

# First Notice

JCAR350811-2505781r01

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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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].

SOURCE: Adopted in R88-7 at 14 Ill. Reg. 15861, effective September 18, 1990; amended in R92-19 at 17 Ill. Reg. 12413, effective July 19, 1993; amended in R93-10 at 18 Ill. Reg. 1308, effective January 13, 1994; expedited correction at 18 Ill. Reg. 7504, effective July 19, 1993; amended in R90-26 at 18 Ill. Reg. 12481, effective August 1, 1994; amended in R95-13 at 19 Ill. Reg. 12257, effective August 15, 1995; amended in R96-1 at 20 Ill. Reg. 12000, effective August 15, 1996; amended in R97-20 at 21 Ill. Reg. 15831, effective November 25, 1997; amended in R98-9 at 22 Ill. Reg. 11491, effective June 23, 1998; amended in R99-1 at 23 Ill. Reg. 2794, effective February 17, 1999; amended in R98-29 at 23 Ill. Reg. 6880, effective July 1, 1999; amended in R04-5/R04-15 at 28 Ill. Reg. 9107, effective June 18, 2004; amended in R05-1 at 29 Ill. Reg. 5044, effective March 22, 2005; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 4136, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 1435, effective December 20, 2006; amended in R07-8 at 31 Ill. Reg. 16172, effective November 27, 2007; amended in R10-9 at 35 Ill. Reg. 10842, effective June 22, 2011; amended in R10-09(A) at 35 Ill. Reg. 18882, effective October 24, 2011; amended in R14-1/R14-2/R14-3 at 38 Ill. Reg. 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  
[\[the address of the Illinois EPA's headquarters as designated on the Illinois EPA's website\]](#)  
~~1021 North Grand Avenue East~~  
~~Post Office Box 19276~~  
~~Springfield, Illinois 62794-9276~~

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 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)."

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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 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 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.

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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.

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 \_\_\_\_\_

This credit is subject to \_\_\_\_\_ [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"] \_\_\_\_\_.

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

**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  
[\[the address of the Illinois EPA's headquarters as designated on the Illinois EPA's website\]](#)  
~~1021 North Grand Avenue East~~  
~~Post Office Box 19276~~  
~~Springfield, Illinois 62794-9276~~

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: \$ \_\_\_\_\_

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 3 \_\_\_\_\_

### 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
10. Is line 3 at least \$10 million? \_\_\_\_\_



- 274 11. Is line 3 at least 6 times line 1? \_\_\_\_\_  
 275  
 276 12. Is line 7 at least 6 times line 1? \_\_\_\_\_  
 277  
 278 13. Are at least 90 percent of firm's assets located in the U.S.? If not, complete line  
 279 14. \_\_\_\_\_  
 280  
 281 14. Is line 9 at least 6 times line 1? \_\_\_\_\_  
 282  
 283 15. Is line 2 divided by line 4 less than 2.0? \_\_\_\_\_  
 284  
 285 16. Is line 8 divided by line 2 greater than 0.1? \_\_\_\_\_  
 286  
 287 17. Is line 5 divided by line 6 greater than 1.5? \_\_\_\_\_  
 288  
 289 Signature \_\_\_\_\_  
 290  
 291 Typed Name \_\_\_\_\_  
 292  
 293 Title \_\_\_\_\_  
 294  
 295 Date \_\_\_\_\_  
 296

297 **Financial Test Alternative II**  
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- 299 1. Sum of current cost estimates (total of all cost estimates shown in paragraphs  
 300 above) \$ \_\_\_\_\_  
 301  
 302 2. Current bond rating of most recent issuance of this firm and name of rating  
 303 service \_\_\_\_\_  
 304  
 305 3. Date of issuance of bond \_\_\_\_\_  
 306  
 307 4. Date of maturity of bond \_\_\_\_\_  
 308  
 309 5. Tangible net worth (if any portion of the closure and post-closure cost estimates is  
 310 included in "total liabilities" on your firm's financial statements, you may add the  
 311 amount of that portion to this line) \$ \_\_\_\_\_  
 312  
 313 6. Total assets in U.S. (required only if less than 90 percent of firm's assets are  
 314 located in the U.S.) \$ \_\_\_\_\_  
 315  
 316 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 \_\_\_\_\_)