

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

PART 813
PROCEDURAL REQUIREMENTS FOR PERMITTED LANDFILLS

SUBPART A: GENERAL PROCEDURES

Section	
813.101	Scope and Applicability
813.102	Delivery of Permit Application
813.103	Agency Decision Deadlines
813.104	Standards for Issuance of a Permit
813.105	Standards for Denial of a Permit
813.106	Permit Appeals
813.107	Permit No Defense
813.108	Term of Permit
813.109	Transfer of Permits
813.110	Adjusted Standards to Engage in Experimental Practices
813.111	Agency Review of Contaminant Transport Models
813.112	Research, Development, and Demonstration Permits for MSWLFs
813.113	Electronic Reporting

SUBPART B: ADDITIONAL PROCEDURES FOR MODIFICATION AND
SIGNIFICANT MODIFICATION OF PERMITS

Section	
813.201	Initiation of a Modification or Significant Modification
813.202	Information Required for a Significant Modification of an Approved Permit
813.203	Specific Information Required for a Significant Modification to Obtain Operating Authorization
813.204	Procedures for a Significant Modification of an Approved Permit

SUBPART C: ADDITIONAL PROCEDURES FOR THE RENEWAL OF
PERMITS

Section	
813.301	Time of Filing
813.302	Effect of Timely Filing
813.303	Information Required for a Permit Renewal
813.304	Updated Groundwater Impact Assessment
813.305	Procedures for Permit Renewal

**SUBPART D: ADDITIONAL PROCEDURES FOR INITIATION AND
TERMINATION OF TEMPORARY AND PERMANENT CLOSURE AND
POSTCLOSURE CARE**

Section	
813.401	Agency Notification Requirements
813.402	Certification of Closure
813.403	Termination of the Permit

SUBPART E: CERTIFICATION AND REPORTS

Section	
813.501	Annual Certification
813.502	Groundwater Reports and Graphical Results of Monitoring Efforts
813.503	Information to be Retained at or near the Waste Disposal Facility
813.504	Annual Report

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. 15814, effective September 18, 1990; amended in R92-19 at 17 Ill. Reg. 12409, effective July 19, 1993; expedited correction at 18 Ill. Reg. 7501, effective July 19, 1993; amended in R90-26 at 18 Ill. Reg. 12388, effective August 1, 1994; amended in R98-9 at 22 Ill. Reg. 11483, effective June 23, 1998; amended in R05-1 at 29 Ill. Reg. 5066, effective March 22, 2005; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 1466, effective December 20, 2006 ; amended in R17-5 at 41 Ill. Reg. 1201, effective January 23, 2017.

NOTE: Capitalization indicates statutory language.

SUBPART A: GENERAL PROCEDURES

Section 813.101 Scope and Applicability

- a) This Subpart A contains the procedures to be followed by all applicants and the Agency for applications for permits required pursuant to Section 21(d) of the Environmental Protection Act (Act) [415 ILCS 5/21(d)] and 35 Ill. Adm. Code 811, 812, 814, and 817. The procedures in this Part apply to applications to issue a permit to develop and operate a landfill, to modify a permit, to renew an expired permit, to conduct an experimental practice, and to issue an RD&D permit.

- b) All general provisions of 35 Ill. Adm. Code 810 apply to this Part.

(Source: Amended at 29 Ill. Reg. 5066, effective March 22, 2005)

Section 813.102 Delivery of Permit Application

All permit applications shall be made on such forms as are prescribed by the Agency, and shall be mailed or delivered to the address designated by the Agency on the forms. The Agency shall provide a dated, signed receipt upon request. The Agency's record of the date of filing shall be deemed conclusive unless a contrary date is proved by a dated, signed receipt.

