

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Solid Waste Disposal: General Provisions
- 2) Code Citation: 35 Ill. Adm. Code 810
- 3) Section Number: 810.104 Proposed Action: Amendment
- 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 the docket R15-8 rulemaking, of which the amendment to Part 810 is a single segment. Also affected is 35 Ill. Adm. Code 814, 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 August 21, 2014, proposing amendments in docket R15-8, which opinion and order is available from the address below.



The Board reserved this docket to update the Illinois Resource Conservation and Recovery Act (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:

R15-8 Federal RCRA Subtitle D MSWLF amendments that occurred during the period January 1, 2014 through June 30, 2014.

The R15-8 docket amends rules in Parts 810 and 814. The amendments to the two Parts are inter-related. USEPA did not amend the federal MSWLF regulations in 40 CFR 258 during the update period January 1, 2014 through June 30, 2014. Rather, the Board determined that two amendments were necessary.

First, the Board determined that the imminent availability of the 2014 version of the *Code of Federal Regulations* makes it necessary to update the incorporations by reference to those federal requirements at this time.

Second, review of Appendix A to 35 Ill. Adm. Code 814 indicated that incorporations by reference to the federal requirements listed are missing. Since Appendix A imposes substantive requirements on regulated entities, the Board has determined that it is necessary to correct the error and add the incorporations by reference. Thus, the Board has added the incorporations by reference in 35 Ill. Adm. Code 810.104, the centralized

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incorporation by reference provision of the Illinois landfill rules. The Board has added the standard cross-reference language to the incorporations by reference in the appropriate segments of Appendix A to 35 Ill. Adm. Code 814.

Specifically, the amendments to Part 810 update the existing incorporations by reference to the *Code of Federal Regulations* and add incorporations by reference to the *Code of Federal Regulations* provisions that the Board inadvertently omitted during a prior rulemaking.

Tables appear in the Board's opinion and order of August 21, 2014 in docket R15-8 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 August 21, 2014 opinion and order in docket R15-8.

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) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this proposed rulemaking contain incorporations by reference? Yes
- 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) (2012)].
- 11) Are there any other rulemakings pending on this Part? No
- 12) 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

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of 45 days after the date of this publication. Comments should reference docket R15-8 and be addressed to:

John T. Therriault, 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 docket R15-8:

Michael J. McCambridge
Staff Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago IL 60601

312/814-6924
michael.mccambridge@illinois.gov

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>.

13) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking may affect small businesses, small municipalities, and not-for-profit corporations that own or operate a municipal solid waste landfill. 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) (2012)].
- 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. 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) (2012)].
- C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney,

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certified public accountant, chemist and registered professional engineer. 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) (2012)].

- 14) Regulatory agenda on which this rulemaking was summarized: 38 Ill. Reg. 13977; 14009-11 (July 7, 2014)

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

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SEP 10 2014

STATE OF ILLINOIS
Pollution Control Board

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

PART 810
SOLID WASTE DISPOSAL: GENERAL PROVISIONS

Section	
810.101	Scope and Applicability
810.102	Severability
810.103	Definitions
810.104	Incorporations by Reference
810.105	Electronic Reporting

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. 15838, effective September 18, 1990; amended in R93-10 at 18 Ill. Reg. 1268, effective January 13, 1994; amended in R90-26 at 18 Ill. Reg. 12457, effective August 1, 1994; amended in R95-9 at 19 Ill. Reg. 14427, effective September 29, 1995; amended in R96-1 at 20 Ill. Reg. 11985, effective August 15, 1996; amended in R97-20 at 21 Ill. Reg. 15825, effective November 25, 1997; amended in R04-5/R04-15 at 28 Ill. Reg. 9090, effective June 18, 2004; amended in R05-1 at 29 Ill. Reg. 5028, effective March 22, 2005; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 4130, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 1425, effective December 20, 2006; amended in R07-8 at 31 Ill. Reg. 16167, effective November 27, 2007; amended in R10-9 at 35 Ill. Reg. 10837, effective June 22, 2011; amended in R14-~~1~~/~~R14-2~~/~~R14-3~~ at 38 Ill. Reg. 7253, effective March 13, 2014; amended in R15-~~8~~ at 38 Ill. Reg. _____, effective _____.

