) None of the parameters identified under subsection (b) exceed the  
1051 groundwater standards; or  
1052  
1053 2) The owner or operator makes a demonstration under ~~pursuant to~~ Section  
1054 615.210.  
1055  
1056 e) Begin the corrective action program specified in subsection (d) within 120 days  
1057 after the date on which the sample results are submitted to the Agency under  
1058 ~~pursuant to~~ subsection (c), unless:  
1059  
1060 1) None of the parameters identified under subsection (b) exceed the  
1061 groundwater standards; or  
1062

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1063                    2)     The owner or operator makes a demonstration under ~~pursuant to~~ Section  
1064                    615.210.

1065

1066                    (Source: Amended at 46 Ill. Reg.       , effective       )

1067

1068 **Section 615.210 Alternate Non-Compliance Response Program**

1069

1070 If the groundwater sampling required under ~~pursuant to~~ Section 615.207 shows that a  
1071 groundwater standard has been exceeded, it is presumed that contamination from the facility or  
1072 unit that is being monitored is responsible for the standard being exceeded. An owner or  
1073 operator may overcome that presumption by making a demonstration that a source other than the  
1074 facility or unit that is being monitored caused the exceedence or that the exceedence resulted  
1075 from error in sampling, analysis or evaluation. In making the ~~such~~ demonstration, the owner or  
1076 operator must ~~shall~~:

1077

1078                    a)     Notify the Agency that the owner or operator intends to make a demonstration  
1079                    under this Section when submitting the groundwater monitoring results required  
1080                    under ~~pursuant to~~ Section 615.208.

1081

1082                    b)     Submit a report to the Agency that demonstrates that a source other than a facility  
1083                    or unit for which he is the owner or operator caused the groundwater standard to  
1084                    be exceeded, or that the groundwater standard was exceeded due to an error in  
1085                    sampling, analysis or evaluation. Such report must be included with the next  
1086                    submission of groundwater monitoring results required under ~~pursuant to~~ Section  
1087                    615.208; and

1088

1089                    c)     Continue to monitor in compliance ~~accordance~~ with the groundwater monitoring  
1090                    program established under ~~pursuant to~~ Sections 615.205, 615.206, and 615.207.

1091

1092                    (Source: Amended at 46 Ill. Reg.       , effective       )

1093

1094 **Section 615.211 Corrective Action Program**

1095

1096 An owner or operator required to conduct a corrective action program under ~~pursuant to~~ this  
1097 Subpart must ~~shall~~:

1098

1099                    a)     Begin corrective action within 120 days after the date on which the sample results  
1100                    are submitted to the Agency under ~~pursuant to~~ Section 615.209(c).



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- b) Take corrective action that results in compliance with the groundwater standards at the compliance point or points.
- c) Establish and implement a groundwater monitoring program to demonstrate the effectiveness of the corrective action program.
- d) Take corrective action that maintains compliance with the groundwater standards:
  - 1) At all compliance points; and
  - 2) Beyond the unit boundary, where necessary to protect human health and the environment, unless the owner or operator demonstrates to the Agency that, despite the owner's or operator's best efforts, the owner or operator was unable to obtain the necessary permission to undertake such action. The owner or operator is not relieved of responsibility to clean up a release that has migrated beyond the unit boundary where off-site access is denied.
- e) Continue corrective action measures during the compliance period to the extent necessary to ensure that the groundwater standard is not exceeded at the compliance point or points. If the owner or operator is still conducting corrective action at the end of the compliance period, the owner or operator must ~~shall~~ continue that corrective action for as long as necessary to achieve compliance with the groundwater standards. The owner or operator may terminate corrective action measures taken beyond the compliance period if the owner or operator can demonstrate, based on data from the groundwater monitoring program under subsection (c), that the groundwater standards have not been exceeded for a period of three consecutive years.
- f) Report in writing to the Agency on the effectiveness of the corrective action program. The owner or operator must ~~shall~~ submit these reports semi-annually.
- g) If the owner or operator determines that the corrective action program no longer satisfies the requirements of this Section, the owner or operator must ~~shall~~, within 90 days, make any appropriate changes to the program.

(Source: Amended at 46 Ill. Reg.       , effective       )

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1139

1140 SUBPART C: GENERAL CLOSURE AND POST-CLOSURE REQUIREMENTS

1141

1142 **Section 615.302 Closure Performance Standard**

1143

1144 The owner or operator must ~~shall~~ close the unit in a manner that:

1145

1146 a) Controls, minimizes or eliminates, to the extent necessary to protect human health  
1147 and the environment, post-closure escape of waste, waste constituents, leachate,  
1148 contaminated runoff or waste decomposition products to soils, groundwaters,  
1149 surface waters, and the atmosphere;

1150

1151 b) Minimizes the need for maintenance during and beyond the post-closure care  
1152 period; and

1153

1154 c) Complies with the closure requirements of 35 Ill. Adm. Code: Subtitles C and G.

