

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Standards for New Solid Waste Landfills
- 2) Code citation: 35 Ill. Adm. Code 811
- 3)

<u>Section number</u> :	<u>Proposed Action</u> :
811.302	Amend
- 4) Statutory authority: 415 ILCS 5/7.2, 22.40, and 27
- 5) A complete description of the subjects and issues involved: The amendments to Part 811 are a single segment of a larger rulemaking that also affects 35 Ill. Adm. Code 810, which is covered by a separate notice in this issue of the *Illinois Register*. To save space, a more detailed description of the subjects and issues involved in the larger rulemaking in this *Illinois Register* only in the answer to question 5 in the Notice of Proposed Amendments for 35 Ill. Adm. Code 810. A comprehensive description is contained in the Board's opinion and order of March 18, 2004, proposing amendments in consolidated docket R04-5/R04-15 for public comment, which opinion and order is available from the address below. As is explained in that opinion, the Board will receive public comment on the proposed amendments for 45 days from the date they appear in the *Illinois Register* before proceeding to adopt amendments based on this proposal.

Specifically, the amendments to Part 811 implement segments of the federal October 15, 2003 amendments relating to location of a new landfill near public airports.

Tables appear in the Board's opinion and order of March 18, 2004 in consolidated docket R04-5/R04-15 that list numerous corrections and amendments that are not based on current federal amendments. The tables contain deviations from the literal text of the federal amendments underlying these amendments, as well as corrections and clarifications that the Board made in the base text involved. Persons interested in the details of those corrections and amendments should refer to the March 18, 2004 opinion and order in consolidated docket R04-5/R04-15.

Section 22.40 of the Environmental Protection Act [415 ILCS 5/22.40] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

- 6) Will this rulemaking replace any emergency amendments currently in effect? No

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- 7) Does this rulemaking contain an automatic repeal date?: No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No.
- 10) Statement of statewide policy objective: These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b) (2002)].
- 11) Time, place and manner in which interested persons may comment on this proposed rulemaking:

The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference consolidated docket R04-5/R04-15 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

Please direct inquiries to the following person and reference consolidated docket R04-5/R04-15:

Michael J. McCambridge
Staff Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60601
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Request copies of the Board's opinion and order at 312-814-3620, or download a copy from the Board's Website at <http://www.ipcb.state.il.us>.

- 12) Initial regulatory flexibility analysis:

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- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking may affect those small businesses, small municipalities, and not-for-profit corporations that own or operate a municipal solid waste landfill.
- B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, and maintenance of operating records.
- C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer.

- 13) Regulatory agenda on which this rulemaking was summarized: January 2004

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

EXEMPT

JCAR350811-0405594r01

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

5
6 PART 811
7 STANDARDS FOR NEW SOLID WASTE LANDFILLS
8

9 SUBPART A: GENERAL STANDARDS FOR ALL LANDFILLS
10

11	Section	
12	811.101	Scope and Applicability
13	811.102	Location Standards
14	811.103	Surface Water Drainage
15	811.104	Survey Controls
16	811.105	Compaction
17	811.106	Daily Cover
18	811.107	Operating Standards
19	811.108	Salvaging
20	811.109	Boundary Control
21	811.110	Closure and Written Closure Plan
22	811.111	Postclosure Maintenance
23	<u>811.112</u>	<u>Recordkeeping Requirements for MSWLF Units</u>

24
25 SUBPART B: INERT WASTE LANDFILLS
26

27	Section	
28	811.201	Scope and Applicability
29	811.202	Determination of Contaminated Leachate
30	811.203	Design Period
31	811.204	Final Cover
32	811.205	Final Slope and Stabilization
33	811.206	Leachate Sampling
34	811.207	Load Checking

35
36 SUBPART C: PUTRESCIBLE AND CHEMICAL WASTE LANDFILLS
37

38	Section	
39	811.301	Scope and Applicability
40	811.302	Facility Location
41	811.303	Design Period
42	811.304	Foundation and Mass Stability Analysis
43	811.305	Foundation Construction

- 44 811.306 Liner Systems
- 45 811.307 Leachate Drainage System
- 46 811.308 Leachate Collection System
- 47 811.309 Leachate Treatment and Disposal System
- 48 811.310 Landfill Gas Monitoring
- 49 811.311 Landfill Gas Management System
- 50 811.312 Landfill Gas Processing and Disposal System
- 51 811.313 Intermediate Cover
- 52 811.314 Final Cover System
- 53 811.315 Hydrogeological Site Investigations
- 54 811.316 Plugging and Sealing of Drill Holes
- 55 811.317 Groundwater Impact Assessment
- 56 811.318 Design, Construction, and Operation of Groundwater Monitoring Systems
- 57 811.319 Groundwater Monitoring Programs
- 58 811.320 Groundwater Quality Standards
- 59 811.321 Waste Placement
- 60 811.322 Final Slope and Stabilization
- 61 811.323 Load Checking Program
- 62 811.324 Corrective Action Measures for MSWLF Units
- 63 811.325 Selection of remedy for MSWLF Units
- 64 811.326 Implementation of the corrective action program at MSWLF Units