Section 810.104 Incorporations by Reference

- a) The Board incorporates the following material by reference:
 - 1) Code of Federal Regulations:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

40 CFR 3.2 (~~2013~~)(2014) (How Does This Part Provide for Electronic Reporting?), referenced in Section 810.105.

40 CFR 3.3 (~~2013~~)(2014) (What Definitions Are Applicable to This Part?), referenced in Section 810.105.

40 CFR 3.10 (~~2013~~)(2014) (What Are the Requirements for Electronic Reporting to EPA?), referenced in Section 810.105.

40 CFR 3.2000-~~(2013)~~ (2014) (What Are the Requirements Authorized State, Tribe, and Local Programs Reporting Systems Must Meet?), referenced in Section 810.105.

40 CFR 141.40-~~(2013)~~ (2014) (Monitoring Requirements for Unregulated Contaminants), referenced in 35 Ill. Adm. Code 811.319 and 817.415.

40 CFR 258.10(a), (b), and (c) (2014) (Airport Safety), referenced in ~~Appendix A to~~ 35 Ill. Adm. Code 814. [Appendix A.](#)

40 CFR 258.11(a) (2014) (Floodplains), referenced in ~~Appendix A to~~ 35 Ill. Adm. Code 814. [Appendix A.](#)

40 CFR 258.12(a) (2014) (Wetlands), referenced in ~~Appendix A to~~ 35 Ill. Adm. Code 814. [Appendix A.](#)

40 CFR 258.13 (2014) (Fault Areas), referenced in ~~Appendix A to~~ 35 Ill. Adm. Code 814. [Appendix A.](#)

40 CFR 258.14 (2014) (Seismic Impact Zones), referenced in ~~Appendix A to~~ 35 Ill. Adm. Code 814. [Appendix A.](#)

40 CFR 258.15 (2014) (Unstable Areas), referenced in ~~Appendix A to~~ 35 Ill. Adm. Code 814. [Appendix A.](#)

40 CFR 258.16(a) (2014) (Closure of Existing Municipal Solid Waste Landfill Units), referenced in ~~Appendix A to~~ 35 Ill. Adm. Code 814. [Appendix A.](#)

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40 CFR 258.20 (2014) (Procedures for Excluding the Receipt of Hazardous Waste), referenced in ~~Appendix A to~~ 35 Ill. Adm. Code 814. [Appendix A.](#)

40 CFR 258.23 (2014) (Explosive Gases Control), referenced in ~~Appendix A to~~ 35 Ill. Adm. Code 814. [Appendix A.](#)

40 CFR 258.26 (2014) (Run-on/Run-off Control Systems), referenced in ~~Appendix A to~~ 35 Ill. Adm. Code 814. [Appendix A.](#)

40 CFR 258.27 (2014) (Surface Water Requirements), referenced in ~~Appendix A to~~ 35 Ill. Adm. Code 814. [Appendix A.](#)

40 CFR 258.28 (2014) (Liquids Restrictions), referenced in ~~Appendix A to~~ 35 Ill. Adm. Code 814. [Appendix A.](#)

40 CFR 258.29(a) and (c) (2014) (Recordkeeping Requirements), referenced in ~~Appendix A to~~ 35 Ill. Adm. Code 814. [Appendix A.](#)

40 CFR 258.60(c)(2), (c)(3), (d), (f), (g), and (i) (2014) (Closure Criteria), referenced in ~~Appendix A to~~ 35 Ill. Adm. Code 814. [Appendix A.](#)