Section 813.103 Agency Decision Deadlines

- a) IF THERE IS NO FINAL ACTION BY THE AGENCY WITHIN 90 DAYS AFTER THE FILING OF THE APPLICATION FOR PERMIT, THE APPLICANT MAY DEEM THE PERMIT ISSUED; EXCEPT THAT THIS TIME PERIOD SHALL BE EXTENDED TO 180 DAYS WHEN:
 - 1) NOTICE AND OPPORTUNITY FOR PUBLIC HEARING ARE REQUIRED BY STATE OR FEDERAL LAW OR REGULATION, OR
 - 2) THE APPLICATION WHICH WAS FILED IS FOR ANY PERMIT TO DEVELOP A LANDFILL. (Section 39 of the Act)
- b) An application for permit pursuant to this Subpart shall not be deemed to be filed until the Agency has received all information and documentation in the form and with the content required by this Part and 35 Ill. Adm. Code 811, 812, and 814. However, if, pursuant to the standards of Section 813.105, the Agency fails to notify the applicant within 30 days after the filing of a purported application that the application is incomplete and the reason the Agency deems it incomplete, the application shall be deemed to have been filed as of the date of such purported filing as calculated pursuant to Section 813.102. The applicant may treat the Agency's notification that an application is incomplete as a denial of the application for the purposes of review pursuant to Section 813.106.
- c) The applicant may waive the right to a final decision in writing prior to the applicable deadline in subsection (a).
- d) The applicant may modify a permit application at any time prior to the Agency decision deadline date, provided that, for any permit application modification received by the Agency within 30 days before the Agency decision deadline, the applicant waives the Agency decision deadline for 30 days from the date of receipt of the modification, to allow the Agency time to determine whether the modification meets the definition of significant modification and, for permit applications modifications not meeting the definition of significant modification, to take final action. Any modification of a permit application that would otherwise be considered a significant modification of an approved permit shall constitute a new application for the purposes of calculating the Agency decision deadline date. The Agency shall notify the applicant in writing within 30 days after the filing of a proposed permit modification if it deems the modification to be a significant modification. A determination by the Agency as to whether a

modification is a significant modification is a final determination, appealable in the manner provided for the review of permit decisions under Section 40 of the Act. The Agency's decision deadline date shall be stayed as of the date of such written notice of the Agency's determination during the pendency of any timely-filed appeal challenging such an Agency determination.

- e) The Agency shall mail all notices of final action by registered or certified mail, post marked with a date stamp and with return receipt requested. Final action shall be deemed to have taken place on the post marked date that such notice is mailed.

(Source: Amended at 22 Ill. Reg. 11483, effective June 23, 1998.)

Section 813.104 Standards for Issuance of a Permit

- a) THE AGENCY SHALL ISSUE A PERMIT UPON PROOF THAT THE FACILITY, UNIT, OR EQUIPMENT WILL NOT CAUSE A VIOLATION OF THIS ACT OR OF BOARD REGULATIONS SET FORTH IN 35 ILL. ADM. CODE: CHAPTER I.
- b) IN GRANTING PERMITS, THE AGENCY SHALL IMPOSE SUCH CONDITIONS AS MAY BE NECESSARY TO ACCOMPLISH THE PURPOSES OF THIS ACT, AND AS ARE NOT INCONSISTENT WITH BOARD REGULATIONS SET FORTH IN 35 ILL. ADM. CODE: CHAPTER I.
- c) EXCEPT FOR THOSE FACILITIES OWNED OR OPERATED BY SANITARY DISTRICTS ORGANIZED UNDER "AN ACT TO CREATE SANITARY DISTRICTS AND TO REMOVE OBSTRUCTIONS IN THE DES PLAINES AND ILLINOIS RIVERS", APPROVED MAY 29, 1889, AS NOW OR HEREAFTER AMENDED (ILL. REV. STAT. 1989, CH. 42, PAR. 320 ET SEQ.), NO PERMIT FOR THE DEVELOPMENT OR CONSTRUCTION OF A NEW REGIONAL POLLUTION CONTROL FACILITY MAY BE GRANTED BY THE AGENCY UNLESS THE APPLICANT SUBMITS PROOF TO THE AGENCY THAT THE LOCATION OF SAID FACILITY HAS BEEN APPROVED BY THE COUNTY BOARD OF THE COUNTY IF IN AN UNINCORPORATED AREA, OR THE GOVERNING BODY OF THE MUNICIPALITY WHEN IN AN INCORPORATED AREA IN WHICH THE FACILITY IS TO BE LOCATED IN ACCORDANCE WITH SECTION 39.2 OF THE ACT.
- d) NO PERMIT SHALL BE ISSUED BY THE AGENCY FOR DEVELOPMENT OR OPERATION OF ANY FACILITY OR SITE LOCATED WITHIN THE BOUNDARIES OF ANY SETBACK ZONE ESTABLISHED PURSUANT TO THE ACT IN WHICH SUCH DEVELOPMENT OR OPERATION IS PROHIBITED. (Section 39 of the Act)