65

66 SUBPART D: MANAGEMENT OF SPECIAL WASTES AT LANDFILLS

67

68 Section

- 69 811.401 Scope and Applicability
- 70 811.402 Notice to Generators and Transporters
- 71 811.403 Special Waste Manifests
- 72 811.404 Identification Record
- 73 811.405 Recordkeeping Requirements
- 74 811.406 Procedures for Excluding Regulated Hazardous Wastes

75

76 SUBPART E: CONSTRUCTION QUALITY ASSURANCE PROGRAMS

77

78 Section

- 79 811.501 Scope and Applicability
- 80 811.502 Duties and Qualifications of Key Personnel
- 81 811.503 Inspection Activities
- 82 811.504 Sampling Requirements
- 83 811.505 Documentation
- 84 811.506 Foundations and Subbases
- 85 811.507 Compacted Earth Liners
- 86 811.508 Geomembranes

87 811.509 Leachate Collection Systems

88

89 SUBPART G: FINANCIAL ASSURANCE

90

91 Section

92 811.700 Scope, Applicability and Definitions

93 811.701 Upgrading Financial Assurance

94 811.702 Release of Financial Institution

95 811.703 Application of Proceeds and Appeals

96 811.704 Closure and Postclosure Care Cost Estimates

97 811.705 Revision of Cost Estimate

98 811.706 Mechanisms for Financial Assurance

99 811.707 Use of Multiple Financial Mechanisms

100 811.708 Use of a Financial Mechanism for Multiple Sites

101 811.709 Trust Fund for Unrelated Sites

102 811.710 Trust Fund

103 811.711 Surety Bond Guaranteeing Payment

104 811.712 Surety Bond Guaranteeing Performance

105 811.713 Letter of Credit

106 811.714 Closure Insurance

107 811.715 Self-Insurance for Non-commercial Sites

108 811.716 Local Government Financial Test

109 811.717 Local Government Guarantee

110 811.718 Discounting

111 811.719 Corporate Financial Test

112 811.720 Corporate Guarantee

113

114 811.APPENDIX A Financial Assurance Forms

115 811.ILLUSTRATION A Trust Agreement

116 811.ILLUSTRATION B Certificate of Acknowledgment

117 811.ILLUSTRATION C Forfeiture Bond

118 811.ILLUSTRATION D Performance Bond

119 811.ILLUSTRATION E Irrevocable Standby Letter of Credit

120 811.ILLUSTRATION F Certificate of Insurance for Closure and/or Postclosure
121 Care

122 811.ILLUSTRATION G Operator's Bond Without Surety

123 811.ILLUSTRATION H Operator's Bond With Parent Surety

124 811.ILLUSTRATION I Letter from Chief Financial Officer

125 811.APPENDIX B Section-by-Section correlation between the Standards of the RCRA

126 Subtitle D MSWLF regulations and the Board's nonhazardous waste
127 landfill regulations.

128

129 AUTHORITY: Implementing Sections 5, 21, 21.1, 22, 22.17 and 28.1 and authorized by Section

130 27 of the Environmental Protection Act [415 ILCS 5/5, 21, 21.1, 22, 22.17, 28.1, and 27].

131

132 SOURCE: Adopted in R88-7 at 14 Ill. Reg. 15861, effective September 18, 1990; amended in
 133 R92-19 at 17 Ill. Reg. 12413, effective July 19, 1993; amended in R93-10 at 18 Ill. Reg. 1308,
 134 effective January 13, 1994; expedited correction at 18 Ill. Reg. 7504, effective July 19, 1993;
 135 amended in R90-26 at 18 Ill. Reg. 12481, effective August 1, 1994; amended in R95-13 at 19 Ill.
 136 Reg. 12257, effective August 15, 1995; amended in R96-1 at 20 Ill. Reg. 12000, effective
 137 August 15, 1996; amended in R97-20 at 21 Ill. Reg. 15831, effective November 25, 1997;
 138 amended in R98-9 at 22 Ill. Reg. 11491, effective June 23, 1998; amended in R99-1 at 23 Ill.
 139 Reg. 2794, effective February 17, 1999; amended in R98-29 at 23 Ill. Reg. 6880, effective July
 140 1, 1999; amended in R04-5/R04-15 at 28 Ill. Reg. _____, effective _____.

141

142 SUBPART C: PUTRESCIBLE AND CHEMICAL WASTE LANDFILLS

143

144 **Section 811.302 Facility Location**

145

- 146 a) No part of a unit ~~may~~shall be located within a setback zone established pursuant
 147 to Section 14.2 or 14.3 of the Act;
- 148
- 149 b) No part of a unit ~~may~~shall be located within the recharge zone or within 366
 150 meters (1200 feet), vertically or horizontally, of a sole-source aquifer designated
 151 by the United States Environmental Protection Agency pursuant to Section
 152 1424(e) of the Safe Drinking Water Act (42 ~~USCU.S.C.~~ 300f et seq.), unless there
 153 is a stratum between the bottom of the waste disposal unit and the top of the
 154 aquifer that meets the following minimum requirements:
- 155
- 156 1) The stratum has a minimum thickness of 15.2 meters (50 feet);
 - 157
 - 158 2) The maximum hydraulic conductivity in both the horizontal and vertical
 159 directions is no greater than 1×10^{-7} centimeters per second, as
 160 determined by in situ borehole or equivalent tests;
 - 161
 - 162 3) There is no indication of continuous sand or silt seams, faults, fractures, or
 163 cracks within the stratum that may provide paths for migration; and
 - 164
 - 165 4) Age dating of extracted water samples from both the aquifer and the
 166 stratum indicates that the time of travel for water percolating downward
 167 through the relatively impermeable stratum is no faster than 15.2 meters
 168 (50 feet) in 100 years.
 - 169
- 170 c) A facility located within 152 meters (500 feet) of the right of way of a township
 171 or county road or state or interstate highway ~~must~~shall have its operations
 172 screened from view by a barrier of natural objects, fences, barricades, or plants no

173 less than 2.44 meters (eight8 feet) in height.