40 CFR 258.61(a), (c)(3), and (d) (2014) (Post-Closure Care Requirements), referenced in ~~Appendix A to~~ 35 Ill. Adm. Code 814. [Appendix A.](#)

40 CFR 258.70(a) (2014) ((Financial Assurance) Applicability and Effective Date), referenced in ~~Appendix A to~~ 35 Ill. Adm. Code 814. [Appendix A.](#)

40 CFR 258.71(a)(2) (2014) (Financial Assurance for Closure), referenced in ~~Appendix A to~~ 35 Ill. Adm. Code 814. [Appendix A.](#)

40 CFR 258.72(a)(1) and (a)(2) (2014) (Financial Assurance for Post-Closure Care), referenced in ~~Appendix A to~~ 35 Ill. Adm. Code 814. [Appendix A.](#)

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40 CFR 258.73 (2014) (Financial Assurance for Corrective Action), referenced in ~~Appendix A to~~ 35 Ill. Adm. Code 814. [Appendix A](#).

40 CFR 258.74 (2014) (Allowable Mechanisms (for Financial Assurance)), referenced in ~~Appendix A to~~ 35 Ill. Adm. Code 814. [Appendix A](#).

Appendix I to 40 CFR 258 (~~2013~~)(2014), referenced in 35 Ill. Adm. Code 811.319.

Appendix II to 40 CFR 258 (~~2013~~)(2014), referenced in 35 Ill. Adm. Code 811.319.

- 2) American Institute of Certified Public Accountants, 1211 Avenue of the Americas, New York NY 10036:

Financial Accounting Standard Board (FASB) Accounting Standards— Current Text, 2008 Edition, referenced in 35 Ill. Adm. Code 811.715.

American Institute of Certified Public Accountants (AICPA) Professional Standards— Statements on Auditing Standards, June 1, 2008 Edition, referenced in 35 Ill. Adm. Code 811.715.

- 3) ASTM. American Society for Testing and Materials, 1976 Race Street, Philadelphia PA 19103 215-299-5585:

Method D2234-76, Test Method for Collection of Gross Samples of Coal, approved 1976, referenced in 35 Ill. Adm. Code 817.103.

Method D3987-85, Standard Test Method for Shake Extraction of Solid Waste with Water, approved 1985, referenced in 35 Ill. Adm. Code 814.601, 814.701, 814.901, 814.902, and 817.103.

- 4) GASB. Governmental Accounting Standards Board, 401 Merritt 7, P.O.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

Box 5116, Norwalk CT 06856-5116:

Statement 18, Accounting for Municipal Solid Waste Landfill Closure and Post-Closure Care Costs, August 1993, referenced in 35 Ill. Adm. Code 811.716.

- 5) U.S. Army Corps of Engineers, Publication Department, 2803 52nd Ave., Hyattsville, MD 20781, 301-394-0081:

Engineering Manual 1110-2-1906 Appendix VII, Falling-Head Permeability Cylinder (1986), referenced in 35 Ill. Adm. Code 816.530.

- 6) U.S. Government Printing Office, Washington, DC 20402, Ph: 202-783-3238:

Method 9095B (Paint Filter Liquids Test) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods" (Third Edition, Update IIIB, November 2004) (document number EPA-SW-846-03-03B or EPA-530-R-04-037), referenced in 35 Ill. Adm. Code 811.107.

- b) This incorporation includes no later amendments or editions.

