

TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE J: CLEAN CONSTRUCTION OR DEMOLITION DEBRIS  
CHAPTER I: POLLUTION CONTROL BOARD

PART 1100  
CLEAN CONSTRUCTION OR DEMOLITION DEBRIS FILL OPERATIONS

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AUTHORITY: Implementing Sections 5 and 22.51 and authorized by Section 22.51 and 27 of the Environmental Protection Act [415 ILCS 5/5, 22.51, and 27].

SOURCE: Adopted in R06-19 at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

SUBPART A: GENERAL

Section 1100.101 Scope and Applicability

a) This Part applies to all ~~CCDD~~ clear construction or demolition debris (CCDD) fill operations that are required to be permitted pursuant to Section 22.51 of the Act, other than CCDD fill operations permitted pursuant to 35 Ill. Adm. Code 807 or 811 through 814.

b) This Part does not apply to:

1) CCDD other than CCDD used as fill material in a current or former quarry, mine, or other excavation.

2) The use of CCDD as fill material in a current or former quarry, mine, or other excavation located on the site where the CCDD was generated [415 ILCS 5/22.51(b)(4)(A)];

3) The use of CCDD as fill material in an excavation other than a current or former quarry or mine if {the} use complies with Illinois Department of Transportation specifications [415 ILCS 5/22.51(b)(4)(B)];

~~Board Note~~ BOARD NOTE: The Illinois Department of Transportation (IDOT) specifications applicable to the use of CCDD as fill can be found at Articles 107.22 and 202.03 of IDOT's "Standard Specifications for Road and Bridge Construction." According to IDOT specifications, this exemption applies to IDOT, a county, a municipality, or a township.

4) The use of the following types of material as fill material:

A) CCDD that is considered "waste" under the Act or rules adopted pursuant to the Act; or

B) Any material other than CCDD, including, but not limited to, material generated on site as part of a mining process; and

5) The portions of a site not used for a CCDD fill operation.

Section 1100.102 Severability

If any provision of this Part or its application to any person or under any circumstances is adjudged invalid, such adjudication must not affect the validity of this Part as a whole or of any portion not adjudged invalid.

Section 1100.103 Definitions

Except as stated in this Section, or unless a different meaning of a word or term is clear from the context, the definition of words or terms in this Part

will be the same as that applied to the same words or terms in the Environmental Protection Act [415 ILCS 5]:

"10-year, 24-hour precipitation event" means a precipitation event of 24-hour duration with a probable recurrence interval of once in 10 years.

"100-year, 24-hour precipitation event" means a precipitation event of 24-hour duration with a probable recurrence interval of once in 100 years.

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

"Agency" is the Illinois Environmental Protection Agency established by the Act. [415 ILCS 5/3.105]

"Applicant" means the person submitting an application to the Agency for a permit for a CCDD fill operation.

"Board" is the Pollution Control Board established by ~~the~~ Act. [415 ILCS 5/3.105]

"CCDD" means clean construction or demolition debris.

"CCDD fill operation" means the use of CCDD as fill material in a current or former quarry, mine, or other excavation. For purposes of this Part, the term "other excavation" does not include holes, trenches, or similar earth removal created as part of normal construction, removal, or maintenance of a structure, utility, or transportation infrastructure.

"Clean construction or demolition debris" means uncontaminated broken concrete without protruding metal bars, bricks, rock, stone, reclaimed asphalt pavement, or soil generated from construction or demolition activities.

Clean construction or demolition debris does not include uncontaminated soil generated during construction, remodeling, repair, and demolition of utilities, structures, and roads provided the uncontaminated soil is not commingled with any clean construction or demolition debris or other waste. For purposes of this Part, uncontaminated soil may include incidental amounts of stone, clay, rock, sand, gravel, roots, and other vegetation.

To the extent allowed by federal law, clean construction or demolition debris shall not be considered "waste" if it is ~~(i)~~ ;

used as fill material outside of a setback zone if the fill is placed no higher than the highest point of elevation existing prior to the filling immediately adjacent to the fill area, and if covered by sufficient uncontaminated soil to support vegetation within 30 days of the completion of filling or if covered by a road or structure, ~~(i)~~ or ~~(ii)~~

separated or processed and returned to the economic mainstream in the form of raw materials or products, if it is not speculatively accumulated and, if used as a fill material, it is used in accordance with ~~item (i)~~ the first identical paragraph immediately above within 30 days ~~of~~ after its generation, ~~(i)~~ or ~~(iii)~~

solely broken concrete without protruding metal bars used for erosion control, ~~(i)~~ or ~~(iv)~~

generated from the construction or demolition of a building, road, or other structure and used to construct, on the site where the construction or demolition has taken place, a manmade functional structure not to exceed 20 feet above the highest point of elevation of the property immediately adjacent to the new manmade functional structure as that elevation existed prior to the creation of that new structure, provided that the structure shall be covered with sufficient soil materials to sustain vegetation or by a road or structure, and further provided that no such structure shall be constructed within a home rule municipality with a population over 500,000 without the consent of the municipality. [415 ILCS 5/3.160(b)]

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

"Facility" means the areas of a site and all equipment and fixtures on a site used for a CCDD fill operation. A facility consists of an entire CCDD fill operation. All structures used in connection with or to facilitate the CCDD fill operation will be considered a part of the facility.

"Filled area" means areas within a unit where CCDD has been placed as fill material.

"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. [415 ILCS 5/3.115]

"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 1251 et seq.), Section 12(f) of the Act, Subpart A of 35 Ill. Adm. Code 309, and 35 Ill. Adm. Code 310.

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

"Operator" means a person responsible for the operation and maintenance of a CCDD fill operation.

"Owner" means a person who has any direct or indirect interest in a CCDD fill operation or in land on which a person operates and maintains a CCDD fill operation. A "direct or indirect interest" does not include the ownership of publicly traded stock. The "owner" is the "operator" if there is no other person who is operating and maintaining a CCDD fill operation.

"Person" is any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, political subdivision, State agency, or any other legal entity, or their legal representative, agent or assigns. [415 ILCS 5/3.115]

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

"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 CCDD to use other than use as fill at a CCDD fill operation.

"Setback zone" means a geographic area, designated pursuant to {the} Act, containing a potable water supply well or a potential source or potential route, having a continuous boundary, and within which certain prohibitions or regulations are applicable in order to protect groundwaters. [415 ILCS 5/3.450]

"Unit" means a contiguous area within a facility that is permitted for the placement of CCDD as fill material.

"Working face" means any part of a unit where CCDD is being placed as fill.

#### Section 1100.104 Incorporations by Reference

a) The Board incorporates the following material by reference:

U.S. Government Printing Office, Washington, D.C. 20402, Ph: 202-783-3238:

Test Methods for Evaluating Solid Waste, Physical/Chemical methods, EPA Publication SW-846 (Third Edition, 1986 as amended by Updates I, II, IIA, IIB, III, IIIA and IIIB).

b) This incorporation includes no later amendments or editions.

#### SUBPART B: STANDARDS

#### Section 1100.201 Prohibitions

a) No person shall conduct any CCDD fill operation in violation of the Act or any regulations or standards adopted by the Board. [415 ILCS 5/22.51(a)].

b) CCDD fill operations must not accept waste for use as fill. This does not prohibit non-CCDD material, such as uncontaminated soil and other non-waste material from being placed as fill material in a unit. Pursuant to Section 3.160 of the Act, when uncontaminated soil is commingled with CCDD, the uncontaminated soil is considered CCDD. Accordingly, the other non-waste material commingled with CCDD is considered CCDD.

c) CCDD fill operations must not be located inside a setback zone of a potable water supply well. (See Section 3.160(b)(i) of the Act).

#### Section 1100.202 Surface Water Drainage

a) Runoff ~~From~~ from Filled Areas

1) All discharges of runoff from filled areas to waters of the State must be permitted by the Agency to the extent required under 35 Ill. Adm. Code 309.

2) All surface water control structures must be operated until the final cover is placed and the vegetative or other cover meeting the requirements of Section 1100.208 of this Part provides erosional stability.

b) Diversion of Runoff ~~From~~from Unfilled Areas-

1) Runoff from unfilled areas must be diverted around filled areas to the greatest extent practical.

2) Diversion facilities must be constructed to prevent runoff from the 10-year, 24-hour precipitation event from entering filled areas.

3) Runoff from unfilled areas which becomes commingled with runoff from filled areas must be handled as runoff from filled areas in accordance with subsection (a) of this Section.

4) All diversion structures must be designed to have flow velocities that will not cause erosion and scouring of the natural or constructed lining (i.e., the bottom and sides) of the diversion channel and downstream channels.

5) All diversion structures must be operated until the final cover is placed and the vegetative or other cover meeting the requirements of Section 1100.208 of this Part provides erosional stability.

Section 1100.203 Annual Facility Map

The owner or operator must submit an annual facility map to the Agency each calendar year by the date specified in the Agency permit. The map must have a scale no smaller than one inch equals 200 feet, show the horizontal extent of filled areas as of the date of the map, and show the same information as required for facility plan maps under ~~Sections~~Section 1100.305(a) through (d) of this Part.