174

175 d) No part of a unit ~~may~~shall be located closer than 152 meters (500 feet) from an
176 occupied dwelling, school, or hospital that was occupied on the date when the
177 operator first applied for a permit to develop the unit or the facility containing the
178 unit, unless the owner of such dwelling, school, or hospital provides permission to
179 the operator, in writing, for a closer distance.

180

181 e) The facility ~~may~~shall not be located closer than 1525 meters (5000 feet) of any
182 runway used by piston type aircraft or within 3050 meters (10,000 feet) of any
183 runway used by turbojet aircraft unless the Federal Aviation Administration
184 (FAA) provides the operator with written permission, including technical
185 justification, for a closer distance.

186

187 f) An owner or operator proposing to locate a new MSWLF unit within a five-mile
188 radius of any airport runway used by turbojet or piston-type aircraft ~~must~~shall
189 notify the affected airport and the ~~Federal Aviation Administration (FAA)~~ within
190 ~~seven~~7 days ~~after~~of filing a permit application with Agency in accordance with 35
191 Ill. Adm. Code 813 for developing a new landfill.

192

193 BOARD NOTE: Subsection (f) of this Section is derived from 40 CFR 258.10
194 (2003), as amended at 68 Fed. Reg. 59333 (October 15, 2003)(1992). A
195 prohibition on locating a new MSWLF near certain airports was enacted in
196 Section 503 of the federal Wendell H. Ford Aviation Investment and Reform Act
197 for the 21st Century (Ford Act) (49 USC 44718(d)). Section 503 prohibits the
198 "construction or establishment" of a new MSWLF after April 5, 2000 within six
199 miles of certain smaller public airports. FAA administers the Ford Act and has
200 issued guidance in FAA Advisory Circular 150/5200-34, dated August 26, 2000.
201 For further information, please contact the FAA.

202

203 (Source: Amended at 28 Ill. Reg. _____, effective _____)

IDENTIFICATION

LINE NUMBERED VERSION

~~This line numbered copy of the agency's submission is for use only by the agency and is not to be distributed outside the agency.~~

This version should be identical to the submission made by the agency, with the exceptions that errors in Source or Authority Notes may have been corrected; the format used is that of the electronic Illinois Administrative Code database, so formatting discrepancies will be corrected; incorrect depictions of existing language may have been corrected to conform with the IAPA; statutory citations will be handled correctly; any obvious misspellings revealed by an electronic spell check may have been corrected; and simple technical corrections may have been made. If any such changes have been made, they will be highlighted on the attached copy. If there is any problem, contact JCAR.

On this mark-up, any word or punctuation that has been altered will be highlighted. You will need to compare this to your hard copy or your database to determine how the original text read. If a white space is highlighted, you will know that text has been omitted at that location.

As always, if you would like an adopted rulemaking or any Illinois Administrative Code database materials on disk or through e-mail for purposes of upload, contact Terra Lamb at 785-2254.

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NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Solid Waste Disposal: General Provisions
- 2) Code citation: 35 Ill. Adm. Code 810
- 3) Section numbers: Proposed Action:
810.103 Amend
- 4) Statutory authority: 415 ILCS 5/7.2, 22.40, and 27
- 5) A complete description of the subjects and issues involved: The following briefly describes the subjects and issues involved in this rulemaking. A comprehensive description is contained in the Board's opinion and order of March 18, 2004, proposing amendments in consolidated docket R04-5/R04-15 for public comment, which opinion and order is available from the address below. As is explained in that opinion, the Board will receive public comment on the proposed amendments for 45 days from the date they appear in the *Illinois Register* before proceeding to adopt amendments based on this proposal.

The following briefly describes the subjects and issues involved in the larger rulemaking of which the amendments to Part 810 are a single segment. Also affected is 35 Ill. Adm. Code 811, which is covered by a separate notice in this issue of the *Illinois Register*. A comprehensive description is contained in the Board's opinion and order of March 18, 2004, proposing amendments in docket R04-5/R04-15 for public comment, which opinion and order is available from the address below. As is explained in that opinion, the Board will receive public comment on the proposed amendments for 45 days from the date they appear in the *Illinois Register* before proceeding to adopt amendments based on this proposal.

This proceeding would update the Illinois RCRA Subtitle D municipal solid waste landfill (MSWLF) rules to correspond with amendments adopted by the United States Environmental Protection Agency (USEPA) that appeared in the *Federal Register* during a single update period. The docket and time period that is involved in this proceeding is the following:

R04-5	Federal RCRA Subtitle D amendments that occurred during the period January 1, 2003 through June 30, 2003.
R04-15	Federal RCRA Subtitle D amendments that occurred during the period July 1, 2003 through December 31, 2003.