(Source: Amended at 38 Ill. Reg. , effective)

Document comparison by Workshare Compare on Friday, September 05, 2014
10:17:58 AM

Input:	
Document 1 ID	file:///I:\Input\Agency Rulemakings - Files Received\2014\09Sep2014\35-810-Agency(issue37).docx
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Description	35-810-JCARr01(issue37)
Rendering set	Standard

Legend:	
<u>Insertion</u>	
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Moved from	
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Split/Merged cell	
Padding cell	

Statistics:	
	Count
Insertions	36
Deletions	52
Moved from	0
Moved to	0
Style change	0
Format changed	0
Total changes	88

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

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11 810.102 Severability
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14 810.105 Electronic Reporting
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16 AUTHORITY: Implementing Sections 7.2, 21, 21.1, 22, 22.17, and 22.40 and authorized by
17 Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 21, 21.1, 22, 22.17, 22.40, and
18 27].
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48 Authorized State, Tribe, and Local Programs' Reporting Systems
49 Must Meet?), referenced in Section 810.105.
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51 40 CFR 141.40 (2014)(2013) (Monitoring Requirements for
52 Unregulated Contaminants), referenced in 35 Ill. Adm. Code
53 811.319 and 817.415.
54

55 40 CFR 258.10(a), (b) and (c) (2014) (Airport Safety), referenced
56 in 35 Ill. Adm. Code 814.Appendix A.
57

58 40 CFR 258.11(a) (2014) (Floodplains), referenced in 35 Ill. Adm.
59 Code 814.Appendix A.
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61 40 CFR 258.12(a) (2014) (Wetlands), referenced in 35 Ill. Adm.
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65 Code 814.Appendix A.
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67 40 CFR 258.14 (2014) (Seismic Impact Zones), referenced in 35
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71 Code 814.Appendix A.
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74 Waste Landfill Units), referenced in 35 Ill. Adm. Code
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96 40 CFR 258.60(c)(2), (c)(3), (d), (f), (g) and (i) (2014) (Closure
97 Criteria), referenced in 35 Ill. Adm. Code 814.Appendix A.
98
99 40 CFR 258.61(a), (c)(3) and (d) (2014) (Post-Closure Care
100 Requirements), referenced in 35 Ill. Adm. Code 814.Appendix A.
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102 40 CFR 258.70(a) (2014) ((Financial Assurance) Applicability and
103 Effective Date), referenced in 35 Ill. Adm. Code 814.Appendix A.
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113 Action), referenced in 35 Ill. Adm. Code 814.Appendix A.
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116 Assurance)), referenced in 35 Ill. Adm. Code 814.Appendix A.
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124 2) American Institute of Certified Public Accountants, 1211 Avenue of the
125 Americas, New York NY 10036:
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127 Financial Accounting Standard Board (FASB) Accounting
128 Standards – Current Text, 2008 Edition, referenced in 35 Ill. Adm.
129 Code 811.715.

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- 5) U.S. Army Corps of Engineers, Publication Department, 2803 52nd Ave.,
Hyattsville MD 20781, 301-394-0081:

Engineering Manual 1110-2-1906 Appendix VII, Falling-Head
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CLERK'S OFFICE

SEP 10 2014

STATE OF ILLINOIS
Pollution Control Board

- 1) Heading of the Part: Standards for Existing Landfills and Units
- 2) Code Citation: 35 Ill. Adm. Code 814
- 3) Section Number: 814.Appendix A Proposed Action: Amendment
- 4) Statutory Authority: 415 ILCS 5/7.2, 22.40 and 27
- 5) A Complete Description of the Subjects and Issues Involved: The amendment to Part 814 is a single segment of the docket R15-8 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 docket R15-8 rulemaking in this issue of the *Illinois Register* is included in the answer to question 5 in the Notice of Adopted Amendment for 35 Ill. Adm. Code 810. A comprehensive description is contained in the Board's opinion and order of August 21, 2014, proposing amendments in docket R15-8, which opinion and order is available from the address below.

Specifically, the amendment to Part 814 adds cross-references to the incorporations by reference to Code of Federal Regulations provisions that the Board has added to 35 Ill. Adm. Code 81.104. The Board has included a limited number of additional corrections and clarifying amendments that are not directly related to the incorporations by reference to the Code of Federal Regulations.

Tables appear in the Board's opinion and order of August 21, 2014 in docket R15-8 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 August 21, 2014 opinion and order in docket R15-8.