1155

1156 (Source: Amended at 46 Ill. Reg.       , effective       )

1157

1158 **Section 615.303 Certification of Closure**

1159

1160 Within 60 days after ~~completion of~~ the closure is complete, the owner or operator must ~~shall~~  
1161 submit to the Agency, by registered or certified mail, a certification that the unit has been closed  
1162 in compliance ~~accordance~~ with the closure requirements. The certification must be signed by the  
1163 owner or operator and by an independent registered professional engineer. Documentation  
1164 supporting the independent registered professional engineer's certification must be furnished to  
1165 the Agency upon request.

1166

1167 (Source: Amended at 46 Ill. Reg.       , effective       )

1168

1169 **Section 615.304 Survey Plat**

1170

1171 a) Before ~~No later than~~ the submission of the certification of closure of each unit, the  
1172 owner or operator must ~~shall~~ submit to any local zoning authority, or authority  
1173 with jurisdiction over local land use, and to the Agency, and record with land  
1174 titles, a survey plat indicating the location and dimensions of any waste disposal  
1175 units, and any pesticide or fertilizer storage and handling units, with respect to  
1176 permanently surveyed benchmarks. This plat must be prepared and certified by a

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1177 registered land surveyor.

1178

1179 b) For pesticide storage and handling units or for fertilizer storage and handling  
1180 units, records or reports required under any other state or Federal regulatory  
1181 program and which contain the information required above may be used to satisfy  
1182 this reporting requirement.

1183

1184 (Source: Amended at 46 Ill. Reg.     , effective     )

1185

1186 **Section 615.305 Post-Closure Notice for Waste Disposal Units**

1187

1188 Within ~~No later than~~ 60 days after certification of closure of the unit, the owner or operator of a  
1189 unit subject to Subpart D or F must ~~shall~~ submit to the Agency, to the County Recorder and to  
1190 any local zoning authority or authority with jurisdiction over local land use, a record of the type,  
1191 location and quantity of wastes disposed of within each cell or other area of the unit.

1192

1193 (Source: Amended at 46 Ill. Reg.     , effective     )

1194

1195 **Section 615.306 Certification of Completion of Post-Closure Care**

1196

1197 Within ~~No later than~~ 60 days after completion of the established post-closure care period, the  
1198 owner or operator must ~~shall~~ submit to the Agency, by registered or certified mail, a certification  
1199 that the post-closure care period for the unit was performed in compliance ~~accordance~~ with the  
1200 specifications in the approved post-closure plan. The certification must be signed by the owner  
1201 or operator and an independent registered professional engineer. Documentation supporting the  
1202 independent registered professional engineer's certification must be furnished to the Agency  
1203 upon request.

1204

1205 (Source: Amended at 46 Ill. Reg.     , effective     )

1206

1207 **SUBPART D: ON-SITE LANDFILLS**

1208

1209 **Section 615.401 Applicability**

1210

1211 This Subpart applies to existing landfill units that are located wholly or partially within a setback  
1212 zone or regulated recharge area and that contain special waste or other waste generated on-site,  
1213 except that this Subpart does not apply to any existing landfill unit that:

1214

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1215 a) Contains solely one or more of the following: hazardous waste, livestock waste,  
1216 landscape waste, or construction and demolition debris; or

1217

1218 b) Is exempt from this Part under ~~pursuant to~~ Section 615.105.

1219

1220 (Source: Amended at 46 Ill. Reg.       , effective       )

1221

1222 **Section 615.402 Required Closure of Units Located Within Minimum Setback Zones**

1223

1224A ~~No~~ person must not ~~shall~~ cause or allow the operation within a minimum setback zone of any  
1225 landfill unit after January 10, 1994 ~~commencing two years after the effective date of this Part.~~

1226 Closure of a landfill unit must ~~be completed within three years shall~~ be completed within three  
1227 years ~~after the effective date of this Part.~~

1228

1229 (Source: Amended at 46 Ill. Reg.       , effective       )

1230

1231 **Section 615.403 Required Closure of Units Located Within Maximum Setback Zones**

1232

1233A ~~No~~ person must not ~~shall~~ cause or allow the operation within a maximum setback zone of any  
1234 landfill unit at which special waste is disposed, commencing two years after the effective date of  
1235 the ordinance or regulation that establishes the maximum setback zone. Closure must ~~shall~~ be  
1236 completed within three years after the effective date of the ordinance or regulation that  
1237 establishes the maximum setback zone.