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The R04-5/R04-15 docket amends rules in Parts 810 and 811. The following table briefly summarizes the federal actions in the update period:

June 18, 2003 (68 Fed. Reg. 36487)	USEPA amended key definitions to allow disposal of residential lead-based paint waste that is not hazardous waste in a construction and demolition landfill that does not accept other household waste.
October 15, 2003 (68 Fed. Reg. 59333)	USEPA amended the rules to add a note referencing the adoption of the Wendell H. Ford Aviation Investment Act prohibiting location of a new landfill within six miles of certain public airports.

Specifically, the amendments to Part 810 implement segments of the federal June 18, 2003 amendments relating to disposal for lead-based paint waste.

Tables appear in the Board's opinion and order of March 18, 2004 in consolidated docket R04-5/R04-15 that list numerous corrections and amendments that are not based on current federal amendments. The tables contain deviations from the literal text of the federal amendments underlying these amendments, as well as corrections and clarifications that the Board made in the base text involved. Persons interested in the details of those corrections and amendments should refer to the March 18, 2004 opinion and order in consolidated docket R04-5/R04-15.

Section 22.40 of the Environmental Protection Act [415 ILCS 5/22.40] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

- 6) Will this proposed amendment replace any emergency amendment currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No

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- 10) Statement of statewide policy objectives: These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b) (2002)].
- 11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference consolidated docket R04-5/R04-15 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago IL 60601

Please direct inquiries to the following person and reference consolidated docket R04-5/R04-15:

Michael J. McCambridge
Staff Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago IL 60601
Phone: 312-814-6924
E-mail: mccambm@ipcb.state.il.us

Request copies of the Board's opinion and order at 312-814-3620, or download a copy from the Board's Website at <http://www.ipcb.state.il.us>.

- 12) Initial regulatory flexibility analysis:
- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking may affect those small businesses, small municipalities, and not-for-profit corporations that own or operate a municipal solid waste landfill.
- B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping

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and other procedures, including the preparation of manifests and annual reports, and maintenance of operating records.

- C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer.
- 13) Regulatory agenda on which this rulemaking was summarized: July 2003 and January 2004

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

EXEMPT

JCAR350810-0405577r01

1 TITLE 35: ENVIRONMENTAL PROTECTION
2 SUBTITLE G: WASTE DISPOSAL
3 CHAPTER I: POLLUTION CONTROL BOARD
4 SUBCHAPTER i: SOLID WASTE AND SPECIAL WASTE HAULING
5

6 PART 810
7 SOLID WASTE DISPOSAL: GENERAL PROVISIONS
8

9 Section

- 10 810.101 Scope and Applicability
11 810.102 Severability
12 810.103 Definitions
13 810.104 Incorporations by Reference
14

15 AUTHORITY: Implementing Sections 5, 21, 21.1, 22, 22.17, and 28.1 and authorized by
16 Section 27 of the Environmental Protection Act [415 ILCS 5/5, 21, 21.1, 22, 22.17, 28.1 and 27].
17

18 SOURCE: Adopted in R88-7 at 14 Ill. Reg. 15838, effective September 18, 1990; amended in
19 R93-10 at 18 Ill. Reg. 1268, effective January 13, 1994; amended in R90-26 at 18 Ill. Reg.
20 12457, effective August 1, 1994; amended in R95-9 at 19 Ill. Reg. 14427, effective September
21 29, 1995; amended in R96-1 at 20 Ill. Reg. 11985, effective August 15, 1996; amended in R97-
22 20 at 21 Ill. Reg. 15825, effective November 25, 1997; amended in R04-5/R04-15 at 28 Ill. Reg.
23 _____, effective _____.
24

25 **Section 810.103 Definitions**
26

27 Except as stated in this Section, or unless a different meaning of a word or term is clear from the
28 context, the definition of words or terms in this Part ~~will be~~ shall be the same as that applied to
29 the same words or terms in the Environmental Protection Act (Act) [415 ILCS 5]:
30

31 "Act" means the Environmental Protection Act; [415 ILCS 5].
32

33 "Admixtures" are chemicals added to earth materials to improve for a specific
34 application the physical or chemical properties of the earth materials. Admixtures
35 include, but are not limited to: lime, cement, bentonite, and sodium silicate.
36

37 "*Agency*" is the Environmental Protection Agency established by the
38 *Environmental Protection Act*. (Section 3.08 of the Act)
39

40 "Applicant" means the person submitting an application to the Agency for a
41 permit for a solid waste disposal facility.
42

43 "*Aquifer*" means saturated (with groundwater) soils and geologic materials which

44 *are sufficiently permeable to readily yield economically useful quantities of water*
45 *to wells, springs, or streams under ordinary hydraulic gradients and whose*
46 *boundaries can be identified and mapped from hydrogeologic data. (Section 3 of*
47 *the Illinois Groundwater Protection Act [415 ILCS 55/3]?)*
48

49 "Bedrock" means the solid rock formation immediately underlying any loose
50 superficial material such as soil, alluvium, or glacial drift.