Section 813.105 Standards for Denial of a Permit

IF THE AGENCY DENIES ANY PERMIT UNDER THIS SECTION, THE AGENCY SHALL TRANSMIT TO THE APPLICANT WITHIN THE TIME LIMITATIONS OF SECTION 813.103 SPECIFIC, DETAILED STATEMENTS AS TO THE REASONS THE PERMIT APPLICATION WAS DENIED. SUCH A STATEMENT SHALL INCLUDE, BUT NOT BE LIMITED TO, THE FOLLOWING:

- a) THE SECTIONS OF THE ACT WHICH MAY BE VIOLATED IF THE PERMIT WERE GRANTED;
- b) THE PROVISION OF THE REGULATIONS SET FORTH IN 35 ILL. ADM. CODE: CHAPTER I PROMULGATED UNDER THE ACT, WHICH MAY BE VIOLATED IF THE PERMIT WERE GRANTED;
- c) THE SPECIFIC TYPE OF INFORMATION, IF ANY, WHICH THE AGENCY DEEMS THE APPLICANT DID NOT PROVIDE THE AGENCY; AND
- d) A STATEMENT OF SPECIFIC REASONS WHY THE ACT AND BOARD REGULATIONS SET FORTH IN 35 ILL. ADM. CODE: CHAPTER I MIGHT NOT BE MET IF THE PERMIT WERE GRANTED. (Section 39 of the Act)

Section 813.106 Permit Appeals

IF THE AGENCY REFUSES TO GRANT OR GRANTS WITH CONDITIONS A PERMIT THE APPLICANT MAY, WITHIN 35 DAYS, PETITION FOR A HEARING BEFORE THE BOARD TO CONTEST THE DECISION OF THE AGENCY. (Section 40(a)(1) of the Act) The petition shall be filed, and the proceeding conducted, pursuant to the procedures of Section 40 of the Act and 35 Ill. Adm. Code 105.

(Source: Amended at 18 Ill. Reg. 7501, effective July 19, 1993)

Section 813.107 Permit No Defense

The issuance and possession of a permit shall not constitute a defense to a violation of the Act or any Board regulations set forth in 35 Ill. Adm. Code: Chapter I except for the development and operation of a landfill without a permit.

Section 813.108 Term of Permit

- a) No permit issued pursuant to this Part shall have a term of more than five years.
- b) A DEVELOPMENT PERMIT ISSUED UNDER SUBSECTION (A) OF SECTION 39 FOR ANY FACILITY OR SITE WHICH IS REQUIRED TO

HAVE A PERMIT UNDER SUBSECTION (D) OF SECTION 21 SHALL EXPIRE AT THE END OF TWO CALENDAR YEARS FROM THE DATE UPON WHICH IT WAS ISSUED, UNLESS WITHIN THAT PERIOD THE APPLICANT HAS TAKEN ACTION TO DEVELOP THE FACILITY OR THE SITE. IN THE EVENT THAT REVIEW OF THE CONDITIONS OF THE DEVELOPMENT PERMIT IS SOUGHT PURSUANT TO SECTIONS 40 OR 41, OR THE PERMITTEE IS PREVENTED FROM COMMENCING DEVELOPMENT OF THE FACILITY OR SITE BY ANY OTHER LITIGATION BEYOND THE PERMITTEE'S CONTROL, SUCH TWO-YEAR PERIOD SHALL BE DEEMED TO BEGIN ON THE DATE UPON WHICH SUCH REVIEW PROCESS OR LITIGATION IS CONCLUDED. (Section 39(c) of the Act)

Section 813.109 Transfer of Permits

No permit is transferable from one person to another except as approved by the Agency. Approval shall be granted only if a new operator seeking transfer of a permit can demonstrate the ability to comply with all applicable financial requirements of Section 21.1 of the Act and 35 Ill. Adm. Code Part 811.Subpart G.