Section 1100.204 Operating Standards

a) Placement of ~~fill material~~Fill Material

Fill material must be placed in a safe manner that protects human health and the environment in conformance with the provisions of the Act and the regulations adopted ~~thereunder~~under the Act.

b) Size and Slope of Working Face

The working face of the fill operation must be no larger than is necessary, based on the terrain and equipment used in material placement, to conduct operations in a safe and efficient manner in conformance with the provisions of the Act and the regulations adopted ~~thereunder~~under the Act.

c) Equipment

Equipment must be maintained and available for use at the facility during all hours of operation, so as to achieve and maintain compliance with the requirements of this Part.

d) Utilities

All utilities, including but not limited to heat, lights, power, and communications equipment, necessary for safe operation in compliance with the requirements of this Part must be available at the facility at all times.

e) Maintenance

The owner or operator must maintain and operate all systems and related appurtenances and structures in a manner that facilitates proper operations in compliance with this Part.

f) Dust Control

The owner or operator must implement methods for controlling dust so as to minimize off-site wind dispersal of particulate matter.

g) Noise Control

The facility must be designed, constructed, and maintained to minimize the level of equipment noise audible outside the site. The facility must not cause or contribute to a violation of the Board's noise regulations or Section 24 of the Act.

h) Fill Elevation

The owner or operator must not place CCDD used as fill higher than the highest point of elevation existing prior to the filling immediately adjacent to the fill area. [415 ILCS 5/3.160(b)]

~~Board Note~~ BOARD NOTE: This does not prohibit non-CCDD materials, such as uncontaminated soil and other non-waste material, from being placed above grade in accordance with the Act and regulations adopted thereunder to increase elevations at the fill site.

i) Mud Tracking

The owner or operator must implement methods to minimize tracking of mud by hauling vehicles onto public roadways.

Section 1100.205 Load Checking

The owner or operator must institute and conduct a load checking program designed to detect attempts to dispose of waste at the facility. At a minimum, the load checking program must consist of the following components:

a) Routine Inspections

1) An inspector designated by the facility must inspect every load before its acceptance at the facility utilizing an elevated structure, a designated ground level inspection area, or another acceptable method as specified in the Agency permit. In addition to a visual inspection, the inspector must use an instrument with a photo ionization detector utilizing a lamp of 10.6 eV or greater or an instrument with a flame ionization detector, or other monitoring devices approved by the Agency, to inspect each load. All instruments shall be interpreted based on the manufacturer's margin of error. Any reading in excess of background levels using any of these instruments must result in the rejection of the inspected load. In addition, any reading in excess of background levels on any monitoring device used by the Agency during an Agency inspection must result in the rejection of the inspected load.

2) Cameras or other devices may be used to record the visible contents of shipments. Where such devices are employed, their use should be designated on a sign posted near the entrance to the facility.

b) Random Inspections

1) In addition to the inspections required under subsection (a) of this Section, an inspector designated by the facility must conduct a discharge

inspection of at least one randomly selected load delivered to the facility each day. The driver of the randomly selected load must be directed to discharge the load at a separate, designated location within the facility. The inspector must conduct an inspection of the discharged material that includes, but is not limited to, additional visual inspection and additional instrument testing using the instruments required under subsection (a)(1) of this Section. All instruments shall be interpreted based on the manufacturer's margin of error. Any reading in excess of background levels using any of these instruments must result in the rejection of the inspected load. In addition, any reading in excess of background levels on any monitoring device used by the Agency during an Agency inspection must result in the rejection of the inspected load.

2) Cameras or other devices may be used to record the visible contents of shipments. Where such devices are employed, their use should be designated on a sign posted near the entrance to the facility.

c) Documentation of Inspection Results

The documentation for each inspection must include, at a minimum, the following:

1) The date and time of the inspection, the name of the hauling firm, the vehicle identification number or license plate number, and the source of the CCDD;

2) The results of the routine inspection required under subsection (a) of this Section, including, but not limited to, the monitoring instruments used, whether the load was accepted or rejected, and for rejected loads the reason for the rejection;

3) The results of any random inspection required under subsection (b) of this Section, including, but not limited to, the monitoring instruments used, whether the load was accepted or rejected, and for rejected loads the reason for the rejection; and

4) The name of the inspector.

d) Rejection of Loads

1) If material other than CCDD is found or suspected, the owner or operator must reject the load and present the driver of the rejected load with written notice of the following:

A) That only CCDD is accepted for use as fill at the facility;

B) That the rejected load contains or is suspected to contain material other than CCDD, and that the material must not be taken to another CCDD fill operation and must be properly recycled or disposed of at a permitted landfill;

C) That for all inspected loads the owner or operator is required to record, at a minimum, the date and time of the inspection, the name of the hauling firm, the vehicle identification number or license plate number, and the source of the fill and is required to make this information available to the Agency for inspection.

2) The owner or operator must ensure the cleanup, transportation, and proper disposal of any material other than CCDD that remains at the facility after the rejection of a load.

- e) The owner or operator must take special precautionary measures as specified in the Agency permit prior to accepting loads from persons or sources found or suspected to be responsible for sending or transporting material other than CCDD to the facility. The special precautionary measures may include, but are not limited to, questioning the driver about the load prior to its discharge and increased visual inspection and instrument testing of the load.
- f) If material other than CCDD is discovered to be improperly accepted or deposited at the facility, the owner or operator must remove and properly dispose of the material.
- g) The owner or operator must ensure that all appropriate facility personnel are properly trained in the identification of material that is not CCDD.
- h) All field measurement activities relative to equipment and instrument operation, calibration and maintenance and data handling shall be conducted in accordance with the following:
  - 1) "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods" (SW-846), Vol. One, Ch. One (Quality Control), incorporated by reference at Section 1100.104 of this Part;
  - 2) The equipment or instrument manufacturer's or vendor's published standard operating procedures; or
  - 3) Other operating procedures specified in the Agency permit.
- i) Documentation required under this Section must be kept for a minimum of ~~three~~ years at the facility or in some alternative location specified in the Agency permit. The documentation must be available for inspection and copying by the Agency upon request during normal business hours.

Section 1100.206 Salvaging

- a) All salvaging operations must in no way interfere with the CCDD fill operation, result in a violation of this Part, or delay the construction of final cover.
- b) All salvaging operations must be performed in a safe manner in compliance with the requirements of this Part.
- c) Salvageable materials:
  - 1) May be accumulated onsite by an owner or operator, provided they are managed so as not to create a nuisance, harbor vectors, cause malodors, or create an unsightly appearance; and
  - 2) May not be accumulated at the facility for longer than one year unless a longer period of time is allowed under the Act or is specified in the Agency permit.

Section 1100.207 Boundary Control

- a) Unauthorized vehicular access to the working face of all units and to all other areas within the boundaries of the facility must be restricted.

b) A permanent sign must be posted at the entrance to the facility or each unit stating that only CCDD is accepted for use as fill.

Section 1100.208 Closure

a) Completion of Filling

1) The owner or operator is deemed to have completed CCDD filling:

A) 30 days after the date on which the facility receives the final load of CCDD for use as fill; or

B) If the facility has remaining capacity and there is a reasonable likelihood that the facility will receive additional CCDD for use as fill, no later than one year after the most recent receipt of CCDD for use as fill.

2) The Agency must grant extensions beyond the one year deadline in subsection (a)(1)(B) of this Section if the owner or operator demonstrates that:

A) The facility has the capacity to receive additional CCDD for use as fill; and

B) The owner or operator has taken and will continue to take all steps necessary to prevent threats to human health and the environment from the facility.

b) Closure

1) Final Cover

All filled areas must be covered by sufficient uncontaminated soil to support vegetation within 30 days of the completion of filling or must be covered by a road or structure ~~\_\_\_\_\_~~ [415 ILCS 5/3.160]— The minimum amount of soil to support vegetation is one foot. The final surface must prevent or minimize erosion.

2) Final Slope and Stabilization

A) The final slopes and contours must be constructed to complement and blend with the surrounding topography of the proposed final land use of the area.

B) All drainage ways and swales must be constructed to safely pass the runoff from the 100-year, 24-hour precipitation event without scouring or erosion.

C) The final configuration of the facility must be constructed in a manner that minimizes erosion.

D) Standards for Vegetation

i) Vegetation must minimize wind and water erosion;

ii) Vegetation must be compatible with (i.e., grow and survive under) the local climatic conditions;

iii) Temporary erosion control measures, including, but not limited to, the application, alone or in combination, of mulch, straw, netting, or chemical soil stabilizers, must be undertaken while vegetation is being established.

Section 1100.209 Postclosure Maintenance

The owner or operator must conduct postclosure maintenance in accordance with this Section and the Agency permit for a minimum of one year after the Agency issues a certificate of closure in accordance with Section 1100.412 of this Part unless a shorter period of time for postclosure maintenance is specified in the Agency permit. Reasons for which the Agency may specify a shorter period of time for postclosure maintenance include, but are not limited to, conformance with existing reclamation plan requirements, zoning requirements, local ordinances, private contracts, or development plans.

a) The owner or operator must remove all equipment or structures not necessary for the postclosure land use, unless otherwise authorized by the Agency permit.

b) Maintenance and Inspection of the Final Cover+

1) Frequency of Inspections. The owner or operator must conduct a quarterly inspection of all surfaces during closure and for a minimum of one year after closure.

2) All rills, gullies, and crevices six inches or deeper identified in the inspection must be filled. Areas identified by the owner or operator or the Agency as particularly susceptible to erosion must be recontoured.

3) All eroded and scoured drainage channels must be repaired and lining material must be replaced if necessary.

4) All holes and depressions created by settling must be filled and recontoured so as to prevent standing water.