51
52 "Beneficially usable waste" means any solid waste from the steel and foundry
53 industries that will not decompose biologically, burn, serve as food for vectors,
54 form a gas, cause an odor, or form a leachate that contains constituents which ~~that~~
55 exceed the limits for this type of waste as specified at 35 Ill. Adm. Code 817.106.
56

57 "*Board*" is the *Pollution Control Board established by the Act.* (Section 3.04 of
58 the Act.)

59
60 "Borrow area" means an area from which earthen material is excavated for the
61 purpose of constructing daily cover, final cover, a liner, a gas venting system,
62 roadways, or berms.
63

64 "Chemical waste" means a non-putrescible solid whose characteristics are such
65 that any contaminated leachate is expected to be formed through chemical or
66 physical processes, rather than biological processes, and no gas is expected to be
67 formed as a result.
68

69 "Coal combustion power generating facilities" means establishments ~~that~~ which
70 generate electricity by combusting coal and which utilize a lime or limestone
71 scrubber system.
72

73 "Construction and demolition landfill" or "C&D landfill" means a solid waste
74 disposal facility subject to the requirements in Subpart A or B of 40 CFR 257 that
75 receives construction and demolition waste and does not receive hazardous waste
76 (defined in 35 Ill. Adm. Code 721.103) or industrial solid waste (defined in this
77 Section). Only a C&D landfill that meets the requirements of Subpart B of 40
78 CFR 257 may receive conditionally exempt small quantity generator waste
79 (defined in 35 Ill. Adm. Code 721.105). A C&D landfill typically receives any
80 one or more of the following types of solid wastes: roadwork material, excavated
81 material, demolition waste, construction and renovation waste, and site clearance
82 waste.
83

84 "Contaminated leachate" means any leachate whose constituent violate the
85 standards of 35 Ill. Adm. Code 811.202.
86

87 "Dead animal disposal site" means an on-the-farm disposal site at which the burial
88 of dead animals is done in accordance with the Illinois Dead Animal Disposal
89 Act, [225 ILCS 610,] and regulations adopted pursuant thereto, (8 Ill. Adm. Code
90 90).
91

92 "Design Period" means that length of time determined by the sum of the operating
93 life of the solid waste landfill facility plus the postclosure care period necessary to
94 stabilize the waste in the units.
95

96 "*Disposal*" means the discharge, deposit, injection, dumping, spilling, leaking or
97 placing of any solid waste into or on any land or water or into any well such that
98 solid waste or any constituent of the solid waste may enter the environment by
99 being emitted into the air or discharged into any waters, including groundwater.
100 (Section 3.08 of the Act.) If the solid waste is accumulated and not confined or
101 contained to prevent its entry into the environment, or there is no certain plan for
102 its disposal elsewhere, such accumulation ~~will~~shall constitute disposal.
103

104 "Disturbed areas" means those areas within a facility that have been physically
105 altered during waste disposal operations or during the construction of any part of
106 the facility.
107

108 "Documentation" means items, in any tangible form, whether directly legible or
109 legible with the aid of any machine or device, including but not limited to
110 affidavits, certificates, deeds, leases, contracts or other binding agreements,
111 licenses, permits, photographs, audio or video recordings, maps, geographic
112 surveys, chemical and mathematical formulas or equations, mathematical and
113 statistical calculations and assumptions, research papers, technical reports,
114 technical designs and design drawings, stocks, bonds, and financial records, that
115 are used to support facts or hypotheses.
116

117 "Earth liners" means structures constructed from naturally occurring soil material
118 that has been compacted to achieve a low permeability.
119

120 "Existing facility" or "Existing unit" means a facility or unit ~~that~~which is not
121 defined in this Section as a new facility or a new unit.
122

123 "*Existing MSWLF unit*" means any municipal solid waste landfill unit that has
124 received household waste before October 9, 1993. (Section 3.87 of the Act)
125

126 "Facility" means a site and all equipment and fixtures on a site used to treat, store
127 or dispose of solid or special wastes. A facility consists of an entire solid or
128 special waste treatment, storage or disposal operation. All structures used in
129 connection with or to facilitate the waste disposal operation ~~will~~shall be

130 considered a part of the facility. A facility may include, but is not limited to, one
131 or more solid waste disposal units, buildings, treatment systems, processing and
132 storage operations, and monitoring stations.

133
134 "Field capacity" means that maximum moisture content of a waste, under field
135 conditions of temperature and pressure, above which moisture is released by
136 gravity drainage.

137
138 "Foundry sand" means pure sand or a mixture of sand and any additives necessary
139 for use of the sand in the foundry process, but does not include such foundry
140 process by-products as air pollution control dust or refractories.

141
142 "Gas collection system" means a system of wells, trenches, pipes and other related
143 ancillary structures such as manholes, compressor housing, and monitoring
144 installations that collects and transports the gas produced in a putrescible waste
145 disposal unit to one or more gas processing points. The flow of gas through such
146 a system may be produced by naturally occurring gas pressure gradients or may
147 be aided by an induced draft generated by mechanical means.

148
149 "Gas condensate" means the liquid formed as a landfill gas is cooled or
150 compressed.

151
152 "Gas venting system" means a system of wells, trenches, pipes and other related
153 structures that vents the gas produced in a putrescible waste disposal unit to the
154 atmosphere.