1238

1239 (Source: Amended at 46 Ill. Reg.       , effective       )

1240

1241 **Section 615.404 Required Closure of Units Located Within Regulated Recharge Areas**

1242

1243A ~~No~~ person must not ~~shall~~ cause or allow the operation within a regulated recharge area of any  
1244 landfill unit that contains special waste and for which the distance from the wellhead of the  
1245 community water supply well to any part of the landfill unit is 2500 feet or less. This provision  
1246 becomes effective four years after the date on which the Board establishes the regulated recharge  
1247 area. Closure must ~~shall~~ be completed within five years after the date on which the Board  
1248 establishes the regulated recharge area.

1249

1250 (Source: Amended at 46 Ill. Reg.       , effective       )

1251

1252

SUBPART E: ON-SITE LAND TREATMENT UNITS

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1253

1254 **Section 615.421 Applicability**

1255

1256 This Subpart applies to existing land treatment units that are located wholly or partially within a  
1257 setback zone or regulated recharge area and that treat or dispose of special waste or other waste  
1258 generated on-site, except that this Subpart does not apply to any existing land treatment unit that:

1259

1260 a) Contains solely one or more of the following: hazardous waste, livestock waste,  
1261 landscape waste, or construction and demolition debris; or

1262

1263 b) Is exempt from this Part under ~~pursuant to~~ Section 615.105.

1264

1265 (Source: Amended at 46 Ill. Reg.       , effective       )

1266

1267 **Section 615.422 Required Closure of Units Located Within Minimum Setback Zones**

1268

1269 A ~~No~~ person must not ~~shall~~ cause or allow the operation within a minimum setback zone of any  
1270 land treatment unit commencing two years after the effective date of this Part. Closure must  
1271 ~~shall~~ be completed within three years after the effective date of this Part.

1272

1273 (Source: Amended at 46 Ill. Reg.       , effective       )

1274

1275 **Section 615.423 Required Closure of Units Located Within Maximum Setback Zones**

1276

1277 A ~~No~~ person must not ~~shall~~ cause or allow the operation within a maximum setback zone of any  
1278 land treatment unit at which special waste is treated or disposed, commencing two years after the  
1279 effective date of the ordinance or regulation that establishes the maximum setback zone. Closure  
1280 must ~~shall~~ be completed within three years after the effective date of the ordinance or regulation  
1281 that establishes the maximum setback zone.

1282

1283 (Source: Amended at 46 Ill. Reg.       , effective       )

1284

1285 **Section 615.424 Land Treatment of Sludges in Maximum Setback Zones**

1286

1287 Nothing in this Subpart prohibits ~~shall prohibit~~ land treatment within a maximum setback zone  
1288 of sludge resulting from the treatment of domestic wastewater or of sludge resulting from the  
1289 treatment of water to produce potable water, if such activities are conducted in compliance  
1290 ~~accordance~~ with the Act and 35 Ill. Adm. Code: Subtitle C.

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1291

1292 (Source: Amended at 46 Ill. Reg.     , effective     )

1293

**1294 Section 615.425 Closure and Post-Closure Care**

1295

1296 The owner or operator must ~~shall~~ comply with the requirements of Sections 615.302 and  
1297 615.303.

1298

1299 (Source: Amended at 46 Ill. Reg.     , effective     )

1300

**1301 SUBPART F: ON-SITE SURFACE IMPOUNDMENTS**

1302

**1303 Section 615.441 Applicability**

1304

1305 This Subpart applies to existing surface impoundment units that are located wholly or partially  
1306 within a setback zone or regulated recharge area and that contain special waste or other waste  
1307 generated on-site, except that this Subpart does not apply to any existing surface impoundment  
1308 unit that:

1309

1310 a) Contains solely one or more of the following: hazardous waste, livestock waste,  
1311 landscape waste, or construction and demolition debris; or

1312

1313 b) Is exempt from this Part under ~~pursuant to~~ Section 615.105.

1314

1315 (Source: Amended at 46 Ill. Reg.     , effective     )

1316

**1317 Section 615.442 Required Closure of Units Located Within Minimum Setback Zones**

1318

1319 A ~~No~~ person must not ~~shall~~ cause or allow the operation within a minimum setback zone of any  
1320 surface impoundment unit commencing two years after the effective date of this Part. Closure  
1321 must ~~shall~~ be completed within three years after the effective date of this Part.

