

ILLINOIS POLLUTION CONTROL BOARD
February 6, 1997

IN THE MATTER OF:)	
)	
STEEL AND FOUNDRY INDUSTRY WASTE)	R96-3
LANDFILLS: AMENDMENTS TO 35 ILL.)	(Rulemaking - Land)
ADM. CODE 817.309 (FACILITY LOCATION)	
FOR LANDFILLS ACCEPTING)	
POTENTIALLY USABLE WASTE))	

Adopted Rule. Final Order. Expedited Correction.

OPINION AND ORDER OF THE BOARD (by R.C. Flemal):

On January 9, 1997 the Board adopted a final opinion and order in this matter. The adopted rules were published in 21 Illinois Register 1183, on January 24, 1997. At the request of the Joint Committee on Administrative Rules and to correct a typographical error in the Table of Contents, the Board hereby adopts a corrected order in this matter.

Specifically the January 9, 1997 final order contained in the Table of Contents the title of two sections, Section 817.307 and 817.308, which were not present in the rules. Today's order corrects this error by deleting the two Section titles. The Board's January 9, 1997 final opinion has not been altered.

ORDER

The Board directs that the following correction be submitted to the Joint Committee on Administrative Rules for final notice pursuant to Section 5-85 of the Illinois Administrative Procedure Act.

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

PART 817
REQUIREMENTS FOR NEW STEEL AND FOUNDRY
INDUSTRY WASTES LANDFILLS

SUBPART A: GENERAL REQUIREMENTS

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SUBPART B: STANDARDS FOR MANAGEMENT OF BENEFICIALLY USABLE STEEL AND FOUNDRY INDUSTRY WASTES

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SUBPART C: STEEL AND FOUNDRY INDUSTRY POTENTIALLY USABLE WASTE LANDFILLS

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817.304	Final Slope and Stabilization
817.305	Leachate Sampling
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SUBPART D: NEW STEEL AND FOUNDRY INDUSTRY LOW RISK WASTE LANDFILLS

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817.402	Facility Location
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817.405	Foundation Construction
817.406	Liner Systems
817.407	Leachate Drainage System
817.408	Leachate Collection System
817.409	Leachate Treatment and Disposal System
817.410	Final Cover System
817.411	Hydrogeologic Site Investigations
817.412	Plugging and Sealing of Drill Holes
817.413	Groundwater Impact Assessment

817.414	Design, Construction and Operation of Groundwater Monitoring Systems
817.415	Groundwater Monitoring Programs
817.416	Groundwater Quality Standards
817.417	Waste Placement
817.418	Final Slope and Stabilization
817.419	Load Checking

SUBPART E: CONSTRUCTION QUALITY ASSURANCE PROGRAMS

Section

817.501 Scope and Applicability

Section

817.Appendix A Organic Chemical Constituents List

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

SOURCE: Adopted in R90-26(A) at 18 Ill. Reg. 12411, effective August 1, 1994; amended in R90-26(B) at 18 Ill. Reg. 14370, effective September 13, 1994; amended in R96-3 at 21 Ill. Reg. 1183, effective January 14, 1997; expedited correction in R96-3 at 21 Ill. Reg. _____, effective _____.

Section 817.309 Facility Location

- a) No part of a unit shall be located within a setback zone established pursuant to Section 14.2 or 14.3 of the Act.
- b) No part of a unit shall be located within the recharge zone or within 366 meters (1200 feet), vertically or horizontally, of that portion of a stratigraphic unit containing Class I or Class III groundwater as defined at 35 Ill. Adm. Code 620, unless:
 - 1) There is a stratum between the bottom of the waste disposal unit and the top of the Class I or Class III groundwater that meets the following minimum requirements:
 - A) The stratum has a minimum thickness of 15.2 meters (50 feet);
 - B) The maximum hydraulic conductivity in both the horizontal and vertical directions is no more than 1×10^{-7} centimeters per second, as determined by in situ borehole or equivalent tests;

- C) There is no indication of continuous sand or silt seams, faults, fractures or cracks within the stratum that may provide paths for migration; and
 - D) Age dating of extracted water samples from both the aquifer and the stratum indicates that the time of travel for water percolating downward through the relatively impermeable stratum is no faster than 15.2 meters (50 feet) in 100 years; or
- 2) The owner or operator of the unit has demonstrated to the Agency, through the use of a site-specific groundwater model, or through other appropriate means, such as historical knowledge of local conditions or regional geological and hydrogeological data, that operation of the unit will not adversely impact any existing Class III groundwater or impact any Class I groundwater such that treatment or further treatment will be required to allow reasonable use of such Class I groundwater for potable water supply purposes.
- A) Factors to be considered in evaluating whether a Class I groundwater may be reasonably used for potable supply purposes include, but are not limited to:
 - i) Physical or technological practicability of development;
 - ii) Existence of deed restrictions or other legal mechanisms for imposing a restriction on land use; and
 - iii) The nature of an existing use of the groundwater.
 - B) In performing groundwater modeling, the owner or operator shall:
 - i) Estimate the amount of seepage from the unit during operations assuming that the actual design standards for the unit apply;
 - ii) Determine the concentration of constituents in the leachate from actual leachate samples from the waste or similar waste, or laboratory-derived extracts;
 - iii) Collect information to develop the site-specific groundwater model (e.g., hydraulic conductivity, gradients, hydrogeology, stratigraphy);

- iv) Develop a conceptual groundwater flow model of the site to determine the soil units through which leachate may migrate;
 - v) If leachate from the unit is expected to contain organic constituents in excess of the MALCs for beneficial useable waste, determine the organic carbon content for soil units through which the leachate constituents may migrate; and
 - vi) Determine the retardation factor for constituents of interest based on traditional hydrogeological methods.
- c) Subsection (b) shall not apply to units that accept only beneficially useable waste.
 - d) A facility located within 152 meters (500 feet) of the right of way of a township or county road or State or interstate highway shall have its operations screened from view by a barrier of natural objects, fences, barricades or plants no less than 2.44 meters (8 feet) in height.
 - e) No part of a unit shall be located closer than 152 meters (500 feet) from an occupied dwelling, school, or hospital that was occupied on the date when the operator first applied for a permit to develop the unit or the facility containing the unit, unless the owner of such dwelling, school, or hospital provides permission to the operator, in writing, for a closer distance.

(Source: Amended at 21 Ill. Reg. _____, effective _____.)

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above opinion and order was adopted on the _____ day of _____, 1997 by a vote of _____.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board