155
156 "Geomembranes" means manufactured membrane liners and barriers of low
157 permeability used to control the migration of fluids or gases.

158
159 "Geotextiles" are permeable manufactured materials used for purposes ~~that~~ which
160 include, but are not limited to, strengthening soil, providing a filter to prevent
161 clogging of drains, and collecting and draining liquids and gases beneath the
162 ground surface.

163
164 "*Groundwater*" means *underground water which occurs within the saturated zone*
165 *and within geologic materials where the fluid pressure in the pore space is equal*
166 *to or greater than atmospheric pressure. (Section 3 of the Illinois Groundwater*
167 *Protection Act)*

168
169 "*Household waste*" means *any solid waste (including garbage, trash, and sanitary*
170 *waste in septic tanks) derived from households (including single and multiple*
171 *residences, hotels and motels, bunkhouses, ranger stations, crew quarters,*
172 *campgrounds, picnic grounds, and day-use recreation areas). (Section 3.89 of the*

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"Hydraulic barriers" means structures designed to prevent or control the seepage of water. Hydraulic barriers include, but are not limited to, cutoff walls, slurry walls, grout curtains and liners.

"Inert waste" means any solid waste that will not decompose biologically, burn, serve as food for vectors, form a gas, cause an odor, or form a contaminated leachate, as determined in accordance with 35 Ill. Adm. Code 811.202(b). Such inert wastes ~~will~~^{shall} include only non-biodegradable and non-putrescible solid wastes. Inert wastes may include, but are not limited to, bricks, masonry, and concrete (cured for 60 days or more).

"Iron slag" means slag.

"Land application unit" means an area where wastes are agronomically spread over or disked into land or otherwise applied so as to become incorporated into the soil surface. For the purposes of this Part and 35 Ill. Adm. Code 811 through 815, a land application unit is not a landfill; however, other Parts of 35 Ill. Adm. Code: Chapter I may apply, and may include the permitting requirements of 35 Ill. Adm. Code 309.

"Landfill" means a unit or part of a facility in or on which waste is placed and accumulated over time for disposal, and which is not a land application unit, a surface impoundment or an underground injection well. For the purposes of this Part and 35 Ill. Adm. Code 811 through 815, landfills include waste piles, as defined in this Section.

"Lateral expansion" means a horizontal expansion of the actual waste boundaries of an existing MSWLF unit occurring on or after October 9, 1993. A horizontal expansion is any area where solid waste is placed for the first time directly upon the bottom liner of the unit, excluding side slopes on or after October 9, 1993.
 (Section 3.88 of the Act)

"Leachate" means liquid that has been or is in direct contact with a solid waste.

"Lift" means an accumulation of waste ~~that~~^{which} is compacted into a unit and over which cover is placed.

"Low risk waste" means any solid waste from the steel and foundry industries that will not decompose biologically, burn, serve as food for vectors, form a gas, cause an odor, or form a leachate that contains constituents that exceed the limits for this type of waste as specified at 35 Ill. Adm. Code 817.106.

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"Malodor" means an odor caused by *one or more contaminant emissions into the atmosphere from a facility that is in sufficient quantities and of such characteristics and duration as to be described as malodorous and which may be injurious to human, plant, or animal life, to health, or to property, or may unreasonably interfere with the enjoyment of life or property.* (Section 3.02 of the Act (defining "air pollution"))

"Municipal Solid Waste Landfill Unit" or "MSWLF Unit" means a contiguous area of land or an excavation that receives household waste, and that is not a land application, surface impoundment, injection well, or any pile of noncontainerized accumulations of solid, nonflowing waste that is used for treatment or storage. A MSWLF unit may also receive other types of RCRA Subtitle D wastes, such as commercial solid waste, nonhazardous sludge, small quantity generator waste and industrial solid waste. Such a landfill may be publicly or privately owned or operated. A MSWLF unit may be a new MSWLF unit, an existing MSWLF unit or a lateral expansion. A sanitary landfill is subject to regulation as a MSWLF if it receives household waste. (Section 3.85 of the Act) A construction and demolition landfill that receives residential lead-based paint waste and which does not receive any other household waste is not a MSWLF unit.

"National Pollutant Discharge Elimination System" or "NPDES" means the program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits and imposing and enforcing pretreatment requirements under the Clean Water Act (33 ~~USC~~ U.S.C. 1251 et seq.), Section 12(f) of the ~~Environmental Protection Act~~, and Subpart A of 35 Ill. Adm. Code 309, Subpart A and 35 Ill. Adm. Code 310.

"NPDES permit" means a permit issued under the NPDES program.

"New facility" or "New unit" means a solid waste landfill facility or a unit at a facility, if one or more of the following conditions apply:

It is a landfill or unit exempt from permit requirements pursuant to Section 21(d) of the Act that has not yet accepted any waste as of September 18, 1990;

It is a landfill or unit not exempt from permit requirements pursuant to Section 21(d) of the Act that has no development or operating permit issued by the Agency pursuant to 35 Ill. Adm. Code 807 as of September 18, 1990; or

259 It is a landfill with a unit whose maximum design capacity or lateral extent
260 is increased after September 18, 1990.

