

Comparing:
Agency Proposed vs. JCAR r01

~~ILLINOIS REGISTER~~

JCAR350811-2505781r01

~~POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS~~

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

PART 811
STANDARDS FOR NEW SOLID WASTE LANDFILLS

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811.APPENDIX A Financial Assurance Forms

811.ILLUSTRATION A	Trust Agreement
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811.APPENDIX B Section-by-Section correlation between the Standards of the RCRA
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 waste landfill regulations.
811.APPENDIX C List of Leachate Monitoring Parameters

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

SOURCE: Adopted in R88-7 at 14 Ill. Reg. 15861, effective September 18, 1990; amended in R92-19 at 17 Ill. Reg. 12413, effective July 19, 1993; amended in R93-10 at 18 Ill. Reg. 1308, effective January 13, 1994; expedited correction at 18 Ill. Reg. 7504, effective July 19, 1993; amended in R90-26 at 18 Ill. Reg. 12481, effective August 1, 1994; amended in R95-13 at 19 Ill. Reg. 12257, effective August 15, 1995; amended in R96-1 at 20 Ill. Reg. 12000, effective August 15, 1996; amended in R97-20 at 21 Ill. Reg. 15831, effective November 25, 1997; amended in R98-9 at 22 Ill. Reg. 11491, effective June 23, 1998; amended in R99-1 at 23 Ill. Reg. 2794, effective February 17, 1999; amended in R98-29 at 23 Ill. Reg. 6880, effective July 1, 1999; amended in R04-5/R04-15 at 28 Ill. Reg. 9107, effective June 18, 2004; amended in R05-1 at 29 Ill. Reg. 5044, effective March 22, 2005; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 4136, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 1435, effective December 20, 2006; amended in R07-8 at 31 Ill. Reg. 16172, effective November 27, 2007; amended in R10-9 at 35 Ill. Reg. 10842, effective June 22, 2011; amended in R10-09(A) at 35 Ill. Reg. 18882, effective October 24, 2011; amended in ~~R14-1/R14-2/R14-3~~R14-1/R14-2/R14-3 at 38 Ill. Reg. 7259, effective March 13, 2014; amended in R17-14/R17-15/R18-12/R18-31 at 42 Ill. Reg. 21330, effective November 19, 2018; amended in R20-8/R20-16 at 44 Ill. Reg. 15577, effective September 3, 2020; amended in R25-23 at 49 Ill. Reg. _____, effective _____.

Section 811.APPENDIX A Financial Assurance Forms

Section 811.ILLUSTRATION E Irrevocable Standby Letter of Credit

IRREVOCABLE STANDBY LETTER OF CREDIT

Director
Illinois Environmental Protection Agency
C/O Bureau of Land #24
Financial Assurance Program

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[the address of the Illinois ~~EPA's~~EPA's headquarters as designated on the Illinois ~~EPA's~~EPA's website]

Dear Sir or Madam:

We have authority to issue letters of credit. Our letter-of-credit operations are regulated by the Illinois Department of Financial and Professional Regulation or our deposits are insured by the Federal Deposit Insurance Corporation. (Omit language that does not apply.)

We hereby establish our Irrevocable Standby Letter of Credit No. _____ in your favor, at the request and for the account of _____ up to the aggregate amount of _____ U.S. dollars (\$ _____) available upon presentation of:

1. your sight draft, bearing references to this letter of credit No. _____; and
2. your signed statement reading as follows: ~~"I~~"I certify that the amount of the draft is payable under regulations issued under authority of the Environmental Protection Act [415 ILCS 5] and 35 Ill. Adm. Code 811.713(e).~~"~~"

This letter of credit is effective as of _____ [date] and will expire on _____ [date] at least one year later]; but that expiration date will be automatically extended for a period of [at least one year] on _____ [date] and on each successive expiration date, unless, at least 120 days before the current expiration date, we notify both you and _____ [owner's or operator's name] by certified mail that we have decided not to extend this letter of credit beyond the current expiration date. The 120 days will begin on the date ~~this letter of credit beyond the current expiration date. The 120 days will begin on the date when~~ when both the _____ [owner's or operator's name] and the IEPA have received the notice, as evidenced by the return receipts. In the event you are so notified, any unused portion of the credit will be available upon presentation of your ~~and the IEPA have received the notice, as evidenced by the return receipts. In the event you are so notified, any unused portion of the credit will be available upon presentation of your sight~~ sight draft for 120 days after the date of receipt by both you and _____ [owner's or operator's name], as shown on the signed return receipts.

Whenever this letter of credit is drawn on, under and in compliance with the terms of this credit, we will duly honor that draft upon presentation to us, and we will deposit the amount of the draft directly into the State of Illinois Landfill Closure and Post-Closure or Corrective Action Fund in accordance with your instructions.