Section 813.110 Adjusted Standards to Engage in Experimental Practices

- a) Experimental practices are design, construction, and operation methods and techniques that are not expressly authorized by, and whose employment cannot be demonstrated by the applicant to be in compliance with, Section 813.112 or 35 Ill. Adm. Code 811, 812, and 814. Experimental practices may be implemented only at permitted landfills.
- b) Pursuant to Section 28.1 of the Act [415 ILCS 5/28.1] and Subpart D of 35 Ill. Adm. Code 104, any person may, at any time, petition the Board for an adjusted standard to any standard in 35 Ill. Adm. Code 811, 812, or 814 in order to engage in an experimental practice at a permitted landfill in accordance with the requirements of this Section.
- c) The petition for adjusted standard must contain the following information in addition to that required by Subpart D of 35 Ill. Adm. Code 104. However, if the applicant believes that any of the information required by this Section is inapplicable, the applicant may so state provided that the petition contains an explanation of the inapplicability.
 - 1) A narrative description of the experiment, describing the necessity of this experiment and an assessment of the expected outcome of this experiment;

- 2) A list of all standards in 35 Ill. Adm. Code 811 that must be adjusted in order to conduct the experiment and a reason why each standard must be adjusted;
 - 3) A description of the monitoring program (see 35 Ill. Adm. Code 811) to be implemented during the experiment;
 - 4) Criteria for evaluating the experimental practice. The criteria must be specific enough to allow the Agency to evaluate the performance of the experimental practice from the monitoring results pursuant to subsection (f)(1) of this Section;
 - 5) A description of the methods to be implemented and the total costs to restore the facility to compliance with all standards in 35 Ill. Adm. Code 811, 812, or 814 if the experiment is determined to be a failure. The methods must be feasible with existing methods in use; and
 - 6) The time period requested in which to conduct the experiment and documentation to show that this is the shortest practical time period in which success or failure can be determined.
- d) The Board will review all petitions to conduct experimental practices submitted in accordance with subsection (b) of this Section, Section 28.1 of the Act [415 ILCS 5/28.1], or Subpart D of 35 Ill. Adm. Code 104 and an Agency recommendation regarding the experimental practice under the following assumptions:
- 1) There is no way in which to conduct the experiment in compliance with all requirements of 35 Ill. Adm. Code 811, 812 or 814;
 - 2) The experiment will be conducted in as short a time as possible if the information submitted in the petition and the Agency recommendation are not in conflict;
 - 3) A monitoring plan to evaluate the experiment will be implemented; and
 - 4) The site of the experiment will be restored to meet all requirements of 35 Ill. Adm. Code 811, 812, or 814, should the experiment fail.
- e) Implementation of the Experimental Practice.

Upon approval of the experimental practice pursuant to subsection (d) of this Section by the Board, the operator must file an application for significant modification of the permit with the Agency pursuant to Subpart B of Section 813. The application must contain the following information:

- 1) Detailed designs of all items to be constructed for use during the experiment;
 - 2) The monitoring plan to be implemented during the experiment;
 - 3) A plan for decommissioning and closing the experiment;
 - 4) A time schedule for constructing the necessary items and closing, removing, and stabilizing the area upon completion of the experiment;
 - 5) An emergency cleanup plan describing the methods to be used to restore the facility to compliance with all standards in 35 Ill. Adm. Code 811 if the experiment is unsuccessful;
 - 6) Cost estimates and financial assurance (see Subpart G of 35 Ill. Adm. Code 811) in an amount equal to the costs necessary to restore the facility to compliance with Chapter I of 35 Ill. Adm. Code.
- f) Evaluation of Experimental Practice.
- 1) After completion of the experiment, all monitoring data must be submitted to the Agency for evaluation of the experimental practice in accordance with the evaluation criteria included in the adjusted standard petition in accordance with subsection (c)(4) of this Section. The Agency must determine if the experimental practice is acceptable for implementation pursuant to Section 39 of the Act [415 ILCS 5/39], and the following additional criteria:
 - A) An experimental practice must be considered acceptable for implementation if the monitoring results meet or exceed the evaluation criteria included in the adjusted standard petition in accordance with subsection (c)(4) of this Section; and
 - B) If the experiment does not cause or contribute to a violation of the Act [415 ILCS 5] or Chapter I of 35 Ill. Adm. Code.
 - 2) Upon completion of the experiment and an Agency determination that the experimental practice is acceptable for implementation, the Agency must return the financial assurance instrument to the operator and, must approve permit modifications allowing the operation of the experimental practice. If the experimental practice is determined to be unacceptable for implementation, then the Agency must return the financial assurance instrument when the facility has been restored to comply with Chapter I of 35 Ill. Adm. Code.