1322

1323 (Source: Amended at 46 Ill. Reg.     , effective     )

1324

**1325 Section 615.443 Required Closure of Units Located Within Maximum Setback Zones**

1326

1327 A ~~No~~ person must not ~~shall~~ cause or allow the operation within a maximum setback zone of any  
1328 surface impoundment unit at which special waste is stored, treated or disposed, commencing two

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1329 years after the effective date of the ordinance or regulation that establishes the maximum setback  
1330 zone. Closure must ~~shall~~ be completed within three years after the effective date of the  
1331 ordinance or regulation that establishes the maximum setback zone.

1332

1333 (Source: Amended at 46 Ill. Reg.       , effective       )

1334

**1335 Section 615.444 Groundwater Monitoring**

1336

1337 The owner or operator of an existing on-site surface impoundment must ~~shall~~ comply with the  
1338 requirements of Subpart B.

1339

1340 (Source: Amended at 46 Ill. Reg.       , effective       )

1341

**1342 Section 615.445 Inspection Requirements**

1343

1344 During operation, ~~While~~ a surface impoundment ~~is in operation, it~~ must be inspected weekly and  
1345 after storms to detect evidence of any of the following:

1346

1347 a) Deterioration, malfunctions or improper operation of overtopping control  
1348 systems;

1349

1350 b) Sudden drops in the level of the impoundment's contents;

1351

1352 c) Severe erosion or other signs of deterioration in dikes or other containment  
1353 devices; or

1354

1355 d) A leaking dike.

1356

1357 (Source: Amended at 46 Ill. Reg.       , effective       )

1358

**1359 Section 615.446 Operating Requirements**

1360

1361 a) A ~~No~~ person must not ~~shall~~ cause or allow incompatible materials to be placed in  
1362 the same surface impoundment unit.

1363

1364 b) A surface impoundment unit must be removed from service in compliance  
1365 ~~accordance~~ with subsection (c) when:

1366

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- 1367 1) The level of liquids in the unit suddenly drops and the drop is not known
- 1368 to be caused by changes in the flows into or out of the unit; or
- 1369
- 1370 2) The dike leaks.
- 1371
- 1372 c) When a surface impoundment unit must be removed from service as required by
- 1373 subsection (b), the owner or operator must ~~shall~~:
- 1374
- 1375 1) Shut off the flow or stop the addition of wastes into the impoundment
- 1376 unit;
- 1377
- 1378 2) Contain any surface leakage that has occurred or is occurring;
- 1379
- 1380 3) Stop the leak;
- 1381
- 1382 4) Take any other necessary steps to stop or prevent catastrophic failure;
- 1383
- 1384 5) If a leak cannot be stopped by any other means, empty the impoundment
- 1385 unit; and
- 1386
- 1387 6) Notify the Agency of the removal from service and corrective actions that
- 1388 were taken, such notice to be given within 10 days after the removal from
- 1389 service.
- 1390

1391 d) No surface impoundment unit that has been removed from service in compliance

1392 ~~accordance~~ with the requirements of this Section may be restored to service

1393 unless the portion of the unit that failed has been repaired.

1394

1395 e) A surface impoundment unit that has been removed from service in compliance

1396 ~~accordance~~ with the requirements of this Section and that is not being repaired

1397 must be closed in compliance ~~accordance~~ with the provisions of Section 615.447.

1398

1399 (Source: Amended at 46 Ill. Reg.       , effective       )

1400

1401 **Subpart Section 615.447 Closure and Post-Closure Care**

1402

- 1403 a) If closure is to be by removal, the owner or operator must ~~shall~~ remove all waste,
- 1404 all waste residues, contaminated containment system components (liners, etc.),



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1405 contaminated subsoils and structures and equipment contaminated with waste and  
1406 leachate; and, if disposed of in the State of Illinois, dispose of them at a disposal  
1407 site permitted by the Agency under the Act.

1408

1409 b) If closure is not to be by removal, the owner or operator ~~mustshall~~must comply  
1410 with the requirements of Subpart C and ~~mustshall~~must:

1411

1412 1) Eliminate free liquids by removing liquid wastes or solidifying the  
1413 remaining wastes and waste residues.

1414

1415 2) Stabilize remaining wastes to a bearing capacity sufficient to support final  
1416 cover.