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We certify that the wording of this letter of credit is identical to the wording specified in 35 Ill. Adm. Code 811.Appendix A, Illustration E as that regulation was constituted on the date shown below.

Signature _____

Typed Name _____

Title _____

Date _____

Name and address of issuing institution _____

[insert "the most recent edition of the Uniform Customs and ~~Practice~~
~~for Documentary Credits, published and copyrighted by the~~
~~International Chamber of Commerce~~ or ~~"the Uniform Commercial~~
~~Code"~~]

This credit is subject to _____
Practice for Documentary Credits, published and copyrighted by the International
Chamber of Commerce" or "the Uniform Commercial Code"] :

(Source: Amended at 49 Ill. Reg. _____, effective _____)

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Section 811. APPENDIX A Financial Assurance Forms

Section 811.ILLUSTRATION I Letter from Chief Financial Officer

LETTER FROM CHIEF FINANCIAL OFFICER

Director
Illinois Environmental Protection Agency
C/O Bureau of Land #24
[the address of the Illinois ~~EPA's~~EPA's headquarters as designated on the Illinois ~~EPA's~~EPA's website]

Dear Sir or Madam:

I am the chief financial officer of _____

This letter is in support of this firm's use of the gross revenue test and financial test to demonstrate financial assurance pursuant to 35 Ill. Adm. Code 811.715.

Owner or Operator:

Name: _____

Address: _____

City: _____

Current cost estimate: \$ _____

Owner or Operator:

Name: _____

Address: _____

City: _____

Current cost estimate: \$ _____

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Please attach a separate page if more space is needed for all facilities.

Attached is an Owner's or Operator's Bond without Surety or an Owner's or Operator's Bond with Parent Surety for the current cost estimate for each site. (Strike inapplicable language.)

Gross Revenue Test

1. Gross revenue of the firm \$ _____
2. Gross revenue from waste disposal operation \$ _____
3. Line 2 divided by line 1 _____

Financial Test Alternative I

1. Sum of current cost estimates (total of all cost estimates shown in paragraphs above) \$ _____
2. Total liabilities (if any portion of the cost estimates is included in total liabilities, you may deduct the amount of that portion from this line and add that amount to lines 3 and 4) \$ _____
3. Tangible net worth \$ _____
4. Net worth \$ _____
5. Current assets \$ _____
6. Current liabilities \$ _____
7. Net working capital (line 5 minus line 6) \$ _____
8. The sum of net income plus depreciation, depletion, and amortization \$ _____
9. Total assets in U.S. (required only if less than 90 percent of firm's assets are located in the U.S.) \$ _____

Yes/No

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10. Is line 3 at least \$10 million? _____
11. Is line 3 at least 6 times line 1? _____
12. Is line 7 at least 6 times line 1? _____
13. Are at least 90 percent of firm's assets located in the U.S.? If not, complete line 14. _____
14. Is line 9 at least 6 times line 1? _____
15. Is line 2 divided by line 4 less than 2.0? _____
16. Is line 8 divided by line 2 greater than 0.1? _____
17. Is line 5 divided by line 6 greater than 1.5? _____

Signature _____

Typed Name _____

Title _____

Date _____

Financial Test Alternative II

1. Sum of current cost estimates (total of all cost estimates shown in paragraphs above) \$ _____
2. Current bond rating of most recent issuance of this firm and name of rating service _____
3. Date of issuance of bond _____
4. Date of maturity of bond _____
5. Tangible net worth (if any portion of the closure and post-closure cost estimates is included in "total liabilities" on your firm's financial statements, you may add the amount of that portion to this line) \$ _____

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6. Total assets in U.S. (required only if less than 90 percent of firm's assets are located in the U.S.) \$ _____
- Yes/No
7. Is line 5 at least \$10 million? _____
8. Is line 5 at least 6 times line 1? _____
9. Are at least 90 percent of firm's assets located in the U.S.? If not complete line 10.

10. Is line 6 at least 6 times line 1? _____

Signature _____

Typed name _____

Title _____

Date _____

(Source: Amended at 49 Ill. Reg. _____, effective
_____) _____)

Summary report: Litera Compare for Word 11.8.0.56 Document comparison done on 4/23/2025 10:25:12 AM	
Style name: Default Style	
Intelligent Table Comparison: Active	
Original filename: 35-811RG-P Agency.docx	
Modified filename: 35-811RG-P r01 (49-17).docx	
Changes:	
<u>Add</u>	17
Delete	18
Move From	0
<u>Move To</u>	0
<u>Table Insert</u>	5
Table Delete	1
<u>Table moves to</u>	0
Table moves from	0
Embedded Graphics (Visio, ChemDraw, Images etc.)	0
Embedded Excel	0
Format changes	0
Total Changes:	41