

From: [McGill, Richard](#)
To: [Brown, Don](#)
Cc: [Horton, Vanessa](#)
Subject: FW: R18-26 proposed first notice changes
Date: Monday, February 27, 2023 5:04:18 PM
Attachments: [image001.png](#)
[35-615 Board responses.pdf](#)
[35-615RG-P r01 \(46-22\).pdf](#)

Good evening, Mr. Clerk:

Please docket this email exchange with JCAR, including the two attachments, as a public comment in R18-26.

Thank you.

Richard R. McGill, Jr.
Senior Attorney for Research & Writing
Illinois Pollution Control Board
60 E. Van Buren St., Suite 630
Chicago, Illinois 60605
richard.mcgill@illinois.gov (312) 814-6983



From: McGill, Richard
Sent: Monday, February 27, 2023 4:54 PM
To: Eastvold, Jonathan C. <JonathanE@ilga.gov>
Subject: RE: R18-26 proposed first notice changes

Good evening, Jonathan:

I've attached two documents. The first document contains Board staff responses to your proposed Part 615 changes emailed to me on June 24, 2022. The second document is the JCAR line-numbered r01 referenced in your changes and our responses. Our responses include related changes prompted by your suggestions.

Thank you for your careful review. Please let me know if you have any questions.

Best regards,

Richard

Richard R. McGill, Jr.
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From: Eastvold, Jonathan C. <JonathanE@ilga.gov>
Sent: Friday, June 24, 2022 9:39 AM
To: McGill, Richard <Richard.McGill@illinois.gov>
Subject: [External] R18-26 proposed first notice changes

Here are some possible technical changes, sorted by Part, for the Board to consider. Any of these changes that you wish to make can be simply copied into your first notice changes document.

Thanks in advance for your consideration.

Sincerely,

Jonathan C. Eastvold, Ph.D.
Rules Analyst III

Illinois General Assembly
Joint Committee on Administrative Rules
700 Stratton Building
Springfield IL 62706
217-524-9010

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From: Eastvold, Jonathan C. <JonathanE@ilga.gov>
Sent: Friday, June 24, 2022 9:39 AM
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Board staff responses and related changes (2/27/23) appear in bold, red font below.

Rulemaking: Existing Activities in a Setback Zone or Regulated Recharge Area (35 Ill. Adm. Code 615; 46 Ill. Reg. 8748)

Changes:

1. In line 169, after "of" add a comma.
 - a. **Accept.**
 - b. **In line 139, strike "shall be" and add "are".**
 - c. **In line 168, strike ", but not limited to,".**

2. In lines 182 and 187, strike "the effective date of this Part" and add "January 10, 1992".
 - a. **Disagree. In lines 182 and 187, strike "the effective date of this Part" and add "January 10, 1992,".**
 - b. **In line 195, strike "but not limited to".**
 - c. **In line 202, restore ", which". After "minimum" add "measured".**
 - d. **In line 203, strike "measured as".**
 - e. **In line 204, strike "true value is greater than zero" and add "measured concentration is distinguishable from the method blank results".**
 - f. **In line 209, strike "pursuant" and add "according".**

3. In line 217, after "emptying" add a comma.
Agree.

4. In line 220, after "*leaking*" add a comma.
Agree.
5. In lines 226-227, strike "there is commencement of".
Disagree. See Section 615.102 ("commencement of construction" is a defined term).
6. In line 227, after "construction" add "began".
Disagree. See response 5.
7. In line 240, after "appurtenances" add a comma.
Agree.
8. In line 248, strike "which" and add "that".
Agree.
9. In line 250, strike "a" twice.
Agree.
10. In line 274, strike "which" and add "that".
Agree.
11. In line 285, after "impoundment" add a comma.
Agree.
12. In line 288, after "*limbs*" add a comma.
a. Agree.
b. In line 289, after "*vines*" add a comma.
13. In line 296, after "Part" add a comma.
a. Agree.
b. In line 307, strike "*which*" and add "that".
14. In line 308, after "leachate" add a comma.
Agree.
15. In line 311, strike "a 2-year period" and add "two years".
Agree.
16. In line 330, strike "which he controls" and add "controlled by that person". **a. Agree.**
Strike "is" and add "are". **b. Agree.**
c. In lines 326-27, strike "*provided*" and add "if".
17. In lines 333, 336, and 337 (twice), after "facility" add a comma.
Agree.
18. In line 341, after "*defoliant*" add a comma.

Agree.