261
262 BOARD NOTE: A new unit located in an existing facility will be ~~shall be~~
263 considered a unit subject to 35 Ill. Adm. Code 814, which references applicable
264 requirements of 35 Ill. Adm. Code 811.

265
266 *"New MSWLF Unit" means any municipal solid waste landfill unit that has*
267 *received household waste on or after October 9, 1993 for the first time. (Section*
268 *3.86 of the Act)*

269
270 *"One hundred-year(100)-year flood plain" means any land area that ~~which~~ is*
271 *subject to a one percent or greater chance of flooding in a given year from any*
272 *source.*

273
274 *"One hundred-year(100)-year, 24-hour24 hour precipitation event" means a*
275 *precipitation event of a 24-hour24 hour duration with a probable recurrence*
276 *interval of once in 100 years.*

277
278 *"Operator" means the person responsible for the operation and maintenance of a*
279 *solid waste disposal facility.*

280
281 *"Owner" means a person who has an interest, directly or indirectly, in land,*
282 *including a leasehold interest, on which a person operates and maintains a solid*
283 *waste disposal facility. The "owner" is the "operator" if there is no other person*
284 *who is operating and maintaining a solid waste disposal facility.*

285
286 *"Perched watertable" means an elevated watertable above a discontinuous*
287 *saturated lens, resting on a low permeability (such as clay) layer within a high*
288 *permeability (such as sand) formation.*

289
290 *"Permit area" means the entire horizontal and vertical region occupied by a*
291 *permitted solid waste disposal facility.*

292
293 *"Person" is any individual, partnership, co-partnership, firm, company,*
294 *corporation, association, joint stock company, trust, estate, political subdivision,*
295 *State agency, or any other legal entity, or their legal representative, agent or*
296 *assigns. (Section 3.26 of the Act)*

297
298 *"Potentially usable waste" means any solid waste from the steel and foundry*
299 *industries that will not decompose biologically, burn, serve as food for vectors,*
300 *form a gas, cause an odor, or form a leachate that contains constituents that*
301 *exceed the limits for this type of waste as specified at 35 Ill. Adm. Code 817.106.*

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"Poz-O-Tec materials" means materials produced by a stabilization process patented by Conversion Systems, Inc. utilizing flue gas desulfurization (FGD) sludges and ash produced by coal combustion power generation facilities as raw materials.

"Poz-O-Tec monofill" means a landfill in which solely Poz-O-Tec materials are placed for disposal.

"Professional engineer" means a person who has registered and obtained a seal pursuant to ~~the "The Illinois Professional Engineering Practice Act of 1989"~~ [225 ILCS 325].

"Professional land surveyor" means a person who has received a certificate of registration and a seal pursuant to ~~the Illinois Professional Land Surveyor Act of 1989~~ [225 ILCS 330].

"Putrescible waste" means a solid waste that contains organic matter capable of being decomposed by microorganisms so as to cause a malodor, gases, or other offensive conditions, or which is capable of providing food for birds and vectors. Putrescible wastes may form a contaminated leachate from microbiological degradation, chemical processes, and physical processes. Putrescible waste includes, but is not limited to, garbage, offal, dead animals, general household waste, and commercial waste. All solid wastes ~~that which~~ do not meet the ~~definition~~ definitions of inert or chemical wastes ~~will be~~ shall be considered putrescible wastes.

"Publicly owned treatment works" or "POTW" means a treatment works that is owned by the State of Illinois or a unit of local government. This definition includes any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastewater. It also includes sewers, pipes, and other conveyances only if they convey wastewater to a POTW treatment plant. The term also means the unit of local government ~~that which~~ has jurisdiction over the indirect discharges to and the discharges from such a treatment works.

"Recharge zone" means an area through which water can enter an aquifer.

"Residential lead-based paint waste" means waste containing lead-based paint that is generated as a result of activities such as abatement, rehabilitation, renovation, and remodeling in homes and other residences. The term residential lead-based paint waste includes, but is not limited to, lead-based paint debris, chips, dust, and sludges.

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"Resource Conservation and Recovery Act" or "RCRA" means the Resource Conservation and Recovery Act of 1976 (P.L. 94-580 Codified as 42 USC. §6901 et seq.) as amended. (Section 3.90 of the Act)

"Responsible charge," when used to refer to a person, means that the person is normally present at a waste disposal site; directs the day-to-day overall operation at the site; and either is the owner or operator or is employed by or under contract with the owner or operator to assure that the day-to-day operations at the site are carried out in compliance with any Part of 35 Ill. Adm. Code: Chapter I governing operations at waste disposal sites.

"Runoff" means water resulting from precipitation that flows overland before it enters a defined stream channel, any portion of such overland flow that infiltrates into the ground before it reaches the stream channel, and any precipitation that falls directly into a stream channel.

"Salvaging" means the return of waste materials to use, under the supervision of the landfill operator, so long as the activity is confined to an area remote from the operating face of the landfill, it does not interfere with or otherwise delay the operations of the landfill, and it results in the removal of all materials for salvaging from the landfill site daily or separates them by type and stores them in a manner that does not create a nuisance, harbor vectors, or cause an unsightly appearance.

"Scavenging" means the removal of materials from a solid waste management facility or unit ~~that~~ which is not salvaging.