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- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 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) (2012)].
- 11) Are there any other rulemakings pending on this Part? No
- 12) 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 docket R15-8 and be addressed to:

John T. Therriault, 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 docket R15-8:

Michael J. McCambridge
Staff Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago IL 60601

312/814-6924
michael.mccambridge@illinois.gov

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>.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

- 13) 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. 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) (2012)].
 - 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. 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) (2012)].
 - 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. 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) (2012)].
- 14) Regulatory agenda on which this rulemaking was summarized: 38 Ill. Reg. 13977; 14009-11 (July 7, 2014)

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

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CLERK'S OFFICE
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STATE OF ILLINOIS
Pollution Control Board

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

PART 814
STANDARDS FOR EXISTING LANDFILLS AND UNITS

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~~Appendix~~ [814.APPENDIX](#) A Additional Requirements for Existing MSWLF Units and Lateral Expansions Operating Under Permits Issued Pursuant to 35 Ill. Adm. Code 807.

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. 15850, effective September 18, 1990; amended in R93-10 at 18 Ill. Reg. 1284, effective January 13, 1994; emergency amendment in R94-13 at 18 Ill. Reg. 8488, effective May 12, 1994, for a maximum of 150 days; amended in R90-26 at 18 Ill. Reg. 12471, effective August 1, 1994; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 1472, effective December 20, 2006; amended in R14-~~1~~/[R14-2](#)/[R14-3](#) at 38 Ill. Reg. 7294, effective March 13, 2014; amended in R15-~~8~~ at 38 Ill. Reg. ~~—~~, effective _____.

~~NOTE: Capitalization indicates statutory language.~~

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Section 814.APPENDIX A Additional Requirements for Existing MSWLF Units and Lateral Expansions Operating Under Permits Issued Pursuant to 35 Ill. Adm. Code 807

- a) An existing MSWLF unit operating under a permit issued pursuant to 35 Ill. Adm. Code 807 ~~shall~~ must comply with the following requirements of the federal Subtitle D standards under 40 CFR ~~258 (1992);~~258, each incorporated by reference in 35 Ill. Adm. Code 810.104(a)(1), until the unit's permit is modified in accordance with Section 814.104:
 - 1) Location restrictions:
 - A) 40 CFR ~~258.10 (a);~~258.61(a) and (c);
 - B) 40 CFR 258.11 ~~(a);~~258.11(a);
 - C) 40 CFR 258.15; and
 - D) 40 CFR 258.16 ~~(a);~~258.16(a).
 - 2) Operating standards:
 - A) 40 CFR 258.20;
 - B) 40 CFR 258.23;
 - C) 40 CFR 258.26;
 - D) 40 CFR 258.27;
 - E) 40 CFR 258.28; and
 - F) 40 CFR 258.29 ~~(a);~~258.29(a) and (c);.
 - 3) Closure and postclosure care:
 - A) 40 CFR 258.60 ~~(e)(2);~~258.60(c)(2) and (c)(3), (d), (f), (g); and (i);

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and

- B) 40 CFR 258.61 ~~(a) 258.61~~(a), (c)(3), and (d);
- 4) Financial assurance requirements:
 - A) 40 CFR 258.70(a);
 - B) 40 CFR 258.71 ~~(a)(2) 258.71~~(a)(2);
 - C) 40 CFR 258.72(a)(1) and (a)(2);
 - D) 40 CFR 258.73; and
 - E) 40 CFR 258.74.
- b) In addition to the requirements of subsection (a) of this Appendix A, all existing MSWLF units, including municipally owned and operated on-site facilities, shall comply with the financial assurance requirements specified at ~~Subpart F of~~ 35 Ill. Adm. Code 807.Subpart F.
- c) A lateral expansion at an existing MSWLF unit operating under a permit issued pursuant to 35 Ill. Adm. Code 807 ~~shall~~ must comply with the following requirements of the federal Subtitle D standards under 40 CFR ~~258 (1992) 258~~, each incorporated by reference in 35 Ill. Adm. Code 810.104(a)(1), until the unit's permit is modified in accordance with Section 814.104:
 - 1) Location restrictions:
 - A) 40 CFR 258.10 ~~(a) 258.10~~(a), (b), and (c);
 - B) 40 CFR 258.11 ~~(a) 258.11~~(a);
 - C) 40 CFR 258.12 ~~(a) 258.12~~(a);
 - D) 40 CFR 258.13;
 - E) 40 CFR 258.14;