(Source: Amended at 29 Ill. Reg. 5066, effective March 22, 2005)

Section 813.111 Agency Review of Contaminant Transport Models

- a) At the request of any person, consistent with any resource limitations, the Agency may review a groundwater contaminant transport (GCT) model for acceptance. The person shall demonstrate that the model meets the minimum requirements of 35 Ill. Adm. Code 811.317(c)(1), (c)(2) and (c)(3).
- b) The Agency may designate GCT models as acceptable for use by the applicant for a groundwater impact assessment. Such Agency designations shall be accompanied by limitations or conditions under which the model can or cannot be used. The applicant shall be relieved from demonstrating compliance with 35 Ill. Adm. Code 811.317(c)(1), (c)(2) and (c)(3) in a permit application if a model accepted by the Agency has been used.
- c) An applicant using a model accepted by the Agency shall submit documentation in a permit application showing that the model used in the groundwater impact assessment was the same model previously reviewed and accepted by the Agency and shall demonstrate that the model is acceptable for use in the site specific hydrogeology of the proposed facility.
- d) The requirements of this Section shall in no way require an applicant to utilize a model accepted by the Agency. If a model is utilized that has not been reviewed and accepted by the Agency then the applicant shall include in the permit application all of the documentation necessary to demonstrate compliance with 35 Ill. Adm. Code 811.317(c)(1), (c)(2), and (c)(3).

Section 813.112 Research, Development, and Demonstration Permits for MSWLFs

- a) Except as provided in subsection (f), and subject to the limitations of subsections (c) through (e), the Agency must issue a research, development, and demonstration (RD&D) permit for a new MSWLF unit, existing MSWLF unit, or lateral expansion, for which the owner or operator proposes to utilize innovative and new methods that deviate from either or both of the following standards, provided the Agency has determined that the MSWLF unit has a leachate collection system that is designed and constructed to maintain less than a 30-cm depth of leachate on the liner and that the innovative and new methods will not cause contamination of groundwater or surface water:
 - 1) The run-on control systems in 35 Ill. Adm. Code 811.103(b)(1) and (b)(2); and

- 2) The liquids restrictions in 35 Ill. Adm. Code 811.107(m)(1).
-
- b) The Agency must issue a research, development, and demonstration permit for a new MSWLF unit, existing MSWLF unit, or lateral expansion for which the owner or operator proposes to utilize innovative and new methods that deviate from the final cover standards of 35 Ill. Adm. Code 811.314(b) and (c) provided the Agency has determined that the MSWLF unit owner or operator has demonstrated that the infiltration of liquid through the alternative cover system will not cause contamination of groundwater or surface water or cause leachate depth on the liner to exceed 30-cm.
 - c) Any RD&D permit issued under this Section must include such terms and conditions as are at least as protective as the MSWLF standards of 35 Ill. Adm. Code 811.103(b)(1) and (b)(2), 811.107(m)(1), and 811.314(b) and (c) from which the deviation is granted to assure protection of human health and the environment. Such a permit must include the following conditions:
 - 1) It must provide for the construction and operation of such facilities as are necessary, for not longer than three years, unless the permit is renewed as provided in subsection (e);
 - 2) It must provide that the MSWLF unit must receive only those types and quantities of municipal solid waste and non-hazardous wastes that the Agency has deemed appropriate for the purposes of determining the efficacy and performance capabilities of the technology or process;
 - 3) It must include such requirements as are necessary to protect human health and the environment, including such requirements as are necessary for testing and providing information to the Agency with respect to the operation of the facility;
 - 4) It must require the owner or operator of a MSWLF unit permitted under this Section to submit an annual report to the Agency showing whether and to what extent the site is progressing in attaining project goals. The report will also include a summary of all monitoring and testing results, as well as any other operating information specified by the Agency in the permit; and
 - 5) It must require compliance with all standards in 35 Ill. Adm. Code 811, except as permitted under this Section.