5) All reworked surfaces, and areas with failed or eroded vegetation in excess of 100 square feet cumulatively, must be revegetated in accordance with the approved closure plan for the facility.

c) The Agency must approve postclosure use of the property if the owner or operator demonstrates that the disturbance of the final cover will not increase the potential threat to human health or the environment.

Section 1100.210 Recordkeeping Requirements

The owner or operator must maintain an operating record at the facility or in some alternative location specified in the Agency permit. The owner or operator must make the operating record available for inspection and copying by the Agency upon request during normal business hours. Information maintained in the operating record must include, but is not limited to, the following:

a) Any information submitted to the Agency pursuant to this Part, including, but not limited to, copies of all permits, permit applications, and annual reports;

b) Written procedures for load checking, load rejection notifications, and training required under Section 1100.205 of this Part.

Section 1100.211 Annual Reports

The owner or operator must submit an annual report to the Agency each calendar year by the date specified in the Agency permit. The annual report must include, at a minimum, the following information:

- a) A summary of the number of loads accepted and the number of loads rejected during the calendar year.
- b) Amount of CCDD expected in the next year.
- c) Any modification affecting the operation of the facility.
- d) The signature of the owner or operator, or the owner or operator's duly authorized agent as specified in Section 1100.303 of this Part.

#### SUBPART C: PERMIT INFORMATION

##### Section 1100.301 Scope and Applicability

All persons seeking a permit for a CCDD fill operation must submit to the Agency an application for the permit in accordance with the Act and this Part.

##### Section 1100.302 Notification

The applicant must provide notification of the request for a permit to the State's Attorney and the Chairman of the County Board of the county in which the facility is located, each member of the General Assembly from legislative districts in which that facility is located, and the clerk of each municipality located within three miles of the facility. Proof of providing the notifications required under this Section must be included in the permit application.

##### Section 1100.303 Required Signatures

- a) All permit applications must contain the name, address, and telephone number of the owner and operator, and any duly authorized agents of the owner or operator to whom inquiries and correspondence should be addressed.
- b) All permit applications must be signed by the owner and operator, or by their duly authorized agents with an accompanying oath or affidavit attesting to the agent's authority to sign the application on behalf of the owner or operator. All signatures must be notarized. The following persons are considered duly authorized agents of the owner and operator:
  - 1) For corporations, a principal executive officer of at least the level of vice president;
  - 2) For a sole proprietorship, the sole proprietor;
  - 3) For a partnership, a general partner; and
  - 4) For a municipality, state, federal or other public agency, by the head of the agency or a ranking elected official.

##### Section 1100.304 Site Location Map

All permit applications must contain a site location map on the most recent United States Geological Survey (USGS) quadrangle of the area from the ~~7-171~~/2 minute series (topographic) that clearly shows the following information:

- a) The site boundaries, the facility boundaries, and all adjacent property extending at least 1000 meters (3300 feet) beyond the facility boundaries;
- b) All surface waters;
- c) All potable water supply wells within 1000 meters (3300 feet) of the facility boundaries;
- d) All potable water supply well setback zones established pursuant to Section 14.2 or 14.3 of the Act;
- e) Any wellhead protection areas pursuant to Section 1428 of the Safe Water Drinking Act (SDWA) (42 USC 300f) and any sole source aquifer designated by the United States Environmental Protection Agency pursuant to Section 1424(e) of SDWA.
- f) All main service corridors, transportation routes, and access roads to the site and facility.

Section 1100.305 Facility Plan Maps

The application must contain maps showing the details of the facility. The maps must have a scale no smaller than one inch equals 200 feet, have appropriate contour intervals as needed to delineate all physical features of the facility, and show the following:

- a) The entire facility, including, but not limited, to all permanent structures and roads within the facility;
- b) The boundaries, both above and below ground level, of the facility and all units included in the facility;
- c) All roads entering and exiting the facility; and
- d) Devices for controlling access to the facility.

Section 1100.306 Narrative Description of the Facility

The permit application must contain a written description of the facility with supporting documentation describing the procedures and plans that will be used at the facility to comply with the requirements of this Part. Such descriptions must include, but are not limited to, the following information:

- a) A description of the CCDD being used as fill and a load checking plan describing how the owner or operator will comply with Section 1100.205 of this Part;
- b) The types of CCDD expected in each unit, an estimate of the maximum capacity of each unit, and the rate at which CCDD is to be placed in each unit;
- c) The estimated density of the CCDD;
- d) The length of time each unit will receive CCDD;

- e) A description of all equipment to be used at the facility for complying with the facility permit, the Act, and Board regulations. ~~---~~;
- f) A description of any salvaging to be conducted at the facility, including, but not limited to, a description of all salvage facilities and a description of how the owner or operator will comply with Section 1100.206 of this Part;
- g) A description of how the owner or operator will comply with the requirements of Section 1100.207 of this Part;
- h) A description of how the owner or operator will comply with ~~Sections~~Section 1100.204(c) and (e) of this Part;
- i) A description of the methods to be used for controlling dust in compliance with Section 1100.204(f) of this Part;
- j) A description of how the owner or operator will control noise in compliance with Section 1100.204(g) of this Part; and
- k) A description of all existing and planned roads in the facility that will be used during the operation of the facility, the size and type of such roads, and the frequency with which they will be used.

Section 1100.307 Proof of Property Ownership and Certifications

The permit application must contain a certificate of ownership of the facility property and certifications regarding the provisions of Sections 39(i) and 39(i-5) of the Act. The owner and operator must certify that the Agency will be notified within ~~seven~~7 days ~~of~~after any changes in ownership.

Section 1100.308 Surface Water Control

The permit application must contain a plan for controlling surface water ~~which that~~ demonstrates compliance with Section 1100.202 of this Part, and ~~which that~~ includes at least the following:

- a) A copy of any approved National Pollutant Discharge Elimination System (NPDES) permit issued pursuant to 35 Ill. Adm. Code 309 to discharge runoff from all filled areas of the facility, or a copy of any such NPDES permit application if an NPDES permit is pending; and
- b) A map showing the location of all surface water control structures at the facility.

Section 1100.309 Closure Plan

The permit application must contain a written closure plan that contains, at a minimum, the following:

- a) Maps showing the configuration of the facility after closure of all units, including, but not limited to, appropriate contours as needed to show the proposed final topography after placement of the final cover for all filled areas. All maps must have a scale no smaller than one inch equals 200 feet;
- b) Steps necessary for the temporary suspension of CCDD filling in accordance with ~~Sections~~Section 1100.208(a) (1) (B) or (a) (2) of this Part;

- c) Steps necessary for closure of the facility at the end of its intended operating life;
- d) An estimate of the expected year of closure;
- e) Schedules for temporary suspension of CCDD filling and closure, which must include, at a minimum, the total time required to close the facility and the time required for closure activities that will allow tracking of the progress of closure;
- f) A description of how the applicant will comply with Section 1100.208 of this Part; and
- g) A description of the final cover, including, but not limited to, the material to be used as the final cover, application and spreading techniques, the types of vegetation to be planted, and the types of roads or structures to be built pursuant to Section 1100.208 of this Part.

Section 1100.310                      Postclosure Maintenance Plan

The permit application must contain a postclosure maintenance plan that includes a description of the planned uses of the property during the postclosure maintenance period and a description of the measures to be taken during the postclosure maintenance period in compliance with the requirements of Section 1100.209 of this Part.

SUBPART D: PROCEDURAL REQUIREMENTS FOR PERMITTING

Section 1100.401                      Purpose of Subpart

This Subpart contains the procedures to be followed by all applicants and the Agency for applications for permits for CCDD fill operations.

Section 1100.402                      Delivery of Permit Application

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

Section 1100.403                      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. [415 ILCS 5/39]
- b) An application for permit pursuant to this Subpart must not be deemed filed until the Agency has received all information and documentation in the form and with the content required by this Part. However, if, 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 must be deemed to have been filed as of the date of such purported filing as calculated pursuant to Section 1100.402 of this Part. 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 1100.406 of this Part.

- c) The applicant may waive the right to a final decision in writing prior to the applicable deadline in subsection (a) of this Section.
- d) The applicant may modify a permit application at any time prior to the Agency decision deadline date. Any modification of a permit application must constitute a new application for the purposes of calculating the Agency decision deadline date.
- e) The Agency must mail all notices of final action by registered or certified mail, postmarked with a date stamp and accompanied by a return receipt request. Final action must be deemed to have taken place on the date that such final action is signed.

Section 1100.404                      Standards for Issuance of a Permit

- a) The Agency must issue a permit upon proof that the facility, unit, or equipment will not cause a violation of the Act or of Board regulations set forth in 35 Ill. Adm. Code: Chapter I. [415 ILCS 5/39]
- b) In granting permits, the Agency must impose such conditions as may be necessary to accomplish the purposes of the Act, and as are not inconsistent with Board regulations set forth in 35 Ill. Adm. Code: Chapter I. [415 ILCS 5/39]

Section 1100.405                      Standards for Denial of a Permit

If the Agency denies any permit under this Part, the Agency must transmit to the applicant within the time limitations of this Part specific, detailed statements as to the reasons the permit application was denied. Such a statement must 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 provisions of the regulations, 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 the regulations might not be met if the permit were granted. [415 ILCS 5/39].

Section 1100.406                      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 [415 ILCS 5/40(a)(1)]. The petition must be filed, and the proceeding conducted, pursuant to the procedures of Section 40 of the Act and Board rules.