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- F) 40 CFR 258.15; and
- G) 40 CFR 258.16 ~~(a);~~ ~~258.16~~(a).

2) Operating standards:

- A) 40 CFR 258.20;
- B) 40 CFR 258.23;
- C) 40 CFR 258.26;
- D) 40 CFR 258.27;
- E) 40 CFR 258.28; and
- F) 40 CFR 258.29(a) and (c);.

3) Closure and postclosure care:

- A) 40 CFR 258.60(c)(2) and (c)(3), (d), (f), (g); and (i); and
- B) 40 CFR 258.61 ~~(a);~~ ~~258.61~~(a), (c)(3); and (d);.

4) Financial assurance requirements:

- A) 40 CFR 258.70(a);
- B) 40 CFR 258.71 ~~(a)(2);~~ ~~258.71~~(a)(2);
- C) 40 CFR 258.72 ~~(a)(1);~~ ~~258.72~~(a)(1) and (a)(2);
- D) 40 CFR 258.73; and
- E) 40 CFR 258.74.

~~ed~~) In addition to the requirements of subsection (b) of this ~~appendix~~ Appendix A, a

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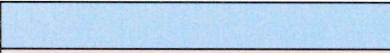

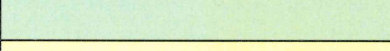
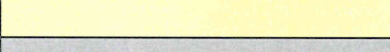
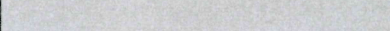
lateral expansion at an existing MSWLF unit operating under a permit issued pursuant to 35 Ill. Adm. Code 807 ~~shall~~must comply with the following requirements:

- 1) Flexible membrane liner requirements prescribed at 35 Ill. Adm. Code 811.306(d)(5)(A); and
- 2) All existing MSWLF units including municipally owned and operated and on-site facilities shall with the financial assurance requirements specified at ~~Subpart F of~~ 35 Ill. Adm. Code 807.Subpart F.

(Source: Amended at 38 Ill. Reg. , effective)

Document comparison by Workshare Compare on Friday, September 05, 2014
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Moved to	0
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Format changed	0
Total changes	56

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 814
7 STANDARDS FOR EXISTING LANDFILLS AND UNITS
8

9 SUBPART A: GENERAL REQUIREMENTS
10

- 11 Section
12 814.101 Scope and Applicability
13 814.102 Compliance Date
14 814.103 Notification to Agency
15 814.104 Applications for Significant Modification of Permits
16 814.105 Effect of Timely Filing of Notification and Application for Significant
17 Modification
18 814.106 Agency Action on Applications for Significant Modifications to Existing Permits
19 814.107 Compliance Dates for Existing MSWLF Units
20 814.108 Interim Permit Requirements for Existing MSWLF Units
21 814.109 Permit Requirements for Lateral Expansions at Existing MSWLF Units
22 814.110 Electronic Reporting
23

24 SUBPART B: STANDARDS FOR UNITS ACCEPTING INERT WASTE
25

- 26 Section
27 814.201 Scope and Applicability
28 814.202 Applicable Standards
29

30 SUBPART C: STANDARDS FOR EXISTING UNITS ACCEPTING CHEMICAL OR
31 PUTRESCIBLE WASTES THAT MAY REMAIN OPEN FOR MORE THAN SEVEN YEARS
32