1417

1418 3) Cover the surface impoundment unit with a final cover consisting of at  
1419 least a 2-foot thick layer of compacted clay with a permeability of no more  
1420 than  $1 \times 10^{-7}$  centimeters per second and designed and constructed to:

1421

1422 A) Provide long-term minimization of the migration of liquids  
1423 through the closed impoundment unit;

1424

1425 B) Function with minimum maintenance;

1426

1427 C) Promote drainage and minimize erosion or abrasion of the final  
1428 cover; and

1429

1430 D) Accommodate settling and subsidence so that the cover's integrity  
1431 is maintained.

1432

1433 c) If some waste residues or contaminated materials are left in place at final closure,  
1434 the owner or operator ~~must-shall~~ comply with the requirements of Subpart C and  
1435 ~~must-shall~~:

1436

1437 1) Maintain the integrity and effectiveness of the final cover, including  
1438 making repairs to the cap as necessary to correct the effects of settling,  
1439 subsidence, erosion or other events;

1440

1441 2) Maintain and monitor the groundwater monitoring system; and

1442

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1443                    3)        Prevent run-on and run-off from eroding or otherwise damaging the final  
1444                    cover.

1445

1446                    (Source: Amended at 46 Ill. Reg.       , effective                   )

1447

1448                                       SUBPART G: ON-SITE WASTE PILES

1449

1450 **Section 615.461 Applicability**

1451

1452 This Subpart applies to existing waste piles that are located wholly or partially within a setback  
1453 zone or regulated recharge area and that contain special waste or other waste generated on-site,  
1454 except that this Subpart does not apply to any existing waste pile that:

1455

1456                    a)        Contains solely one or more of the following: hazardous waste, livestock waste,  
1457                    landscape waste, or construction and demolition debris;

1458

1459                    b)        Consists of sludge resulting from the treatment of wastewater from a Publicly  
1460                    Owned Treatment Works (POTW) and the sludge pile is situated on an  
1461                    underdrained pavement and operated in compliance ~~accordance~~ with the Act, 35  
1462                    Ill. Adm. Code: Subtitle C and 35 Ill. Adm. Code: Subtitle G; or

1463

1464                    c)        Is exempt from this Part under ~~pursuant to~~ Section 615.105.

1465

1466                    (Source: Amended at 46 Ill. Reg.       , effective                   )

1467

1468 **Section 615.462 Required Closure**

1469

1470 A waste pile is considered ~~deemed~~ to be a landfill and thereby subject to the closure  
1471 requirements of Subpart D unless the operator can demonstrate to the Agency that the wastes are  
1472 not accumulated over time for disposal. At the minimum, such demonstration must ~~shall~~ include  
1473 photographs, records, or other observable or discernable information, maintained on a yearly  
1474 basis, that show that within the preceding year the waste has been removed for utilization or  
1475 disposed elsewhere.

1476

1477                    (Source: Amended at 46 Ill. Reg.       , effective                   )

1478

1479 **Section 615.463 Design and Operating Requirements**

1480

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1481 This ~~section~~ Section applies six months after the date of first applicability to ~~For~~ a waste pile not  
1482 subject to Section 615.462,

1483

1484 a) The owner or operator must ~~shall~~ not cause or allow:

1485

1486 1) Disposal or storage in the waste pile of liquids or materials containing free  
1487 liquids; or

1488

1489 2) Migration and runoff of leachate into adjacent soil, surface water, or  
1490 groundwater.

1491

1492 b) The waste pile must comply with the following standards:

1493

1494 1) The waste pile must be under an impermeable membrane or cover that  
1495 provides protection from precipitation;

1496

1497 2) The waste pile must be protected from surface water run-on; and

1498

1499 3) The waste pile must be designed and operated to control wind dispersal of  
1500 waste by a means other than wetting.

1501

1502 ~~e) — This Section becomes applicable six months after the date of first applicability.~~

1503

1504 (Source: Amended at 46 Ill. Reg. ~~—~~ \_\_\_\_\_, effective \_\_\_\_\_)

1505

1506 **Section 615.464 Closure**

1507

1508 The owner or operator must ~~shall~~ accomplish closure by removing and disposing of all wastes  
1509 and containment system components (liners, etc). If disposed of in the State of Illinois, the waste  
1510 and containment system components must be disposed of at a disposal site permitted by the  
1511 Agency under the Act.

1512

1513 (Source: Amended at 46 Ill. Reg. ~~—~~ \_\_\_\_\_, effective \_\_\_\_\_)

1514

1515 **SUBPART H: UNDERGROUND STORAGE TANKS**

1516

1517 **Section 615.501 Applicability**

1518

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1519 This Subpart applies to existing underground storage tanks that are located wholly or partially  
1520 within a setback zone or regulated recharge area and that contain special waste, except that this  
1521 Subpart does not apply to any existing underground storage tank that:

1522

1523 a) Under ~~pursuant to~~ 35 Ill. Adm. Code 731.110(a) must meet the requirements set  
1524 forth in 35 Ill. Adm. Code 731, unless the ~~such a~~ tank is excluded from those  
1525 requirements under ~~pursuant to~~ 35 Ill. Adm. Code 731.110(b); or

1526

1527 b) Has ~~Must have~~ interim status or a RCRA permit under 35 Ill. Adm. Code:  
1528 Subtitle G; or

1529

1530 c) Is exempt from this Part under ~~pursuant to~~ Section 615.105.