Section 1100.407                      Permit No Defense

The issuance and possession of a permit does not constitute a defense to a violation of the Act or any Board rules, except for the use of CCDD as fill material in a current or former quarry, mine, or other excavation without a permit.

Section 1100.408 Term of Permit

- a) Permits issued under ~~to~~ this Part must not have a term of more than 10 years.
- b) All permits are valid until postclosure maintenance is completed or until the permit expires or is revoked, as provided herein ~~in this Part.~~
- c) The violation of any permit condition or the failure to comply with any provision of this Part is grounds for sanctions as provided in the Act, including, but not limited to, permit revocation. Such sanctions must be sought by filing a complaint with the Board pursuant to Title VIII of the Act ~~(415 ILCS 5/30)~~ Title VIII.

Section 1100.409 Transfer of Permits

No permit is transferable from one person to another except as approved by the Agency. Approval must be granted only if a new owner or operator who is seeking transfer of a permit can demonstrate the ability to comply with all applicable requirements of this Part.

Section 1100.410 Procedures for the Modification of Permits

a) ~~Owner or operator initiated modification.~~ Operator Initiated Modification  
A modification to an approved permit may be initiated at the request of an owner or operator at any time after the permit is approved. The owner or operator initiates a modification by application to the Agency.

b) ~~Agency initiated modification.~~ 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 ~~must~~ will not become effective until ~~after 45 days of~~ after receipt by the owner or operator, unless stayed during the pendency of an appeal to the Board. All other time periods and procedures in Section 1100.403 of this Part apply. The owner or operator may request the Agency to reconsider the modification, or may file a petition with the Board pursuant to Section 1100.406 of this Part. All other time periods and procedures in Section 1100.403 of this Part apply.

Section 1100.411 Procedures for the Renewal of Permits

a) Time of Filing

An application for the renewal of a permit must be filed with the Agency at least 90 days prior to the expiration date of the existing permit.

b) Effect of Timely Filing

When a permittee has made timely and sufficient application for the renewal of a permit, the existing permit must continue in full force and effect until the final ~~agency~~Agency decision on the application has been made and any final ~~board~~Board decision on any appeal pursuant to Section 40 has been made unless a later date is fixed by order of a reviewing court. (See Section 10-65 of the Illinois Administrative Procedure Act ~~([5 ILCS 100/10-65])~~( ))

c) Information Required for Permit Renewal

The owner or operator must submit only the information required under Subpart C of this Part that has changed since the last permit review by the Agency. The application for renewal must be signed in accordance with the signature requirements of Section 1100.303 of this Part.

d) Procedures for Permit Renewal

Applications for permit renewal are subject to all requirements and time schedules in Sections 1100.402 through 1100.409 of this Part.

Section 1100.412 Procedures for Closure and Postclosure Maintenance

a) Notification of Receipt of Final Volume

Within 30 days after the date the final volume of CCDD is received, the owner or operator must notify the Agency in writing of the receipt of the final volume of CCDD.

b) Certification of Closure

1) When the closure of the facility is complete, the owner or operator must submit to the Agency:

A) Documentation concerning closure of the facility, including, but not limited, to plans or diagrams of the facility as closed and the date closure was completed.

B) An affidavit by the owner or operator and the seal of a professional engineer that the facility has been closed in accordance with the closure plan and the closure requirements of this Part.

2) When the Agency determines, pursuant to the information received pursuant to subsection (b) (1) of this Section and any Agency site inspection, that the facility has been closed in accordance with the specifications of the closure plan and the closure requirements of this Part, the Agency must:

A) Issue a certificate of closure; and

B) Specify the date the postclosure maintenance period begins, based on the date closure was completed.

c) Termination of the Permit

1) At the end of the postclosure maintenance period, the owner or operator may submit to the Agency an application for termination of the permit. The

application must be submitted in a format prescribed by the Agency and must include, at a minimum, the certification of a professional engineer and the affidavit of the owner or operator demonstrating that, due to compliance with the postclosure maintenance plan and the postclosure maintenance requirements of this Part, postclosure maintenance is no longer necessary because:

A) Vegetation has been established on all nonpaved areas;

B) The surface has stabilized sufficiently with respect to settling and erosion so that further stabilization measures, pursuant to the postclosure maintenance plan, are no longer necessary; and

C) The owner or operator has completed all requirements of the postclosure maintenance plan.

2) Within 90 days after receiving the certification required by subsection (c)(1) of this Section, the Agency must notify the owner or operator in writing that the permit is terminated, unless the Agency determines, pursuant to the information received pursuant to subsection (c)(1) of this Section and any Agency site inspection, that continued postclosure maintenance is required pursuant to the postclosure maintenance plan and this Part.

3) ~~The owner or operator may deem the~~For purposes of appeal pursuant to Section 40(d) of the Act and the appeal provisions of this Part, Agency action pursuant to subsection (c)(2) of this Section as is deemed a denial or grant of permit with conditions for purposes of appeal pursuant to Section 40(d) of the Act and the appeal provisions of this Part.  
ILLINOIS REGISTER

JCAR351100-0607711r01

~~POLLUTION CONTROL BOARD~~

~~NOTICE OF PROPOSED RULE~~

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# 1ST NOTICE VERSION

JCAR351100-0607711r01

1 TITLE 35: ENVIRONMENTAL PROTECTION  
2 SUBTITLE J: CLEAN CONSTRUCTION OR DEMOLITION DEBRIS  
3 CHAPTER I: POLLUTION CONTROL BOARD  
4

5 PART 1100  
6 CLEAN CONSTRUCTION OR DEMOLITION DEBRIS FILL OPERATIONS  
7

8 SUBPART A: GENERAL  
9

10 Section

- 11 1100.101 Scope and Applicability  
12 1100.102 Severability  
13 1100.103 Definitions  
14 1100.104 Incorporations by Reference  
15

16 SUBPART B: STANDARDS  
17

18 Section

- 19 1100.201 Prohibitions  
20 1100.202 Surface Water Drainage  
21 1100.203 Annual Facility Map  
22 1100.204 Operating Standards  
23 1100.205 Load Checking  
24 1100.206 Salvaging  
25 1100.207 Boundary Control  
26 1100.208 Closure  
27 1100.209 Postclosure Maintenance  
28 1100.210 Recordkeeping Requirements  
29 1100.211 Annual Reports  
30

31 SUBPART C: PERMIT INFORMATION  
32

33 Section

- 34 1100.301 Scope and Applicability  
35 1100.302 Notification  
36 1100.303 Required Signatures  
37 1100.304 Site Location Map  
38 1100.305 Facility Plan Maps  
39 1100.306 Narrative Description of the Facility  
40 1100.307 Proof of Property Ownership and Certifications  
41 1100.308 Surface Water Control  
42 1100.309 Closure Plan  
43 1100.310 Postclosure Maintenance Plan

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SUBPART D: PROCEDURAL REQUIREMENTS FOR PERMITTING

- Section
- 1100.401 Purpose of Subpart
- 1100.402 Delivery of Permit Application
- 1100.403 Agency Decision Deadlines
- 1100.404 Standards for Issuance of a Permit
- 1100.405 Standards for Denial of a Permit
- 1100.406 Permit Appeals
- 1100.407 Permit No Defense
- 1100.408 Term of Permit
- 1100.409 Transfer of Permits
- 1100.410 Procedures for the Modification of Permits
- 1100.411 Procedures for the Renewal of Permits
- 1100.412 Procedures for Closure and Postclosure Maintenance

AUTHORITY: Implementing Sections 5 and 22.51 and authorized by Section 22.51 and 27 of the Environmental Protection Act [415 ILCS 5/5, 22.51, and 27].

SOURCE: Adopted in R06-19 at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

SUBPART A: GENERAL

**Section 1100.101 Scope and Applicability**

- a) This Part applies to all clear construction or demolition debris (CCDD) fill operations that are required to be permitted pursuant to Section 22.51 of the Act, other than CCDD fill operations permitted pursuant to 35 Ill. Adm. Code 807 or 811 through 814.
- b) This Part does not apply to:
  - 1) CCDD other than CCDD used as fill material in a current or former quarry, mine, or other excavation.
  - 2) *The use of CCDD as fill material in a current or former quarry, mine, or other excavation located on the site where the CCDD was generated* [415 ILCS 5/22.51(b)(4)(A)];
  - 3) *The use of CCDD as fill material in an excavation other than a current or former quarry or mine if the use complies with Illinois Department of Transportation specifications* [415 ILCS 5/22.51(b)(4)(B)];

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BOARD NOTE: The Illinois Department of Transportation (IDOT) specifications applicable to the use of CCDD as fill can be found at Articles 107.22 and 202.03 of IDOT's "Standard Specifications for Road and Bridge Construction." According to IDOT specifications, this exemption applies to IDOT, a county, a municipality, or a township.

- 4) The use of the following types of material as fill material:
  - A) CCDD that is considered "waste" under the Act or rules adopted pursuant to the Act; or
  - B) Any material other than CCDD, including, but not limited to, material generated on site as part of a mining process; and
- 5) The portions of a site not used for a CCDD fill operation.

**Section 1100.102 Severability**

If any provision of this Part or its application to any person or under any circumstances is adjudged invalid, such adjudication must not affect the validity of this Part as a whole or of any portion not adjudged invalid.

**Section 1100.103 Definitions**

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

"10-year, 24-hour precipitation event" means a precipitation event of 24-hour duration with a probable recurrence interval of once in 10 years.

"100-year, 24-hour precipitation event" means a precipitation event of 24-hour duration with a probable recurrence interval of once in 100 years.