- d) The Agency may request in writing that the owner or operator immediately terminate all operations at the facility permitted under this Section or request that the owner or operator undertake other corrective measures at any time the Agency has reason to believe that the overall goals of the project are not being attained, including protection of human health or the environment. The Agency or any person may file an enforcement action pursuant to Section 41 of the Act [415 ILCS 5/41] for any violations of the Act [415 ILCS 5].

- e) No permit issued under this Section may exceed three years in duration, and no single renewal of a permit under this Section may exceed three years in duration.
 - 1) The total term for a permit for a project including renewals may not exceed 21 years; and

 - 2) During permit renewal, the applicant must provide a detailed assessment of the project showing the status with respect to achieving project goals, a list of problems and status with respect to problem resolutions, and any other requirements that the Agency determines are necessary for permit renewal.

- f) Small MSWLF units. An owner or operator of a MSWLF unit that disposes of 20 tons of municipal solid waste per day or less, based on an annual average, is not eligible for an RD&D permit under this Section with regard to the standards of 35 Ill. Adm. Code 811.314(b) and (c), except in accordance with 35 Ill. Adm. Code 811.314(d).

BOARD NOTE: This Section is derived from 40 CFR 258.4 (2016).

(Source: Amended at 41 Ill. Reg. 1201, effective January 23, 2017)

Section 813.113 Electronic Reporting

The filing of any document pursuant to any provision of this Part as an electronic document is subject to 35 Ill. Adm. Code 810.105.

BOARD NOTE: Derived from 40 CFR 3, as added, and 40 CFR 258.29(d) (2005), as amended at 70 Fed. Reg. 59848 (Oct. 13, 2005).

(Source: Added at 31 Ill. Reg. 1466, effective December 20, 2006)

SUBPART B: ADDITIONAL PROCEDURES FOR MODIFICATION AND SIGNIFICANT MODIFICATION OF PERMITS

Section 813.201 Initiation of a Modification or Significant Modification

a) Operator Initiated Modification

A modification or significant modification to an approved permit shall be initiated at the request of an operator at any time after the permit is approved. The operator initiates a modification or significant modification by application to the Agency.

b) Agency Initiated Modification

1) The Agency may modify a permit under the following conditions:

- A) Discovery of a typographical or calculation error;
- B) Discovery that a determination or condition was based upon false or misleading information;
- C) An order of the Board issued in an action brought pursuant to Title VIII, IX or X of the Act; or
- D) Promulgation of new statutes or regulations affecting the permit.

2) Modifications initiated by the Agency shall not become effective until after 45 days of receipt by the operator, unless stayed during the pendency of an appeal to the Board. All other time periods and procedures in 813.203 shall apply. The operator may request the Agency to reconsider the modification, or may file a petition with the Board pursuant to Section 813.106. All other time periods and procedures in 813.203 shall apply.

Section 813.202 Information Required for a Significant Modification of an Approved Permit

The applicant shall submit all information required by 35 Ill. Adm. Code 812 that will be changed from that in the original or most recent approved permit.

Section 813.203 Specific Information Required for a Significant Modification To Obtain Operating Authorization

Prior to placing into service any structure constructed at a landfill, pursuant to a construction quality assurance program in accordance with 35 Ill. Adm. Code 811.Subpart E., the applicant shall submit an acceptance report prepared in accordance with the requirements of 35 Ill. Adm. Code 811.505(d) in order to obtain an operating authorization issued by the Agency. The

Agency shall issue operating authorizations as a permit condition pursuant to Section 39 of the Act and this Part.

Section 813.204 Procedures for a Significant Modification of an Approved Permit

Application for significant modifications shall be subject to all requirements and time schedules in Subpart A.

SUBPART C: ADDITIONAL PROCEDURES FOR THE RENEWAL OF PERMITS

Section 813.301 Time of Filing

An application for renewal of a permit shall be filed with the Agency at least 90 or 180 days, depending upon which Agency final action deadline applies pursuant to Section 39(a) of the Act, prior to the expiration date of the existing permit.