1531

1532 (Source: Amended at 46 Ill. Reg.       , effective       )

1533

1534 **Section 615.502 Design and Operating Requirements**

1535

1536 Owners and operators of existing underground storage tanks that store special waste must ~~shall~~  
1537 meet the requirements ~~set forth~~ in 35 Ill. Adm. Code 731. Such requirements must be met even  
1538 if the tanks are excluded from coverage under 35 Ill. Adm. Code 731 by 35 Ill. Adm. Code  
1539 731.110(b). The exclusions ~~set forth~~ in 35 Ill. Adm. Code 731.110(b) do not apply to any  
1540 underground storage tank which stores special waste.

1541

1542 (Source: Amended at 46 Ill. Reg.       , effective       )

1543

1544 **SUBPART I: PESTICIDE STORAGE AND HANDLING UNITS**

1545

1546 **Section 615.601 Applicability**

1547

1548 This Subpart applies to any existing unit for the storage and handling of pesticides that is located  
1549 wholly or partially within a setback zone or regulated recharge area and that:

1550

1551 a) Is operated for the purpose of commercial application; or

1552

1553 b) Stores or accumulates pesticides prior to distribution to retail sales outlets,  
1554 including but not limited to a unit that is a warehouse or bulk terminal.

1555

1556 c) Despite subsections ~~Subsections~~ (a) and (b) ~~notwithstanding~~, this Subpart does

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1557 not apply to any unit exempt under ~~pursuant to~~ Section 615.105.

1558

1559 (Source: Amended at 46 Ill. Reg.     , effective     )

1560

1561 **Section 615.602 Groundwater Monitoring**

1562

1563 The owner or operator must ~~shall~~ comply with the requirements of Subpart B.

1564

1565 (Source: Amended at 46 Ill. Reg.     , effective     )

1566

1567 **Section 615.603 Design and Operating Requirements**

1568

1569 The owner or operator must ~~shall~~:

1570

1571 a) Maintain a written record inventorying all pesticides stored or handled at the unit.

1572

1573 b) At least weekly when pesticides are being stored, inspect storage containers,  
1574 tanks, vents, valves, and appurtenances for leaks or deterioration caused by  
1575 corrosion or other factors. If a leak or deterioration is found in any of these  
1576 devices, the owner or operator must immediately repair or replace the device.

1577 The owner or operator must ~~shall~~ maintain a written record of all inspections  
1578 conducted under this Section and of all maintenance relating to leaks and  
1579 deterioration of these devices.

1580

1581 c) Store all containers containing pesticides within a pesticide secondary  
1582 containment structure, if such containers are stored outside of a roofed structure  
1583 or enclosed warehouse. For the purpose of this subsection a pesticide secondary  
1584 containment structure is a structure that complies with the design standards set  
1585 forth in 8 Ill. Adm. Code 255.

1586

1587 d) Maintain all written records required under this Section at the site. The owner or  
1588 operator must ~~shall~~ provide any such record to the Agency upon request.

1589

1590 (Board Note: Owners or operators of facilities or units subject to this Part may also be subject to  
1591 regulations under 8 Ill. Adm. Code 255.):

1592

1593 (Source: Amended at 46 Ill. Reg.     , effective     )

1594

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1595 **Section 615.604 Closure and Post-Closure Care**

1596

1597 The owner or operator must ~~shall~~ comply with the requirements of Subpart C.

1598

1599 (Source: Amended at 46 Ill. Reg.       , effective       )

1600

1601 SUBPART J: FERTILIZER STORAGE AND HANDLING UNITS

1602

1603 **Section 615.621 Applicability**

1604

1605 This Subpart applies to any existing unit for the storage and handling of fertilizers that is located

1606 wholly or partially within a setback zone or regulated recharge area and that:

1607

1608 a) Is operated for the purpose of commercial application; or

1609

1610 b) Stores or accumulates fertilizers prior to distribution to retail sales outlets,  
1611 including but not limited to a unit that is a warehouse or bulk terminal.

1612

1613 c) Despite subsections ~~Subsections~~ (a) and (b) ~~notwithstanding~~, this Subpart does  
1614 not apply to any unit exempt under ~~pursuant to~~ Section 615.105.