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

"Agency" is the Illinois Environmental Protection Agency established by the Act. [415 ILCS 5/3.105]

"Applicant" means the person submitting an application to the Agency for a permit for a CCDD fill operation.

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"Board" is the Pollution Control Board established by the Act. [415 ILCS 5/3.105]

"CCDD" means clean construction or demolition debris.

"CCDD fill operation" means the use of CCDD as fill material in a current or former quarry, mine, or other excavation. For purposes of this Part, the term "other excavation" does not include holes, trenches, or similar earth removal created as part of normal construction, removal, or maintenance of a structure, utility, or transportation infrastructure.

*"Clean construction or demolition debris" means uncontaminated broken concrete without protruding metal bars, bricks, rock, stone, reclaimed asphalt pavement, or soil generated from construction or demolition activities.*

*Clean construction or demolition debris does not include uncontaminated soil generated during construction, remodeling, repair, and demolition of utilities, structures, and roads provided the uncontaminated soil is not commingled with any clean construction or demolition debris or other waste. For purposes of this Part, uncontaminated soil may include incidental amounts of stone, clay, rock, sand, gravel, roots, and other vegetation.*

*To the extent allowed by federal law, clean construction or demolition debris shall not be considered "waste" if it is:*

*used as fill material outside of a setback zone if the fill is placed no higher than the highest point of elevation existing prior to the filling immediately adjacent to the fill area, and if covered by sufficient uncontaminated soil to support vegetation within 30 days of the completion of filling or if covered by a road or structure; or*

*separated or processed and returned to the economic mainstream in the form of raw materials or products, if it is not speculatively accumulated and, if used as a fill material, it is used in accordance with the first identical paragraph immediately above within 30 days after its generation; or*

*solely broken concrete without protruding metal bars used for erosion control; or*

*generated from the construction or demolition of a building, road, or other structure and used to construct, on the site where the construction or demolition has taken place, a manmade functional structure not to exceed*

173                    *20 feet above the highest point of elevation of the property immediately*  
174                    *adjacent to the new manmade functional structure as that elevation existed*  
175                    *prior to the creation of that new structure, provided that the structure*  
176                    *shall be covered with sufficient soil materials to sustain vegetation or by a*  
177                    *road or structure, and further provided that no such structure shall be*  
178                    *constructed within a home rule municipality with a population over*  
179                    *500,000 without the consent of the municipality. [415 ILCS 5/3.160(b)]*  
180

181                    "Documentation" means items, in any tangible form, whether directly legible or  
182                    legible with the aid of any machine or device, including but not limited to  
183                    affidavits, certificates, deeds, leases, contracts or other binding agreements,  
184                    licenses, permits, photographs, audio or video recordings, maps, geographic  
185                    surveys, chemical and mathematical formulas or equations, mathematical and  
186                    statistical calculations and assumptions, research papers, technical reports,  
187                    technical designs and design drawings, stocks, bonds, and financial records, that  
188                    are used to support facts or hypotheses.  
189

190                    "Facility" means the areas of a site and all equipment and fixtures on a site used  
191                    for a CCDD fill operation. A facility consists of an entire CCDD fill operation.  
192                    All structures used in connection with or to facilitate the CCDD fill operation will  
193                    be considered a part of the facility.  
194

195                    "Filled area" means areas within a unit where CCDD has been placed as fill  
196                    material.  
197

198                    "Malodor" means an odor caused by *one or more contaminant emissions into the*  
199                    *atmosphere from a facility that is in sufficient quantities and of such*  
200                    *characteristics and duration as to be described as malodorous and which may be*  
201                    *injurious to human, plant, or animal life, to health, or to property, or may*  
202                    *unreasonably interfere with the enjoyment of life or property. [415 ILCS 5/3.115]*  
203

204                    "National Pollutant Discharge Elimination System" or "NPDES" means the  
205                    program for issuing, modifying, revoking and reissuing, terminating, monitoring,  
206                    and enforcing permits and imposing and enforcing pretreatment requirements  
207                    under the Clean Water Act (33 USC 1251 et seq.), Section 12(f) of the Act,  
208                    Subpart A of 35 Ill. Adm. Code 309, and 35 Ill. Adm. Code 310.  
209

210                    "NPDES permit" means a permit issued under the NPDES program.  
211

212                    "Operator" means a person responsible for the operation and maintenance of a  
213                    CCDD fill operation.  
214

215 "Owner" means a person who has any direct or indirect interest in a CCDD fill  
216 operation or in land on which a person operates and maintains a CCDD fill  
217 operation. A "direct or indirect interest" does not include the ownership of  
218 publicly traded stock. The "owner" is the "operator" if there is no other person  
219 who is operating and maintaining a CCDD fill operation.  
220

221 *"Person" is any individual, partnership, co-partnership, firm, company,*  
222 *corporation, association, joint stock company, trust, estate, political subdivision,*  
223 *State agency, or any other legal entity, or their legal representative, agent or*  
224 *assigns. [415 ILCS 5/3.115]*  
225

226 "Professional engineer" means a person who has registered and obtained a seal  
227 pursuant to the Professional Engineering Practice Act of 1989 [225 ILCS 325].  
228

229 "Runoff" means water resulting from precipitation that flows overland before it  
230 enters a defined stream channel, any portion of such overland flow that infiltrates  
231 into the ground before it reaches the stream channel, and any precipitation that  
232 falls directly into a stream channel.  
233

234 "Salvaging" means the return of CCDD to use other than use as fill at a CCDD fill  
235 operation.  
236

237 *"Setback zone" means a geographic area, designated pursuant to the Act,*  
238 *containing a potable water supply well or a potential source or potential route,*  
239 *having a continuous boundary, and within which certain prohibitions or*  
240 *regulations are applicable in order to protect groundwaters. [415 ILCS 5/3.450]*  
241

242 "Unit" means a contiguous area within a facility that is permitted for the  
243 placement of CCDD as fill material.  
244

245 "Working face" means any part of a unit where CCDD is being placed as fill.  
246

#### 247 **Section 1100.104 Incorporations by Reference**

248

- 249 a) The Board incorporates the following material by reference:

250 U.S. Government Printing Office, Washington, D.C. 20402, Ph: 202-783-  
251 3238:  
252

253 Test Methods for Evaluating Solid Waste, Physical/Chemical  
254 methods, EPA Publication SW-846 (Third Edition, 1986 as  
255 amended by Updates I, II, IIA, IIB, III, IIIA and IIIB).  
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- 258 b) This incorporation includes no later amendments or editions.

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SUBPART B: STANDARDS

**Section 1100.201 Prohibitions**

- a) *No person shall conduct any CCDD fill operation in violation of the Act or any regulations or standards adopted by the Board. [415 ILCS 5/22.51(a)].*
- b) CCDD fill operations must not accept waste for use as fill. This does not prohibit non-CCDD material, such as uncontaminated soil and other non-waste material from being placed as fill material in a unit. Pursuant to Section 3.160 of the Act, when uncontaminated soil is commingled with CCDD, the uncontaminated soil is considered CCDD. Accordingly, the other non-waste material commingled with CCDD is considered CCDD.
- c) CCDD fill operations must not be located inside a setback zone of a potable water supply well. (See Section 3.160(b)(i) of the Act.)

**Section 1100.202 Surface Water Drainage**

- a) **Runoff from Filled Areas**
  - 1) All discharges of runoff from filled areas to waters of the State must be permitted by the Agency to the extent required under 35 Ill. Adm. Code 309.
  - 2) All surface water control structures must be operated until the final cover is placed and the vegetative or other cover meeting the requirements of Section 1100.208 of this Part provides erosional stability.
- b) **Diversion of Runoff from Unfilled Areas**
  - 1) Runoff from unfilled areas must be diverted around filled areas to the greatest extent practical.
  - 2) Diversion facilities must be constructed to prevent runoff from the 10-year, 24-hour precipitation event from entering filled areas.
  - 3) Runoff from unfilled areas which becomes commingled with runoff from filled areas must be handled as runoff from filled areas in accordance with subsection (a) of this Section.

- 301 4) All diversion structures must be designed to have flow velocities that will  
302 not cause erosion and scouring of the natural or constructed lining (i.e., the  
303 bottom and sides) of the diversion channel and downstream channels.  
304  
305 5) All diversion structures must be operated until the final cover is placed  
306 and the vegetative or other cover meeting the requirements of Section  
307 1100.208 of this Part provides erosional stability.  
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309 **Section 1100.203 Annual Facility Map**

310  
311 The owner or operator must submit an annual facility map to the Agency each calendar year by  
312 the date specified in the Agency permit. The map must have a scale no smaller than one inch  
313 equals 200 feet, show the horizontal extent of filled areas as of the date of the map, and show the  
314 same information as required for facility plan maps under Section 1100.305(a) through (d) of this  
315 Part.  
316

317 **Section 1100.204 Operating Standards**

- 318  
319 a) **Placement of Fill Material**  
320 Fill material must be placed in a safe manner that protects human health and the  
321 environment in conformance with the provisions of the Act and the regulations  
322 adopted under the Act.  
323  
324 b) **Size and Slope of Working Face**  
325 The working face of the fill operation must be no larger than is necessary, based  
326 on the terrain and equipment used in material placement, to conduct operations in  
327 a safe and efficient manner in conformance with the provisions of the Act and the  
328 regulations adopted under the Act.  
329  
330 c) **Equipment**  
331 Equipment must be maintained and available for use at the facility during all  
332 hours of operation, so as to achieve and maintain compliance with the  
333 requirements of this Part.  
334  
335 d) **Utilities**  
336 All utilities, including but not limited to heat, lights, power, and communications  
337 equipment, necessary for safe operation in compliance with the requirements of  
338 this Part must be available at the facility at all times.  
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340 e) **Maintenance**  
341 The owner or operator must maintain and operate all systems and related  
342 appurtenances and structures in a manner that facilitates proper operations in  
343 compliance with this Part.