Section 813.302 Effect of Timely Filing

WHEN A PERMITTEE HAS MADE TIMELY AND SUFFICIENT APPLICATION FOR THE RENEWAL OF A PERMIT, THE EXISTING PERMIT SHALL CONTINUE IN FULL FORCE AND EFFECT UNTIL THE FINAL AGENCY DECISION ON THE APPLICATION HAS BEEN MADE AND ANY FINAL BOARD DECISION ON ANY APPEAL PURSUANT TO SECTION 40 HAS BEEN MADE UNLESS A LATER DATE IS FIXED BY ORDER OF A REVIEWING COURT. (Section 16(b) of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1989, ch. 127, par. 1016(b))

Section 813.303 Information Required for a Permit Renewal

- a) The operator shall submit only that information required by 35 Ill. Adm. Code 812 that has changed since the last permit review by the Agency;
- b) The operator shall update the groundwater impact assessment in accordance with Section 813.304; and
- c) The operator shall provide a new cost estimate for closure and postclosure care pursuant to 35 Ill. Adm. Code 811.Subpart F based upon the operations expected to occur in the next permit term.

Section 813.304 Updated Groundwater Impact Assessment

- a) The applicant shall conduct a new groundwater impact assessment in accordance with 35 Ill. Adm. Code 811.317 if any of the following changes in the facility or its operation will result in an increase in the probability of exceeding a groundwater standard beyond the zone of attenuation:

- 1) New or changed operating conditions;
 - 2) Changes in the design and operation of the liner and leachate collection system;
 - 3) Changes due to more accurate geological data;
 - 4) Changes due to modified groundwater conditions due to offsite activity;
 - 5) Changes due to leachate characteristics.
- b) If the operator certifies that the conditions applicable to the original assessment have not changed in such a way as to result in violation of groundwater standards pursuant to 35 Ill. Adm. Code 811.320, outside the zone of attenuation and no monitoring well shows concentrations of constituents in groundwater greater than such groundwater standards, then a new groundwater impact assessment need not be performed.

Section 813.305 Procedures for Permit Renewal

Applications for permit renewal shall be subject to all requirements and time schedules in Subpart A.

SUBPART D: ADDITIONAL PROCEDURES FOR INITIATION AND TERMINATION OF TEMPORARY AND PERMANENT CLOSURE AND POSTCLOSURE CARE

Section 813.401 Agency Notification Requirements

- a) The operator shall send to the Agency a notice of closure within 30 days after the date the final volume of waste is received.
- b) The operator shall notify the Agency within 30 days after any temporary suspension of waste acceptance. The operator must comply with the requirements included in a permitted closure plan in accordance with 35 Ill. Adm. Code 812.114(d) that are applicable during any such period.
- c) Until closure has been completed, the operator shall maintain a copy of the closure plan at the site or at a definite location, specified in the permit, so as to be available during inspection of the site.

BOARD NOTE: 35 Ill. Adm. Code 807.Subpart E includes requirements for closure and temporary suspension and for closure and temporary suspension plans.

Section 813.402 Certification of Closure

- a) When closure of a unit is completed, the operator shall submit to the Agency:
 - 1) Documentation concerning closure of the closed unit including plans or diagrams of the unit as closed and date closure was completed.
 - 2) An affidavit by the operator and the seal of a professional engineer that the unit has been closed in accordance with the closure plan and all requirements of 35 Ill. Adm. Code 811.

- b) When the Agency determines, pursuant to the information received pursuant to subsection (a) and any Agency site inspection, that the unit has been closed in accordance with the specifications of the closure plan, and the closure requirements of this Part, the Agency shall:
 - 1) Issue a certificate of closure; and
 - 2) Specify the date the postclosure care period begins, based on the date that closure was completed.