1615

1616 (Source: Amended at 46 Ill. Reg.       , effective       )

1617

1618 **Section 615.622 Groundwater Monitoring**

1619

1620 The owner or operator must ~~shall~~ comply with the requirements of Subpart B.

1621

1622 (Source: Amended at 46 Ill. Reg.       , effective       )

1623

1624 **Section 615.623 Design and Operating Requirements**

1625

1626 The owner or operator must ~~shall~~:

1627

1628 a) Maintain a written record inventorying all fertilizers stored or handled at the unit.

1629

1630 b) At least weekly when fertilizers are being stored, inspect storage containers,  
1631 tanks, vents, valves, and appurtenances for leaks or deterioration caused by  
1632 corrosion or other factors. If a leak or deterioration is found in any of these

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1633 devices, the owner or operator must ~~shall~~ immediately repair or replace the  
1634 device. The owner or operator must ~~shall~~ maintain a written record of all  
1635 inspections conducted under this Section and of all maintenance relating to leaks  
1636 and deterioration of these devices.

1637  
1638 c) Store all containers containing fertilizers (except anhydrous ammonia) within a  
1639 fertilizer secondary containment structure, if such containers are stored outside of  
1640 a roofed structure or enclosed warehouse. For the purpose of this subsection, a  
1641 fertilizer secondary containment structure is a structure that complies with the  
1642 design standards set forth in 8 Ill. Adm. Code 255.

1643  
1644 d) Maintain all written records required under this Section at the site. The owner or  
1645 operator must ~~shall~~ provide any such record to the Agency upon request.

1646  
1647  
1648 (Board Note: Owners or operators of facilities or units subject to this Part may also be subject to  
1649 regulations under 8 Ill. Adm. Code 255).

1650  
1651 (Source: Amended at 46 Ill. Reg.       , effective       )

1652  
1653 **Section 615.624 Closure and Post-Closure Care**

1654  
1655 The owner or operator must ~~shall~~ comply with the requirements of Subpart C.

1656  
1657 (Source: Amended at 46 Ill. Reg.       , effective       )

1658  
1659 **SUBPART K: ROAD OIL STORAGE AND HANDLING UNITS**

1660  
1661 **Section 615.702 Required Closure of Units Located Within Minimum Setback Zones**

1662  
1663 ~~a) A No~~ person must not ~~shall~~ cause or allow the operation within a minimum setback zone of  
1664 any road oil storage and handling unit after January 10, 1994. Closure of a road oil storage  
1665 handling unit ~~must be completed within three years.~~  
1666 ~~b) — Subsection (a) is effective two years after the effective date of this Part. Closure~~ must be  
1667 completed within three years ~~after the effective date of this Part.~~

1668  
1669 (Source: Amended at 46 Ill. Reg.       , effective       )

1670

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1671 **Section 615.703 Groundwater Monitoring**

1672

1673 The owner or operator must ~~shall~~ comply with the requirements of Subpart B.

1674

1675 (Source: Amended at 46 Ill. Reg. ~~---~~, effective ~~---~~)

1676

1677 **Section 615.704 Design and Operating Requirements for Above-Ground Storage Tanks**

1678

1679 a) The owner or operator must ~~shall~~ not cause or allow:

1680

1681 1) Materials to be placed in a tank if such materials could cause the tank to  
1682 rupture, leak, corrode, or otherwise fail.

1683

1684 2) Uncovered tanks to be placed or operated so as to maintain less than 60  
1685 centimeters (2 feet) of freeboard unless:

1686

1687 A) The tank is equipped with a containment structure (e.g., dike or  
1688 trench), a drainage control system, or a diversion structure (e.g.,  
1689 standby tank); and

1690

1691 B) Such containment structure, drainage control system, or diversion  
1692 structure has a capacity that equals or exceeds the volume of the  
1693 top 60 centimeters (2 feet) of the tank.

1694

1695 3) Material to be continuously fed into a tank, unless the tank is equipped  
1696 with a means to stop this inflow (e.g., a feed cutoff system or a bypass  
1697 system to a standby tank).

1698

1699 4) Incompatible materials to be placed in the same tank.

1700

1701 5) Material to be placed in a tank that previously held an incompatible  
1702 material unless the incompatible material has been washed from the tank.

1703

1704 6) Ignitable or reactive material to be placed in a tank unless:

1705

1706 A) The material is stored or treated in such a way that it is protected  
1707 from any material or conditions that may cause it to ignite or react;  
1708 or



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B) The tank is used solely for emergencies.