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- f) Dust Control  
The owner or operator must implement methods for controlling dust so as to minimize off-site wind dispersal of particulate matter.
- g) Noise Control  
The facility must be designed, constructed, and maintained to minimize the level of equipment noise audible outside the site. The facility must not cause or contribute to a violation of the Board's noise regulations or Section 24 of the Act.
- h) Fill Elevation  
The owner or operator must not place CCDD used as fill *higher than the highest point of elevation existing prior to the filling immediately adjacent to the fill area.* [415 ILCS 5/3.160(b)]  
  
BOARD NOTE: This does not prohibit non-CCDD materials, such as uncontaminated soil and other non-waste material, from being placed above grade in accordance with the Act and regulations adopted thereunder to increase elevations at the fill site.
- i) Mud Tracking  
The owner or operator must implement methods to minimize tracking of mud by hauling vehicles onto public roadways.

**Section 1100.205 Load Checking**

The owner or operator must institute and conduct a load checking program designed to detect attempts to dispose of waste at the facility. At a minimum, the load checking program must consist of the following components:

- a) Routine Inspections
  - 1) An inspector designated by the facility must inspect every load before its acceptance at the facility utilizing an elevated structure, a designated ground level inspection area, or another acceptable method as specified in the Agency permit. In addition to a visual inspection, the inspector must use an instrument with a photo ionization detector utilizing a lamp of 10.6 eV or greater or an instrument with a flame ionization detector, or other monitoring devices approved by the Agency, to inspect each load. All instruments shall be interpreted based on the manufacturer's margin of error. Any reading in excess of background levels using any of these instruments must result in the rejection of the inspected load. In addition, any reading in excess of background levels on any monitoring device used

387 by the Agency during an Agency inspection must result in the rejection of  
 388 the inspected load.

389  
 390 2) Cameras or other devices may be used to record the visible contents of  
 391 shipments. Where such devices are employed, their use should be  
 392 designated on a sign posted near the entrance to the facility.

393  
 394 b) Random Inspections

395  
 396 1) In addition to the inspections required under subsection (a) of this Section,  
 397 an inspector designated by the facility must conduct a discharge inspection  
 398 of at least one randomly selected load delivered to the facility each day.  
 399 The driver of the randomly selected load must be directed to discharge the  
 400 load at a separate, designated location within the facility. The inspector  
 401 must conduct an inspection of the discharged material that includes, but is  
 402 not limited to, additional visual inspection and additional instrument  
 403 testing using the instruments required under subsection (a)(1) of this  
 404 Section. All instruments shall be interpreted based on the manufacturer's  
 405 margin of error. Any reading in excess of background levels using any of  
 406 these instruments must result in the rejection of the inspected load. In  
 407 addition, any reading in excess of background levels on any monitoring  
 408 device used by the Agency during an Agency inspection must result in the  
 409 rejection of the inspected load.

410  
 411 2) Cameras or other devices may be used to record the visible contents of  
 412 shipments. Where such devices are employed, their use should be  
 413 designated on a sign posted near the entrance to the facility.

414  
 415 c) Documentation of Inspection Results

416 The documentation for each inspection must include, at a minimum, the  
 417 following:

418  
 419 1) The date and time of the inspection, the name of the hauling firm, the  
 420 vehicle identification number or license plate number, and the source of  
 421 the CCDD;

422  
 423 2) The results of the routine inspection required under subsection (a) of this  
 424 Section, including, but not limited to, the monitoring instruments used,  
 425 whether the load was accepted or rejected, and for rejected loads the  
 426 reason for the rejection;

427  
 428 3) The results of any random inspection required under subsection (b) of this  
 429 Section, including, but not limited to, the monitoring instruments used,

- 430 whether the load was accepted or rejected, and for rejected loads the  
431 reason for the rejection; and  
432  
433 4) The name of the inspector.  
434  
435 d) Rejection of Loads  
436  
437 1) If material other than CCDD is found or suspected, the owner or operator  
438 must reject the load and present the driver of the rejected load with written  
439 notice of the following:  
440  
441 A) That only CCDD is accepted for use as fill at the facility;  
442  
443 B) That the rejected load contains or is suspected to contain material  
444 other than CCDD, and that the material must not be taken to  
445 another CCDD fill operation and must be properly recycled or  
446 disposed of at a permitted landfill;  
447  
448 C) That for all inspected loads the owner or operator is required to  
449 record, at a minimum, the date and time of the inspection, the  
450 name of the hauling firm, the vehicle identification number or  
451 license plate number, and the source of the fill and is required to  
452 make this information available to the Agency for inspection.  
453  
454 2) The owner or operator must ensure the cleanup, transportation, and proper  
455 disposal of any material other than CCDD that remains at the facility after  
456 the rejection of a load.  
457  
458 e) The owner or operator must take special precautionary measures as specified in  
459 the Agency permit prior to accepting loads from persons or sources found or  
460 suspected to be responsible for sending or transporting material other than CCDD  
461 to the facility. The special precautionary measures may include, but are not  
462 limited to, questioning the driver about the load prior to its discharge and  
463 increased visual inspection and instrument testing of the load.  
464  
465 f) If material other than CCDD is discovered to be improperly accepted or deposited  
466 at the facility, the owner or operator must remove and properly dispose of the  
467 material.  
468  
469 g) The owner or operator must ensure that all appropriate facility personnel are  
470 properly trained in the identification of material that is not CCDD.  
471

- 472 h) All field measurement activities relative to equipment and instrument operation,  
473 calibration and maintenance and data handling shall be conducted in accordance  
474 with the following:  
475  
476 1) "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods"  
477 (SW-846), Vol. One, Ch. One (Quality Control), incorporated by reference  
478 at Section 1100.104 of this Part;  
479  
480 2) The equipment or instrument manufacturer's or vendor's published  
481 standard operating procedures; or  
482  
483 3) Other operating procedures specified in the Agency permit.  
484  
485 i) Documentation required under this Section must be kept for a minimum of 3  
486 years at the facility or in some alternative location specified in the Agency permit.  
487 The documentation must be available for inspection and copying by the Agency  
488 upon request during normal business hours.  
489

490 **Section 1100.206 Salvaging**

- 491  
492 a) All salvaging operations must in no way interfere with the CCDD fill operation,  
493 result in a violation of this Part, or delay the construction of final cover.  
494  
495 b) All salvaging operations must be performed in a safe manner in compliance with  
496 the requirements of this Part.  
497  
498 c) Salvageable materials:  
499  
500 1) May be accumulated onsite by an owner or operator, provided they are  
501 managed so as not to create a nuisance, harbor vectors, cause malodors, or  
502 create an unsightly appearance; and  
503  
504 2) May not be accumulated at the facility for longer than one year unless a  
505 longer period of time is allowed under the Act or is specified in the  
506 Agency permit.  
507

508 **Section 1100.207 Boundary Control**

- 509  
510 a) Unauthorized vehicular access to the working face of all units and to all other  
511 areas within the boundaries of the facility must be restricted.  
512  
513 b) A permanent sign must be posted at the entrance to the facility or each unit stating  
514 that only CCDD is accepted for use as fill.

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**Section 1100.208 Closure**

- a) Completion of Filling
  - 1) The owner or operator is deemed to have completed CCDD filling:
    - A) 30 days after the date on which the facility receives the final load of CCDD for use as fill; or
    - B) If the facility has remaining capacity and there is a reasonable likelihood that the facility will receive additional CCDD for use as fill, no later than one year after the most recent receipt of CCDD for use as fill.
  - 2) The Agency must grant extensions beyond the one year deadline in subsection (a)(1)(B) of this Section if the owner or operator demonstrates that:
    - A) The facility has the capacity to receive additional CCDD for use as fill; and
    - B) The owner or operator has taken and will continue to take all steps necessary to prevent threats to human health and the environment from the facility.
- b) Closure
  - 1) Final Cover

All filled areas must be *covered by sufficient uncontaminated soil to support vegetation within 30 days of the completion of filling or must be covered by a road or structure.* [415 ILCS 5/3.160] The minimum amount of soil to support vegetation is one foot. The final surface must prevent or minimize erosion.
  - 2) Final Slope and Stabilization
    - A) The final slopes and contours must be constructed to complement and blend with the surrounding topography of the proposed final land use of the area.

- 556 B) All drainage ways and swales must be constructed to safely pass
- 557 the runoff from the 100-year, 24-hour precipitation event without
- 558 scouring or erosion.
- 559
- 560 C) The final configuration of the facility must be constructed in a
- 561 manner that minimizes erosion.
- 562
- 563 D) Standards for Vegetation
- 564
- 565 i) Vegetation must minimize wind and water erosion;
- 566
- 567 ii) Vegetation must be compatible with (i.e., grow and survive
- 568 under) the local climatic conditions;
- 569
- 570 iii) Temporary erosion control measures, including, but not
- 571 limited to, the application, alone or in combination, of
- 572 mulch, straw, netting, or chemical soil stabilizers, must be
- 573 undertaken while vegetation is being established.
- 574

575 **Section 1100.209 Postclosure Maintenance**

576

577 The owner or operator must conduct postclosure maintenance in accordance with this Section

578 and the Agency permit for a minimum of one year after the Agency issues a certificate of closure

579 in accordance with Section 1100.412 of this Part unless a shorter period of time for postclosure

580 maintenance is specified in the Agency permit. Reasons for which the Agency may specify a

581 shorter period of time for postclosure maintenance include, but are not limited to, conformance

582 with existing reclamation plan requirements, zoning requirements, local ordinances, private

583 contracts, or development plans.