19. In line 345, after "storage" add a comma.
Agree.
20. In line 357, after "*pipes*" add a comma.
Agree.
21. In line 359, after "*tanks*" add a comma.
Agree.
22. In line 367, strike "which" and add "that".
Agree.
23. In line 387, strike "or".
Agree.
24. In line 388, after "173.53" add a comma.
Agree.
25. In line 397, strike "*board*" and add "Board".
a. Agree.
b. In line 401, strike "which" and add "that".
26. In line 402, after "maintenance" add a comma.
Agree. Strike "which".
27. In lines 404 and 407, after "leachate" add a comma.
a. Agree.
b. In line 420, after "including" delete the comma. Strike "but not".
c. In line 421, strike "limited to". Delete the first comma.
d. In lines 434-35, strike "on a temporary basis or for a period of" and add "temporarily or for".
28. In line 435, strike "such" and add "the".
Agree (for the second "such"). Strike the first "such" and add "a".
29. In lines 445 and 446, strike "which" and add "that".
Agree.
30. In line 447, strike "prior to" and add "before".
Agree. Strike "i.e." and add "e.g.".
31. In line 451, after "technique" add a comma.
Agree.

32. In line 452, after "chemical" add a comma.
Agree.
33. In line 467, after the second "which" add a comma. **a. Agree.** After "oils" add a comma.
b. Agree.
34. In line 469, after "dike" add a comma.
Agree.
35. In line 470, after "oils" add a comma.
Agree.
36. In line 475, after "*mining*" add a comma.
Agree.
37. In line 495, after "*drilled*" add a comma.
a. Agree.
b. In line 506, after "20402" add a comma.
38. In line 507, change "(202) 783-3238" to "202-783-3238".
Agree.
39. In lines 520-521, strike "5285 Port Royal Road, Springfield VA 22161" and add "5301 Shawnee Road, Alexandria VA 22312".
Agree.
40. In line 521, change "(703) 605-6000" to "703-605-6000".
Disagree. Strike "(703) 605-6000". NTIS retired its call center.
41. In line 527, change "on line" to "online".
a. Agree.
b. In line 561, strike "*provided that*" and add "if".
42. In lines 609 and 613, strike "at" and add "in".
Agree (for lines 608 and 613).
43. In line 615, after "(b)" add a comma.
Agree.
44. In line 617, after "components" add a comma.
Agree.
45. In line 656, change "prior to" to "before".
Agree.
46. In line 665, change "do" to "does".

- a. Agree.**
b. In line 687, strike “If” and add “When”.
c. In line 688, strike “, provided that” and add “if”.
47. In line 715, after "minimum" add a comma.
Agree.
48. In line 750, change "are" to "is".
a. Agree.
b. In line 756, after “for” add “the”.
c. In line 757, strike “chemically-similar” and add “chemically similar”.
49. In line 783, after "(b)" strike the comma and add "or".
Agree. Strike “subsections” and add “subsection”.
50. In line 871, strike "exceedence" and add "exceedance" (twice).
Agree.
51. In line 872, after "analysis" add a comma.
Agree.
52. In line 880, strike "for which he is " and add "owned or operated by".
Agree.
53. In line 943, after "minimizes" add a comma.
Agree.
54. In line 945, after "runoff" add a comma.
Agree.
55. In line 969, after "must" add "record with land titles and". **a. Agree.** After "to" add "the Agency and". **b. Agree.**
56. In lines 970-971, strike "and to the Agency, and record with land titles,".
Agree.
57. In line 972, strike both commas.
a. Agree.
b. In line 976, strike “for”.
58. In line 977, strike "state" and add "State". **a. Agree.** Strike "Federal" and add "federal".
b. Agree.
c. In line 978, strike “which” and add “that”.
59. In line 986, strike the second and third "to". **a. Agree (for the third and fourth “to”).**
After "Recorder" add a comma. **b. Agree.**