"Seismic Slope Safety Factor" means the ratio between the resisting forces or moments in a slope and the driving forces or moments that may cause a massive slope failure during an earthquake or other seismic event such as an explosion.

"Settlement" means subsidence caused by waste loading, changes in groundwater level, chemical changes within the soil, and adjacent operations involving excavation.

"Shredding" means the mechanical reduction in particle sizes of solid waste. Putrescible waste is considered shredded if 90 percent of the waste by dry weight passes a ~~three-inch~~ three-inch sieve.

"Significant Modification" means a modification to an approved permit issued by the Agency in accordance with Section 39 of the Act and 35 Ill. Adm. Code 813 that is required when one or more of the following changes (considered

388 significant when that change is measured by one or more parameters whose
389 values lie outside the expected operating range of values as specified in the
390 permit) are planned, occur, or will occur:

391
392 An increase in the capacity of the waste disposal unit over the permitted
393 capacity;

394 Any change in the placement of daily, intermediate, or final cover;

395 A decrease in performance, efficiency, or longevity of the liner system;

396 A decrease in efficiency or performance of the leachate collection system;

397 A change in configuration, performance, or efficiency of the leachate
398 management system;

399 A change in the final disposition of treated effluent or in the quality of the
400 discharge from the leachate treatment or pretreatment system;

401 Installation of a gas management system; or a decrease in the efficiency or
402 performance of an existing gas management system;

403 A change in the performance or operation of the surface water control
404 system;

405 A decrease in the quality or quantity of data from any environmental
406 monitoring system;

407 A change in the applicable background concentrations or the maximum
408 allowable predicted concentrations;

409 A change in the design or configuration of the regraded area after
410 development or after final closure;

411 A change in the amount or type of postclosure financial assurance;

412 Any change in the permit boundary;

413 A change in the postclosure land use of the property;

414 A remedial action necessary to protect groundwater;

415 Transfer of the permit to a new operator;

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Operating authorization is being sought to place into service a structure constructed pursuant to a construction quality assurance program; or

A change in any requirement set forth as a special condition in the permit.

"Slag" means the fused agglomerate ~~that~~ which separates in the iron and steel production and floats on the surface of the molten metal.

"Sole source aquifer" means those aquifers designated pursuant to Section 1424(e) of the Safe Drinking Water Act of 1974, (42 ~~USCU.S.C~~ 300h-3).

"Solid Waste" means a waste that is defined in this Section as an inert waste, as a putrescible waste, as a chemical waste or as a special waste, and which is not also defined as a hazardous waste pursuant to 35 Ill. Adm. Code 721.

"Special waste" means any industrial process waste, pollution control waste or hazardous waste, except as determined pursuant to Section 22.9 of the Act and 35 Ill. Adm. Code 808. (Section 3.45 of the Act)

"Static Safety Factor" means the ratio between resisting forces or moments in a slope and the driving forces or moments that may cause a massive slope failure.

"Steel slag" means slag.

"Surface impoundment" means a natural topographic depression, a man-made excavation, or a diked area into which flowing wastes, such as liquid wastes or wastes containing free liquids, are placed. For the purposes of this Part and 35 Ill. Adm. Code 811 through 815, a surface impoundment is not a landfill. Other Parts of 35 Ill. Adm. Code: Chapter I may apply, including the permitting requirements of 35 Ill. Adm. Code 309.

"Twenty-five ~~year~~(25) ~~year~~, 24-hour~~24 hour~~ precipitation event" means a precipitation event of ~~24-hour~~24-hour duration with a probable recurrence interval of once in 25 years.

"Uppermost aquifer" means the first geologic formation above and below the bottom elevation of a constructed liner or wastes, where no liner is present, ~~that~~ which is an aquifer, and includes any lower aquifer that is hydraulically connected with this aquifer within the facility's permit area.

"Unit" means a contiguous area used for solid waste disposal.

474 "Unit of local government" means a unit of local government, as defined by
475 Article 7, Section 1 of the Illinois Constitution. A unit of local government may
476 include, but is not limited to, a municipality, a county, or a sanitary district.
477

478 "Waste pile" means an area on which noncontainerized masses of solid,
479 nonflowing wastes are placed for disposal. For the purposes of this Part and 35
480 Ill. Adm. Code 811 through 815, a waste pile is a landfill, unless the operator can
481 demonstrate that the wastes are not accumulated over time for disposal. At a
482 minimum, such demonstration ~~must~~ shall include photographs, records, or other
483 observable or discernable information, maintained on a yearly basis, that show
484 that within the preceding year the waste has been removed for utilization or
485 disposal elsewhere.
486

487 "Waste stabilization" means any chemical, physical, or thermal treatment of
488 waste, either alone or in combination with biological processes, ~~that~~ which results
489 in a reduction of microorganisms, including viruses, and the potential for
490 putrefaction.
491

492 "Working face" means any part of a landfill where waste is being disposed of.
493

494 "Zone of attenuation" ~~means~~ is the three dimensional region formed by excluding
495 the volume occupied by the waste placement from the smaller of the volumes
496 resulting from vertical planes drawn to the bottom of the uppermost aquifer at the
497 property boundary or 100 feet from the edge of one or more adjacent units.
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499 (Source: Amended at 28 Ill. Reg. _____, effective _____)