- 584
- 585 a) The owner or operator must remove all equipment or structures not necessary for
- 586 the postclosure land use, unless otherwise authorized by the Agency permit.
- 587
- 588 b) Maintenance and Inspection of the Final Cover
- 589
- 590 1) Frequency of Inspections. The owner or operator must conduct a quarterly
- 591 inspection of all surfaces during closure and for a minimum of one year
- 592 after closure.
- 593
- 594 2) All rills, gullies, and crevices 6 inches or deeper identified in the
- 595 inspection must be filled. Areas identified by the owner or operator or the
- 596 Agency as particularly susceptible to erosion must be recontoured.
- 597

- 598 3) All eroded and scoured drainage channels must be repaired and lining  
 599 material must be replaced if necessary.  
 600  
 601 4) All holes and depressions created by settling must be filled and  
 602 recontoured so as to prevent standing water.  
 603  
 604 5) All reworked surfaces, and areas with failed or eroded vegetation in excess  
 605 of 100 square feet cumulatively, must be revegetated in accordance with  
 606 the approved closure plan for the facility.  
 607  
 608 c) The Agency must approve postclosure use of the property if the owner or operator  
 609 demonstrates that the disturbance of the final cover will not increase the potential  
 610 threat to human health or the environment.  
 611

612 **Section 1100.210 Recordkeeping Requirements**  
 613

614 The owner or operator must maintain an operating record at the facility or in some alternative  
 615 location specified in the Agency permit. The owner or operator must make the operating record  
 616 available for inspection and copying by the Agency upon request during normal business hours.  
 617 Information maintained in the operating record must include, but is not limited to, the following:  
 618

- 619 a) Any information submitted to the Agency pursuant to this Part, including, but not  
 620 limited to, copies of all permits, permit applications, and annual reports;  
 621  
 622 b) Written procedures for load checking, load rejection notifications, and training  
 623 required under Section 1100.205 of this Part.  
 624

625 **Section 1100.211 Annual Reports**  
 626

627 The owner or operator must submit an annual report to the Agency each calendar year by the  
 628 date specified in the Agency permit. The annual report must include, at a minimum, the  
 629 following information:  
 630

- 631 a) A summary of the number of loads accepted and the number of loads rejected  
 632 during the calendar year.  
 633  
 634 b) Amount of CCDD expected in the next year.  
 635  
 636 c) Any modification affecting the operation of the facility.  
 637  
 638 d) The signature of the owner or operator, or the owner or operator's duly authorized  
 639 agent as specified in Section 1100.303 of this Part.  
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SUBPART C: PERMIT INFORMATION

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**Section 1100.301 Scope and Applicability**

All persons seeking a permit for a CCDD fill operation must submit to the Agency an application for the permit in accordance with the Act and this Part.

**Section 1100.302 Notification**

The applicant must provide notification of the request for a permit to the State's Attorney and the Chairman of the County Board of the county in which the facility is located, each member of the General Assembly from legislative districts in which that facility is located, and the clerk of each municipality located within 3 miles of the facility. Proof of providing the notifications required under this Section must be included in the permit application.

**Section 1100.303 Required Signatures**

- a) All permit applications must contain the name, address, and telephone number of the owner and operator, and any duly authorized agents of the owner or operator to whom inquiries and correspondence should be addressed.
- b) All permit applications must be signed by the owner and operator, or by their duly authorized agents with an accompanying oath or affidavit attesting to the agent's authority to sign the application on behalf of the owner or operator. All signatures must be notarized. The following persons are considered duly authorized agents of the owner and operator:
  - 1) For corporations, a principal executive officer of at least the level of vice president;
  - 2) For a sole proprietorship, the sole proprietor;
  - 3) For a partnership, a general partner; and
  - 4) For a municipality, state, federal or other public agency, by the head of the agency or a ranking elected official.

**Section 1100.304 Site Location Map**

All permit applications must contain a site location map on the most recent United States Geological Survey (USGS) quadrangle of the area from the 7½ minute series (topographic) that clearly shows the following information:

- 684 a) The site boundaries, the facility boundaries, and all adjacent property extending at  
685 least 1000 meters (3300 feet) beyond the facility boundaries;  
686  
687 b) All surface waters;  
688  
689 c) All potable water supply wells within 1000 meters (3300 feet) of the facility  
690 boundaries;  
691  
692 d) All potable water supply well setback zones established pursuant to Section 14.2  
693 or 14.3 of the Act;  
694  
695 e) Any wellhead protection areas pursuant to Section 1428 of the Safe Water  
696 Drinking Act (SDWA) (42 USC 300f) and any sole source aquifer designated by  
697 the United States Environmental Protection Agency pursuant to Section 1424(e)  
698 of SDWA.  
699  
700 f) All main service corridors, transportation routes, and access roads to the site and  
701 facility.  
702

703 **Section 1100.305 Facility Plan Maps**  
704

705 The application must contain maps showing the details of the facility. The maps must have a  
706 scale no smaller than one inch equals 200 feet, have appropriate contour intervals as needed to  
707 delineate all physical features of the facility, and show the following:  
708

- 709 a) The entire facility, including, but not limited, to all permanent structures and  
710 roads within the facility;  
711  
712 b) The boundaries, both above and below ground level, of the facility and all units  
713 included in the facility;  
714  
715 c) All roads entering and exiting the facility; and  
716  
717 d) Devices for controlling access to the facility.  
718

719 **Section 1100.306 Narrative Description of the Facility**  
720

721 The permit application must contain a written description of the facility with supporting  
722 documentation describing the procedures and plans that will be used at the facility to comply  
723 with the requirements of this Part. Such descriptions must include, but are not limited to, the  
724 following information:  
725

- 726 a) A description of the CCDD being used as fill and a load checking plan describing  
727 how the owner or operator will comply with Section 1100.205 of this Part;  
728
- 729 b) The types of CCDD expected in each unit, an estimate of the maximum capacity  
730 of each unit, and the rate at which CCDD is to be placed in each unit;  
731
- 732 c) The estimated density of the CCDD;  
733
- 734 d) The length of time each unit will receive CCDD;  
735
- 736 e) A description of all equipment to be used at the facility for complying with the  
737 facility permit, the Act, and Board regulations;  
738
- 739 f) A description of any salvaging to be conducted at the facility, including, but not  
740 limited to, a description of all salvage facilities and a description of how the  
741 owner or operator will comply with Section 1100.206 of this Part;  
742
- 743 g) A description of how the owner or operator will comply with the requirements of  
744 Section 1100.207 of this Part;  
745
- 746 h) A description of how the owner or operator will comply with Section 1100.204(c)  
747 and (e) of this Part;  
748
- 749 i) A description of the methods to be used for controlling dust in compliance with  
750 Section 1100.204(f) of this Part;  
751
- 752 j) A description of how the owner or operator will control noise in compliance with  
753 Section 1100.204(g) of this Part; and  
754
- 755 k) A description of all existing and planned roads in the facility that will be used  
756 during the operation of the facility, the size and type of such roads, and the  
757 frequency with which they will be used.  
758

759 **Section 1100.307 Proof of Property Ownership and Certifications**

760  
761 The permit application must contain a certificate of ownership of the facility property and  
762 certifications regarding the provisions of Sections 39(i) and 39(i-5) of the Act. The owner and  
763 operator must certify that the Agency will be notified within 7 days after any changes in  
764 ownership.  
765

766 **Section 1100.308 Surface Water Control**

767

768 The permit application must contain a plan for controlling surface water that demonstrates  
769 compliance with Section 1100.202 of this Part, and that includes at least the following:

770

771 a) A copy of any approved National Pollutant Discharge Elimination System  
772 (NPDES) permit issued pursuant to 35 Ill. Adm. Code 309 to discharge runoff  
773 from all filled areas of the facility, or a copy of any such NPDES permit  
774 application if an NPDES permit is pending; and

775

776 b) A map showing the location of all surface water control structures at the facility.

777

778 **Section 1100.309 Closure Plan**

779

780 The permit application must contain a written closure plan that contains, at a minimum, the  
781 following:

782

783 a) Maps showing the configuration of the facility after closure of all units, including,  
784 but not limited to, appropriate contours as needed to show the proposed final  
785 topography after placement of the final cover for all filled areas. All maps must  
786 have a scale no smaller than one inch equals 200 feet;

787

788 b) Steps necessary for the temporary suspension of CCDD filling in accordance with  
789 Section 1100.208(a)(1)(B) or (a)(2) of this Part;

790

791 c) Steps necessary for closure of the facility at the end of its intended operating life;

792

793 d) An estimate of the expected year of closure;

794

795 e) Schedules for temporary suspension of CCDD filling and closure, which must  
796 include, at a minimum, the total time required to close the facility and the time  
797 required for closure activities that will allow tracking of the progress of closure;

798

799 f) A description of how the applicant will comply with Section 1100.208 of this  
800 Part; and

801

802 g) A description of the final cover, including, but not limited to, the material to be  
803 used as the final cover, application and spreading techniques, the types of  
804 vegetation to be planted, and the types of roads or structures to be built pursuant  
805 to Section 1100.208 of this Part.