60. In line 987, strike the first comma.
a. Disagree. After the first “authority” add a comma. This matches the punctuation of the same language in Section 615.304(a).
b. In line 1030, delete “A” and add “Starting two years after the effective date of the ordinance or regulation that establishes a maximum setback zone, a”. Strike “a” and add “the”.
61. In line 1031, after "disposed" add "of".
a. Agree.
b. In lines 1031-32, strike “, commencing two years after the effective date of the ordinance or regulation that establishes the maximum setback zone”.
62. In lines 1067 and 1068, strike "the effective date of this Part" and add "January 10, 1992".
a. Disagree. In line 1067, strike “commencing two years after the effective date of this Part” and add “after January 10, 1994”. In line 1068, strike “within three years after the effective date of this Part” and add “by January 10, 1995”.
b. In line 1074, delete “A” and add “Starting two years after the effective date of the ordinance or regulation that establishes a maximum setback zone, a”. Strike “a” and add “the”.
63. In line 1075, after "disposed" add "of".
a. Agree.
b. In lines 1075-76, strike “, commencing two years after the effective date of the ordinance or regulation that establishes the maximum setback zone”.
64. In lines 1116 and 1117, strike "the effective date of this Part" and add "January 10, 1992".
a. Disagree. In line 1116, strike “commencing two years after the effective date of this Part” and add “after January 10, 1994”. In line 1117, strike “within three years after the effective date of this Part” and add “by January 10, 1995”.
b. In line 1123, delete “A” and add “Starting two years after the effective date of the ordinance or regulation that establishes a maximum setback zone, a”. Strike “a” and add “the”.
65. In line 1124, after "disposed" add "of".
a. Agree.
b. In lines 1124-26, strike “, commencing two years after the effective date of the ordinance or regulation that establishes the maximum setback zone”.
c. In line 1199, strike “(liners, etc.)” and add “(e.g., liners)”.
d. In line 1200, after “structures” add a comma.
66. In line 1214, strike "2-foot thick" and add "2-foot-thick".
Agree.

67. In line 1234, after "erosion" add a comma.
Agree.
68. In line 1270, after "disposed" add "of".
Agree.
69. In line 1304, after "etc" add a period.
 - a. **Disagree. Strike "(liners, etc)" and add "(e.g., liners)".**
 - b. **In line 1349, strike "but not limited to".**
 - c. **In line 1377, strike the comma. Strike "such" and add "the".**
70. In line 1378, after "subsection" add a comma.
 - a. **Agree.**
 - b. **In line 1406, strike "but not limited to".**
 - c. **In line 1511, strike "(i.e., collapse, rupture, etc.)" and add "(e.g., collapse or rupture)".**
 - d. **In line 1575, strike "i.e." and add "e.g.".**
71. In line 1604, after "covered" add a comma.
Agree.
72. In line 1609, after "lands" add a comma.
Agree.

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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

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- 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

86

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- 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 ~~prescribes~~ specifies the requirements and standards for the protection of groundwater

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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 ~~under as 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~~ *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

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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

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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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173.53 or a Class B explosive as defined in 49 CFR 173.88.

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

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

"Regulated recharge area" means *a compact geographic area, as determined by the board pursuant to Section 17.4 of the Act, the geology of which renders a potable resource groundwater particularly susceptible to contamination.* [\[415 ILCS 5/3.390\]](#)~~(Section 3.67 of the Act)~~

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

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

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

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

"Setback zone" means *a geographic area, designated pursuant to this Act, containing a potable water supply well or a potential source or potential route having a continuous boundary, and within which certain prohibitions or regulations are applicable in order to protect groundwaters.* [\[415 ILCS 5/3.450\]](#)~~(Section 3.61 of the Act)~~

"Site" means *any location, place, tract of land, and facilities, including, but not limited to, buildings, and improvements used for purposes subject to regulation or control by this Act or regulations thereunder.* [\[415 ILCS 5/3.460\]](#)~~(Section 3.43 of the Act)~~

"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.* [\[415 ILCS 5/3.465\]](#)~~(Section 3.44 of the Act)~~

"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).~~

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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](tel:(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

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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 ~~under pursuant 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 ~~under pursuant 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 ~~does shall~~ 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 ~~will shall~~ 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 ~~under pursuant to~~ the Act.

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

593

594

595 **SUBPART B: GROUNDWATER MONITORING REQUIREMENTS**

596

597 **Section 615.202 Compliance Period**

598

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

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

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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 ~~underpursuant 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

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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 ~~under~~~~pursuant 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 ~~must~~~~shall~~,
739 within 90 days, make appropriate changes to the program and ~~must~~~~shall~~ notify the
740 Agency of ~~the~~~~such~~ changes when submitting the groundwater monitoring reports
741 under Section 615.208.