- 33 Section
34 814.301 Scope and Applicability
35 814.302 Applicable Standards
36

37 SUBPART D: STANDARDS FOR EXISTING UNITS ACCEPTING CHEMICAL AND
38 PUTRESCIBLE WASTES THAT MUST INITIATE CLOSURE WITHIN SEVEN YEARS
39

- 40 Section
41 814.401 Scope and Applicability
42 814.402 Applicable Standards
43



44 SUBPART E: STANDARDS FOR EXISTING UNITS ACCEPTING INERT WASTE
45 ONLY, OR ACCEPTING CHEMICAL AND PUTRESCIBLE WASTES THAT MUST
46 INITIATE CLOSURE WITHIN TWO YEARS
47

- 48 Section
49 814.501 Scope and Applicability
50 814.502 Standards for Operation and Closure
51

52 SUBPART F: STANDARDS FOR EXISTING UNITS ACCEPTING ONLY
53 LOW RISK WASTES FROM THE STEEL AND FOUNDRY INDUSTRIES
54 THAT MAY REMAIN OPEN FOR MORE THAN SEVEN YEARS
55

- 56 Section
57 814.601 Scope and Applicability
58 814.602 Applicable Standards
59

60 SUBPART G: STANDARDS FOR EXISTING UNITS ACCEPTING
61 ONLY LOW RISK WASTES FROM THE STEEL OR FOUNDRY INDUSTRIES
62 THAT MUST INITIATE CLOSURE WITHIN SEVEN YEARS
63

- 64 Section
65 814.701 Scope and Applicability
66 814.702 Applicable Standards
67

68 SUBPART H: STANDARDS FOR EXISTING UNITS ACCEPTING ONLY
69 POTENTIALLY USABLE STEEL OR FOUNDRY INDUSTRY WASTE,
70 OR ACCEPTING ONLY LOW RISK STEEL OR FOUNDRY INDUSTRY WASTES
71 THAT MUST INITIATE CLOSURE WITHIN TWO YEARS
72

- 73 Section
74 814.801 Scope and Applicability
75 814.802 Standards for Operation and Closure
76

77 SUBPART I: STANDARDS FOR EXISTING UNITS ACCEPTING
78 ONLY POTENTIALLY USABLE STEEL OR FOUNDRY INDUSTRY WASTE
79 THAT PLAN TO STAY OPEN FOR MORE THAN TWO YEARS
80

- 81 Section
82 814.901 Scope and Applicability
83 814.902 Standards for Operation and Closure
84

- 85 814.APPENDIX A Additional Requirements for Existing MSWLF Units and Lateral
86 Expansions Operating Under Permits Issued Pursuant to 35 Ill.

Adm. Code 807.

87
88
89 AUTHORITY: Implementing Sections 7.2, 21, 21.1, 22, 22.17, and 22.40 and authorized by
90 Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 21, 21.1, 22, 22.17, 22.40, and
91 27].
92
93 SOURCE: Adopted in R88-7 at 14 Ill. Reg. 15850, effective September 18, 1990; amended in
94 R93-10 at 18 Ill. Reg. 1284, effective January 13, 1994; emergency amendment in R94-13 at 18
95 Ill. Reg. 8488, effective May 12, 1994, for a maximum of 150 days; amended in R90-26 at 18 Ill.
96 Reg. 12471, effective August 1, 1994; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 1472,
97 effective December 20, 2006; amended in R14-1/R14-2/R14-3 at 38 Ill. Reg. 7294, effective
98 March 13, 2014; amended in R15-8 at 38 Ill. Reg. _____, effective _____
99

100 **Section 814.APPENDIX A Additional Requirements for Existing MSWLF Units and**
101 **Lateral Expansions Operating Under Permits Issued Pursuant to 35 Ill. Adm. Code 807**
102