- b) The owner or operator must ~~shall~~ provide and maintain primary containment for the tank such that:
  - 1) The tank has a minimum shell thickness that ensures that the tank will not fail (i.e., collapse, rupture, etc.).
  - 2) The tank is compatible with the material to be placed in the tank or the tank is lined with a substance that is compatible with the material to be placed in the tank.
- c) The owner or operator must ~~shall~~ provide and maintain secondary containment for the tank that:
  - 1) Is capable of containing the volume of the largest tank or 10% of the total volume for all tanks, whichever is greater;
  - 2) Is constructed of material capable of containing a spill until cleanup occurs (e.g., concrete or clay). The base of the secondary containment area must be capable of minimizing vertical migration of a spill until cleanup occurs (e.g., concrete or clay);
  - 3) Has cover (e.g., crushed rock or vegetative growth) on earthen embankments sufficient to prevent erosion; and
  - 4) Isolates the tank from storm water drains and from combined storm water drains and sewer drains.
- d) If incompatible materials are handled at the site, the owner or operator must provide secondary containment sufficient to isolate the units containing the incompatible materials ~~must be provided~~.
- e) The owner or operator of a tank must ~~shall also~~:
  - 1) Test above-ground tanks and associated piping every five years for structural integrity.

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- 2) Remove uncontaminated storm water runoff from the secondary containment area immediately after a precipitation event.
  - 3) Handle contaminated storm water runoff in compliance ~~accordance~~ with 35 Ill. Adm. Code 302.Subpart A.
  - 4) Provide a method for obtaining a sample from each tank.
  - 5) Install, maintain, and operate a material level indicator on each tank.
  - 6) When not in use, lock all devices (gauges and valves) that are used to inspect levels in the tank. All such devices must be located within the containment structure.
- f) This Section becomes applicable two years after the date of first applicability.  
(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**SUBPART L: DE-ICING AGENT STORAGE AND HANDLING UNITS**

**Section 615.722 Groundwater Monitoring**

The owner or operator must ~~shall~~ comply with the requirements of Subpart B.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 615.723 Design and Operating Requirements**

- a) Indoor facilities must comply with the following standards beginning two years after the date of first applicability:
  - 1) The base of the facility must be constructed of materials capable of containing de-icing agents (i.e., bituminous or concrete pad).
  - 2) The roof and walls of the facility must be constructed of materials capable of protecting the storage pile from precipitation and capable of preventing dissolved de-icing agents from entering into the adjacent soil, surface

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- 1785 water, or groundwater. The walls of the facility must be constructed of  
1786 materials compatible with the de-icing agents to be placed in the facility.  
1787 Run-off from the roof must be diverted away from the loading pad.  
1788
- 1789 3) All areas surrounding the storage pile, including ~~but not limited to~~ the  
1790 loading pad, must be routinely inspected to determine whether any release  
1791 of de-icing agents has occurred. Such areas must ~~shall~~ be cleaned as  
1792 necessary. Spilled de-icing agents must be placed back under the  
1793 protective covering of the indoor storage pile. The storage pile must be  
1794 reshaped as often as necessary to prevent leaching.  
1795
- 1796 4) The integrity of the facility and loading pad must be maintained.  
1797
- 1798 5) All areas surrounding the storage facility must be inspected daily to  
1799 determine whether any release of de-icing agents has occurred. Spilled  
1800 de-icing agents must be placed back into the storage facility.  
1801
- 1802 b) Outdoor facilities or units must comply with the following standards beginning  
1803 two years after the date of first applicability:  
1804
- 1805 1) An impermeable membrane or cover must be placed over all storage piles  
1806 to protect the piles from precipitation and surface water run-on. The  
1807 membrane or cover must prevent run-off and leachate from being  
1808 generated by the outdoor storage piles. The piles must be formed in a  
1809 conical shape, covered and stored on a paved pad capable of preventing  
1810 leachate from entering adjacent soil, surface water, or groundwater.  
1811
- 1812 2) Surface drainage must be directed to prevent flow through the base of the  
1813 storage piles. De-icing agents must not be stored where drainage may  
1814 enter into water supplies, farm lands or streams.  
1815
- 1816 3) All areas surrounding the storage piles must be cleaned and must be  
1817 inspected daily to determine whether any release of de-icing agents has  
1818 occurred. Spilled de-icing agents must be placed back under the  
1819 protective covering of the outdoor storage piles. The storage piles must be  
1820 reshaped as often as necessary to prevent leaching.  
1821
- 1822 4) The storage piles must be designed and operated to control wind dispersal

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1823

of the product by means other than wetting.

1824

1826

(Source: Amended at 46 Ill. Reg.       , effective       )

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