742
743 (Source: Amended at 46 Ill. Reg. _____, effective _____)

744
745 **Section 615.206 Contaminants to be Monitored**

- 746
- 747 a) The owner or operator ~~must~~~~shall~~ monitor for all ~~constituents~~~~parameters~~ that meet
748 the following criteria, except as provided in subsections (b) and (c):
- 749
- 750 1) Material containing ~~the constituents are~~~~such parameter is~~ stored, disposed
751 of, or otherwise handled at the site; and
- 752
- 753 2) There is a groundwater standard for ~~the constituents~~~~such parameter~~.
- 754
- 755 b) The owner or operator of a unit subject to Subpart I for the storage and handling
756 of pesticides ~~must~~~~shall~~ monitor for five specific pesticides or five groups of
757 chemically-similar pesticides stored or handled at the unit that are the most likely
758 to enter into the groundwater from the unit and that are the most toxic. The owner
759 or operator ~~must~~~~shall~~ choose the five specific pesticides or five groups based upon
760 the following criteria:
- 761
- 762 1) The volume of material stored or handled at the unit;
- 763
- 764 2) The leachability characteristics of the pesticides stored or handled at the
765 unit;
- 766
- 767 3) The toxicity characteristics of the pesticides stored or handled at the unit;
- 768
- 769 4) The history of spillage of the pesticides stored or handled at the unit; and
- 770
- 771 5) Any groundwater standards for the pesticides stored or handled at the unit.
- 772
- 773 c) The owner or operator of a unit subject to Subpart J for the storage and handling
774 of fertilizers ~~must~~~~shall~~ monitor for pH, specific conductance, total organic carbon,

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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 ~~under~~pursuant 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 ~~under~~pursuant to Sections 615.206 and 615.207 show that a

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- 818 groundwater standard has been exceeded, the owner or operator ~~must~~shall:
- 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 ~~must~~shall 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

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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 ~~thesuch~~ demonstration, the owner or
873 operator ~~mustshall~~:

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 ~~complianceaccordance~~ 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 ~~mustshall~~:

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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- 904
905 d) Take corrective action that maintains compliance with the groundwater standards:
906
907 1) At all compliance points; and
908
909 2) Beyond the unit boundary, where necessary to protect human health and
910 the environment, unless the owner or operator demonstrates to the Agency
911 that, despite the owner's or operator's best efforts, the owner or operator
912 was unable to obtain the necessary permission to undertake such action.
913 The owner or operator is not relieved of responsibility to clean up a
914 release that has migrated beyond the unit boundary where off-site access is
915 denied.
916
917 e) Continue corrective action measures during the compliance period to the extent
918 necessary to ensure that the groundwater standard is not exceeded at the
919 compliance point or points. If the owner or operator is still conducting corrective
920 action at the end of the compliance period, the owner or operator ~~must~~shall
921 continue that corrective action for as long as necessary to achieve compliance
922 with the groundwater standards. The owner or operator may terminate corrective
923 action measures taken beyond the compliance period if the owner or operator can
924 demonstrate, based on data from the groundwater monitoring program under
925 subsection (c), that the groundwater standards have not been exceeded for a
926 period of three consecutive years.
927
928 f) Report in writing to the Agency on the effectiveness of the corrective action
929 program. The owner or operator ~~must~~shall submit these reports semi-annually.
930
931 g) If the owner or operator determines that the corrective action program no longer
932 satisfies the requirements of this Section, the owner or operator ~~must~~shall, within
933 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

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

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

955 **Section 615.303 Certification of Closure**

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

966 **Section 615.304 Survey Plat**

- 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

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

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

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

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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~~No 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 ~~underpursuant 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~~No 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~~No 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
 - 1109 b) Is exempt from this Part ~~under~~pursuant ~~to~~ Section 615.105.

1110
1111 (Source: Amended at 46 Ill. Reg. _____, effective _____)

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.

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

Section 615.443 Required Closure of Units Located Within Maximum Setback Zones

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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

Section 615.444 Groundwater Monitoring

1131
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

Section 615.445 Inspection Requirements

1138
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

- 1143 a) Deterioration, malfunctions or improper operation of overtopping control
1144 systems;
- 1145 b) Sudden drops in the level of the impoundment's contents;
- 1146 c) Severe erosion or other signs of deterioration in dikes or other containment
1147 devices; or
- 1148 d) A leaking dike.
1149

1150
1151
1152
1153 (Source: Amended at 46 Ill. Reg. _____, effective _____)
1154

Section 615.446 Operating Requirements

1155
1156
1157 a) ~~A~~ ~~No~~ person ~~must not~~ ~~shall~~ cause or allow incompatible materials to be placed in
1158 the same surface impoundment unit.