103 a) An existing MSWLF unit operating under a permit issued pursuant to 35 Ill. Adm.
104 Code 807 ~~must~~ shall comply with the following requirements of the federal
105 Subtitle D standards under 40 CFR 258, each incorporated by reference in
106 35 Ill. Adm. Code 810.104(a)(1), (1992) until the unit's permit is modified in
107 accordance with Section 814.104:
108

109 1) Location restrictions:

110 A) 40 CFR ~~258.61(a)~~258.10 (a) and (c);

111 B) 40 CFR 258.11(a);

112 C) 40 CFR 258.15; and

113 D) 40 CFR 258.16(a);
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115 2) Operating standards:

116 A) 40 CFR 258.20;

117 B) 40 CFR 258.23;

118 C) 40 CFR 258.26;

119 D) 40 CFR 258.27;

120 E) 40 CFR 258.28; and

121 F) 40 CFR 258.29(a) and (c);
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123 3) Closure and postclosure care:

124 A) 40 CFR 258.60(c)(2) and (c)(3), (d), (f), (g) and (i); and

125 B) 40 CFR 258.61(a), (c)(3) and (d);
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127 4) Financial assurance requirements:

128 A) 40 CFR 258.70(a);
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- 143 B) 40 CFR 258.71(a)(2);
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 145 C) 40 CFR 258.72(a)(1) and (a)(2);
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 147 D) 40 CFR 258.73; and
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 149 E) 40 CFR 258.74.
 150
- 151 b) In addition to the requirements of subsection (a) of this Appendix A, all existing
 152 MSWLF units, including municipally owned and operated on-site facilities, shall
 153 comply with the financial assurance requirements specified at 35 Ill. Adm. Code
 154 807.Subpart F.
 155
- 156 c) A lateral expansion at an existing MSWLF unit operating under a permit issued
 157 pursuant to 35 Ill. Adm. Code 807 ~~must~~ shall comply with the following
 158 requirements of the federal Subtitle D standards under 40 CFR 258, each
 159 incorporated by reference in 35 Ill. Adm. Code 810.104(a)(1), (1992)-until the
 160 unit's permit is modified in accordance with Section 814.104:
 161
- 162 1) Location restrictions:
 163
 164 A) 40 CFR 258.10(a), (b) and (c);
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 166 B) 40 CFR 258.11(a);
 167
 168 C) 40 CFR 258.12(a);
 169
 170 D) 40 CFR 258.13;
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 172 E) 40 CFR 258.14;
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 174 F) 40 CFR 258.15; and
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 176 G) 40 CFR 258.16(a);
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- 178 2) Operating standards:
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 180 A) 40 CFR 258.20;
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 182 B) 40 CFR 258.23;
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 184 C) 40 CFR 258.26;
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- D) 40 CFR 258.27;
- E) 40 CFR 258.28; and
- F) 40 CFR 258.29(a) and (c);³
- 3) Closure and postclosure care:
 - A) 40 CFR 258.60(c)(2) and (c)(3), (d), (f), (g) and (i); and
 - B) 40 CFR 258.61(a), (c)(3) and (d);³
- 4) Financial assurance requirements:
 - A) 40 CFR 258.70(a);
 - B) 40 CFR 258.71(a)(2);
 - C) 40 CFR 258.72(a)(1) and (a)(2);
 - D) 40 CFR 258.73; and
 - E) 40 CFR 258.74.
- de) In addition to the requirements of subsection (b) of this Appendix A~~appendix~~, a lateral expansion at an existing MSWLF unit operating under a permit issued pursuant to 35 Ill. Adm. Code 807 ~~must~~shall comply with the following requirements:
 - 1) Flexible membrane liner requirements prescribed at 35 Ill. Adm. Code 811.306(d)(5)(A); and
 - 2) All existing MSWLF units including municipally owned and operated and on-site facilities shall with the financial assurance requirements specified at 35 Ill. Adm. Code 807.Subpart F.

(Source: Amended at 38 Ill. Reg. _____, effective _____)