806

807 **Section 1100.310 Postclosure Maintenance Plan**

808

809 The permit application must contain a postclosure maintenance plan that includes a description  
810 of the planned uses of the property during the postclosure maintenance period and a description

811 of the measures to be taken during the postclosure maintenance period in compliance with the  
812 requirements of Section 1100.209 of this Part.

813

814 **SUBPART D: PROCEDURAL REQUIREMENTS FOR PERMITTING**

815

816 **Section 1100.401 Purpose of Subpart**

817

818 This Subpart contains the procedures to be followed by all applicants and the Agency for  
819 applications for permits for CCDD fill operations.

820

821 **Section 1100.402 Delivery of Permit Application**

822

823 All permit applications must be submitted on forms prescribed by the Agency, and must be  
824 mailed or delivered to the address designated by the Agency on the forms. The Agency must  
825 provide a dated, signed receipt upon request. The Agency's record of the date of filing must be  
826 deemed conclusive unless a contrary date is proved by a dated, signed receipt.

827

828 **Section 1100.403 Agency Decision Deadlines**

829

830 a) *If there is no final action by the Agency within 90 days after the filing of the*  
831 *application for permit, the applicant may deem the permit issued. [415 ILCS*  
832 *5/39]*

833

834 b) An application for permit pursuant to this Subpart must not be deemed filed until  
835 the Agency has received all information and documentation in the form and with  
836 the content required by this Part. However, if, the Agency fails to notify the  
837 applicant within 30 days after the filing of a purported application that the  
838 application is incomplete and the reason the Agency deems it incomplete, the  
839 application must be deemed to have been filed as of the date of such purported  
840 filing as calculated pursuant to Section 1100.402 of this Part. The applicant may  
841 treat the Agency's notification that an application is incomplete as a denial of the  
842 application for the purposes of review pursuant to Section 1100.406 of this Part.

843

844 c) The applicant may waive the right to a final decision in writing prior to the  
845 applicable deadline in subsection (a) of this Section.

846

847 d) The applicant may modify a permit application at any time prior to the Agency  
848 decision deadline date. Any modification of a permit application must constitute  
849 a new application for the purposes of calculating the Agency decision deadline  
850 date.

851

852 e) The Agency must mail all notices of final action by registered or certified mail,  
853 postmarked with a date stamp and accompanied by a return receipt request. Final

854 action must be deemed to have taken place on the date that such final action is  
855 signed.

856

857 **Section 1100.404 Standards for Issuance of a Permit**

858

859 a) *The Agency must issue a permit upon proof that the facility, unit, or equipment*  
860 *will not cause a violation of the Act or of Board regulations set forth in 35 Ill.*  
861 *Adm. Code: Chapter I. [415 ILCS 5/39]*

862

863 b) *In granting permits, the Agency must impose such conditions as may be necessary*  
864 *to accomplish the purposes of the Act, and as are not inconsistent with Board*  
865 *regulations set forth in 35 Ill. Adm. Code: Chapter I. [415 ILCS 5/39]*

866

867 **Section 1100.405 Standards for Denial of a Permit**

868

869 If the Agency denies any permit under this Part, the Agency must transmit to the applicant within  
870 the time limitations of this Part specific, detailed statements as to the reasons the permit  
871 application was denied. Such a statement must include, but not be limited to, the following:

872

873 a) *the Sections of the Act which may be violated if the permit were granted;*

874

875 b) *the provisions of the regulations, promulgated under the Act, which may be*  
876 *violated if the permit were granted;*

877

878 c) *the specific type of information, if any, which the Agency deems the applicant did*  
879 *not provide the Agency; and*

880

881 d) *a statement of specific reasons why the Act and the regulations might not be met if*  
882 *the permit were granted. [415 ILCS 5/39].*

883

884 **Section 1100.406 Permit Appeals**

885

886 *If the Agency refuses to grant or grants with conditions a permit, the applicant may, within 35*  
887 *days, petition for a hearing before the Board to contest the decision of the Agency [415 ILCS*  
888 *5/40(a)(1)]. The petition must be filed, and the proceeding conducted, pursuant to the*  
889 *procedures of Section 40 of the Act and Board rules.*

890

891 **Section 1100.407 Permit No Defense**

892

893 The issuance and possession of a permit does not constitute a defense to a violation of the Act or  
894 any Board rules, except for the use of CCDD as fill material in a current or former quarry, mine,  
895 or other excavation without a permit.

896

897 **Section 1100.408 Term of Permit**

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- a) Permits issued under this Part must not have a term of more than 10 years.
- b) All permits are valid until postclosure maintenance is completed or until the permit expires or is revoked, as provided in this Part.
- c) The violation of any permit condition or the failure to comply with any provision of this Part is grounds for sanctions as provided in the Act, including, but not limited to, permit revocation. Such sanctions must be sought by filing a complaint with the Board pursuant to Title VIII of the Act [415 ILCS 5/Title VIII].

910 **Section 1100.409 Transfer of Permits**

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915

No permit is transferable from one person to another except as approved by the Agency. Approval must be granted only if a new owner or operator who is seeking transfer of a permit can demonstrate the ability to comply with all applicable requirements of this Part.

916 **Section 1100.410 Procedures for the Modification of Permits**

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- a) **Owner or Operator Initiated Modification**  
A modification to an approved permit may be initiated at the request of an owner or operator at any time after the permit is approved. The owner or operator initiates a 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 will not become effective until 45 days after receipt by the owner or operator, unless stayed during the pendency of an appeal to the Board. All other time periods and

940 procedures in Section 1100.403 of this Part apply. The owner or operator  
941 may request the Agency to reconsider the modification, or may file a  
942 petition with the Board pursuant to Section 1100.406 of this Part. All  
943 other time periods and procedures in Section 1100.403 of this Part apply.  
944

945 **Section 1100.411 Procedures for the Renewal of Permits**

946  
947 a) Time of Filing

948 An application for the renewal of a permit must be filed with the Agency at least  
949 90 days prior to the expiration date of the existing permit.  
950

951 b) Effect of Timely Filing

952 When a permittee has made timely and sufficient application for the renewal of a  
953 permit, the existing permit must continue in full force and effect until the final  
954 Agency decision on the application has been made and any final Board decision  
955 on any appeal pursuant to Section 40 has been made unless a later date is fixed by  
956 order of a reviewing court. (See Section 10-65 of the Illinois Administrative  
957 Procedure Act [5 ILCS 100/10-65].)  
958

959 c) Information Required for Permit Renewal

960 The owner or operator must submit only the information required under Subpart C  
961 of this Part that has changed since the last permit review by the Agency. The  
962 application for renewal must be signed in accordance with the signature  
963 requirements of Section 1100.303 of this Part.  
964

965 d) Procedures for Permit Renewal

966 Applications for permit renewal are subject to all requirements and time schedules  
967 in Sections 1100.402 through 1100.409 of this Part.  
968

969 **Section 1100.412 Procedures for Closure and Postclosure Maintenance**

970  
971 a) Notification of Receipt of Final Volume

972 Within 30 days after the date the final volume of CCDD is received, the owner or  
973 operator must notify the Agency in writing of the receipt of the final volume of  
974 CCDD.  
975

976 b) Certification of Closure

- 977  
978 1) When the closure of the facility is complete, the owner or operator must  
979 submit to the Agency:  
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- A) Documentation concerning closure of the facility, including, but not limited, to plans or diagrams of the facility as closed and the date closure was completed.
  - B) An affidavit by the owner or operator and the seal of a professional engineer that the facility has been closed in accordance with the closure plan and the closure requirements of this Part.
- 2) When the Agency determines, pursuant to the information received pursuant to subsection (b)(1) of this Section and any Agency site inspection, that the facility has been closed in accordance with the specifications of the closure plan and the closure requirements of this Part, the Agency must:
- A) Issue a certificate of closure; and
  - B) Specify the date the postclosure maintenance period begins, based on the date closure was completed.
- c) Termination of the Permit
- 1) At the end of the postclosure maintenance period, the owner or operator may submit to the Agency an application for termination of the permit. The application must be submitted in a format prescribed by the Agency and must include, at a minimum, the certification of a professional engineer and the affidavit of the owner or operator demonstrating that, due to compliance with the postclosure maintenance plan and the postclosure maintenance requirements of this Part, postclosure maintenance is no longer necessary because:
    - A) Vegetation has been established on all nonpaved areas;
    - B) The surface has stabilized sufficiently with respect to settling and erosion so that further stabilization measures, pursuant to the postclosure maintenance plan, are no longer necessary; and
    - C) The owner or operator has completed all requirements of the postclosure maintenance plan.
  - 2) Within 90 days after receiving the certification required by subsection (c)(1) of this Section, the Agency must notify the owner or operator in writing that the permit is terminated, unless the Agency determines, pursuant to the information received pursuant to subsection (c)(1) of this

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Section and any Agency site inspection, that continued postclosure maintenance is required pursuant to the postclosure maintenance plan and this Part.

- 3) For purposes of appeal pursuant to Section 40(d) of the Act and the appeal provisions of this Part, Agency action pursuant to subsection (c)(2) of this Section is deemed a denial or grant of permit with conditions.