Section 813.403 Termination of the Permit

- a) At the end of the postclosure care period the operator and a professional engineer shall certify that postclosure care is no longer necessary. The certification shall include the affidavit of the operator, the seal of a professional engineer and documentation demonstrating that, due to compliance with the requirements of 35 Ill. Adm. Code 811, 812 and 814:
 - 1) Leachate removal is no longer necessary;
 - 2) Landfill gas collection is no longer necessary;
 - 3) Gas monitoring is no longer necessary;
 - 4) Groundwater monitoring is no longer necessary;
 - 5) The surface has stabilized sufficiently with respect to settling and erosion so that further stabilization measures, pursuant to the postclosure care plan, are no longer necessary;
 - 6) The facility does not constitute a threat of pollution to surface water; and
 - 7) The operator has completed all requirements of the postclosure plan.

- b) Within 90 days after receiving the certification required by subsection (a), the Agency shall notify the operator in writing that it is no longer required to maintain financial assurance for postclosure care of the site, unless the Agency determines, pursuant to the information received pursuant to subsection (a) and any Agency site inspection, that continued postclosure care is required pursuant to the postclosure care plan and this Part.
- c) If the operator is not required to give financial assurance, then within 90 days after receiving the certification required by subsection (a), the Agency shall notify the operator in writing that the permit is terminated, unless the Agency determines, pursuant to the information received pursuant to subsection (a) and any Agency site inspection, that continued postclosure care is required pursuant to the postclosure care plan and this Part.
- d) The operator may deem the Agency action pursuant to this Section as a denial or grant of permit with conditions for purposes of appeal pursuant to Section 40(d) of the Act and Subpart A.

SUBPART E: CERTIFICATION AND REPORTS

Section 813.501 Annual Certification

All permitted landfills shall submit an annual certification to the Agency during operation and for the entire postclosure monitoring period. Such certification shall be signed by the operator or duly authorized agent as specified in 35 Ill. Adm. Code 815.102, shall be filed each year by the first day of the month chosen and specified by the Agency in the facility permit, and shall state as follows:

- a) All records required to be submitted to the Agency pursuant to 35 Ill. Adm. Code 858.207 and 858.308 have been timely and accurately submitted; and
- b) All applicable fees required by the Act have been paid in full.

(Source: Amended at 22 Ill. Reg. 11483, effective June 23, 1998)

Section 813.502 Groundwater Reports and Graphical Results of Monitoring Efforts

- a) All groundwater monitoring data shall be submitted to the Agency at the same frequency as established for groundwater detection monitoring pursuant to Section 811.319(a), in a form prescribed by the Agency, and in accordance with a schedule approved in the permit.
- b) Upon written Agency request, monitoring data depicted in a graphical form prescribed by the Agency shall be submitted to the Agency. Such data shall be submitted within 45 days after the date of the Agency's written request.

(Source: Amended at 22 Ill. Reg. 11483, effective June 23, 1998)

Section 813.503 Information to be Retained at or near the Waste Disposal Facility

Information developed by the operator, including annual reports, shall be kept at or near the facility for inspection by the Agency upon request during normal working hours. If there is no active office for maintenance of records at the facility during the postclosure care period, then an alternate active operation site in the state, owned or operated by the same facility operator, may be specified. The Agency must be notified of the address and telephone number of the operator at the alternative facility where the information will be retained. This information must be retained through the postclosure care period.

(Source: Amended at 22 Ill. Reg. 11483, effective June 23, 1998)

Section 813.504 Annual Report

An annual report shall be submitted to the Agency each calendar year, by the date specified by the Agency in the facility permit, containing the following materials:

- a) Information relating to monitoring data from the leachate collection system, groundwater monitoring network, gas monitoring system, and any other monitoring data which was specified in the operator's permit, including:
 - 1) Summary of monitoring data for the calendar year;
 - 2) Dates of submittal of comprehensive monitoring data to the Agency during the calendar year;
 - 3) Statistical summaries and analysis of trends;
 - 4) Changes to the monitoring program; and
 - 5) Discussion of error analysis, detection limits, and observed trends.
- b) Proposed activities for the year:
 - 1) Amount of waste expected in the next year;
 - 2) Structures to be built within the next year; and
 - 3) New monitoring stations to be installed within the next year.

- c) Any modification or significant modification affecting the operation of a facility.
- d) The signature of the operator or duly authorized agent as specified in 35 Ill. Adm. Code 815.102.

(Source: Added at 22 Ill. Reg. 11483, effective June 23, 1998)