1159
1160 b) A surface impoundment unit must be removed from service in compliance
1161 ~~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 mustshall:

- 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 1×10^{-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 mustshall comply with the requirements of Subpart C and mustshall:

- 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;

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- 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

1301 **Section 615.464 Closure**

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 **Section 615.501 Applicability**

1312
1313 This Subpart applies to existing underground storage tanks that are located wholly or partially
1314 within a setback zone or regulated recharge area and that contain special waste, except that this
1315 Subpart does not apply to any existing underground storage tank that:
1316

- 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 ~~the~~ ~~such a~~ tank is excluded from those
1320 requirements ~~under pursuant to~~ 35 Ill. Adm. Code 731.110(b); or
1321
1322 b) ~~Has~~ ~~Must have~~ interim status or a RCRA permit under 35 Ill. Adm. Code: Subtitle
1323 G; or
1324
1325 c) Is exempt from this Part ~~under pursuant 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 ~~under~~ pursuant 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 ~~must~~ shall 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 ~~must~~ shall:

- 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 ~~must~~ shall 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

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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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The owner or operator ~~must~~shall:

- a) Maintain a written record inventorying all fertilizers stored or handled at the unit.
- b) At least weekly when fertilizers are being stored, inspect storage containers, tanks, vents, valves, and appurtenances for leaks or deterioration caused by corrosion or other factors. If a leak or deterioration is found in any of these devices, the owner or operator ~~must~~shall immediately repair or replace the device. The owner or operator ~~must~~shall maintain a written record of all inspections conducted under this Section and of all maintenance relating to leaks and deterioration of these devices.
- c) Store all containers containing fertilizers (except anhydrous ammonia) within a fertilizer secondary containment structure, if such containers are stored outside of a roofed structure or enclosed warehouse. For the purpose of this subsection, a fertilizer secondary containment structure is a structure that complies with the design standards set forth in 8 Ill. Adm. Code 255.
- d) Maintain all written records required under this Section at the site. The owner or operator ~~must~~shall provide any such record to the Agency upon request.

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

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

Section 615.624 Closure and Post-Closure Care

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

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

SUBPART K: ROAD OIL STORAGE AND HANDLING UNITS

Section 615.702 Required Closure of Units Located Within Minimum Setback Zones

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

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

Section 615.703 Groundwater Monitoring

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

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

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

- a) The owner or operator ~~must~~shall not cause or allow:
 - 1) Materials to be placed in a tank if such materials could cause the tank to rupture, leak, corrode, or otherwise fail.
 - 2) Uncovered tanks to be placed or operated so as to maintain less than 60 centimeters (2 feet) of freeboard unless:
 - 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
 - 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.
 - 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).
 - 4) Incompatible materials to be placed in the same tank.
 - 5) Material to be placed in a tank that previously held an incompatible material unless the incompatible material has been washed from the tank.
 - 6) Ignitable or reactive material to be placed in a tank unless:
 - 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
 - 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.

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- 1549 4) Provide a method for obtaining a sample from each tank.
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- 1551 5) Install, maintain, and operate a material level indicator on each tank.
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- 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.
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1557 f) This Section becomes applicable two years after the date of first applicability.

1558 (Source: Amended at 46 Ill. Reg. _____, effective _____)

1560 SUBPART L: DE-ICING AGENT STORAGE AND HANDLING UNITS

1562 **Section 615.722 Groundwater Monitoring**

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

1564 (Source: Amended at 46 Ill. Reg. _____, effective _____)

1566 **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 1) The base of the facility must be constructed of materials capable of
- 1572 containing de-icing agents (i.e., bituminous or concrete pad).
- 1573
- 1574 2) The roof and walls of the facility must be constructed of materials capable
- 1575 of protecting the storage pile from precipitation and capable of preventing
- 1576 dissolved de-icing agents from entering into the adjacent soil, surface
- 1577 water, or groundwater. The walls of the facility must be constructed of
- 1578 materials compatible with the de-icing agents to be placed in the facility.
- 1579 Run-off from the roof must be diverted away from the loading pad.
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- 1581 3) All areas surrounding the storage pile, including ~~but not limited to~~ the
- 1582 loading pad, must be routinely inspected to determine whether any release
- 1583 of de-icing agents has occurred. Such areas must~~shall~~ be cleaned as
- 1584 necessary. Spilled de-icing agents must be placed back under the
- 1585 protective covering of the indoor storage pile. The storage pile must be
- 1586 reshaped as often as necessary to prevent leaching.
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- 1588 4) The integrity of the facility and loading pad must be maintained.
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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 _____)