

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

**PART 831**  
**INFORMATION TO BE SUBMITTED IN A COMPOST FACILITY PERMIT**  
**APPLICATION**

**SUBPART A: GENERAL INFORMATION REQUIRED FOR ALL COMPOST**  
**FACILITIES**

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AUTHORITY: Implementing Sections 5, 21, 22.33, 22.34, 22.35 and 39 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/5, 21, 22.33, 22.34, 22.35, 27 and 39].

BOARD NOTE: This Part implements the Illinois Environmental Protection Act as of July 1, 1994.

SOURCE: Adopted at 18 Ill. Reg. 16942, effective November 30, 1994; amended in R97-29 at 22 Ill. Reg. 21044, effective November 23, 1998.

**SUBPART A: GENERAL INFORMATION REQUIRED FOR ALL COMPOST**  
**FACILITIES**

### **Section 831.101      Scope and Applicability**

This Part contains the procedures to be followed by all applicants in applying for permits required pursuant to Section 21(d) of the Act. The definitions set forth in 35 Ill. Adm. Code 830.102 apply to this Part.

### **Section 831.102      Severability**

If any provision of this Part is adjudged invalid, or if the application thereof to any person or in any circumstance is adjudged invalid, such invalidity shall not affect the validity of either this Part as a whole or any Subpart, Section, subsection, sentence or clause thereof not adjudged invalid.

### **Section 831.103      Certification by Professional Engineer**

All designs presented in the application must be prepared by, or under the supervision of, a professional engineer if required by the Illinois Professional Engineering Practice Act [225 ILCS 325]. The professional engineer shall affix the name of the engineer, date of preparation, registration number, a statement attesting to the accuracy of the information and design and a professional seal to all designs.

### **Section 831.104      Application Fees**

The permit application must be accompanied by all filing fees required pursuant to Section 5(f) of the Act.

### **Section 831.105      Required Signatures**

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

## **Section 831.106      Site Identification**

For existing permitted sites, the site name and the Illinois Inventory Identification Number previously assigned by the Agency shall be used in correspondence with the Agency regarding the facility. Permit applications for new facilities must include the proposed facility name, the latitude and longitude of the site, if available, the legal description of the site, if available, and the physical location, including at a minimum the city or township, county, state and zip code. An Illinois Inventory Identification Number will be assigned by the Agency.

## **Section 831.107      Site Location Map**

All permit applications shall contain a site location map on the most recent United States Geological Survey (USGS) quadrangle of the area from the 7 1/2 minute series (topographic), or on such other map whose scale clearly shows the following information:

- a)      The permit area and all adjacent property, extending at least 1/2 mile beyond the boundary of the facility;
- b)      The prevailing wind direction;
- c)      All rivers designated for protection under the Wild and Scenic Rivers Act (16 USC 127 et seq.);
- d)      The limits of all 10-year floodplains;
- e)      All natural areas designated as a Dedicated Illinois Nature Preserve pursuant to the Illinois Natural Areas Preservation Act [525 ILCS 30];
- f)      All historic and archaeological sites designated by the National Historic Preservation Act (16 USC 470 et seq.) and the Illinois Historic Preservation Act [20 ILCS 3410];
- g)      All areas identified as a critical habitat pursuant to the Endangered Species Act (16 USC 1531 et seq.) and the Illinois Endangered Species Protection Act [520 ILCS 10];
- h)      All main service corridors, transportation routes, and access roads to the facility;
- i)      All residences and areas in which people congregate within 1/2 mile of the facility boundaries;

- j) The locations of all on-site potable water supply wells and all potable water supply wells within 1/8 mile of the boundaries of the facility;
- k) The types of land use for the properties immediately adjacent to the facility (i.e., residential, commercial, industrial, agricultural, etc.). This must include any zoning classifications of these properties and the location (and function) of all buildings within 1/2 mile of the facility; and
- l) In the case of a facility that is developed or the permitted composting area of which is expanded after January 1, 1999, all of the following, the property line of which is within 1/8 mile of the nearest edge of the composting area:
  - 1) Facilities that primarily serve to house or treat people that are immunocompromised or immunosuppressed, such as cancer or AIDS patients; people with asthma, cystic fibrosis, or bioaerosol allergies; or children under the age of one year;
  - 2) Primary and secondary schools and adjacent areas that the school uses for recreation; and
  - 3) Any facility for child care licensed under Section 3 of the Child Care Act of 1969 [225 ILCS 10/3]; preschools; and adjacent areas that the facility or preschool uses for recreation.

(Source: Amended at 22 Ill. Reg. 21044, effective November 23, 1998)

### **Section 831.108      Site Plan Map**

The application must contain maps or plan sheets showing the location of the facility, on a scale no smaller than one inch equals 200 feet, containing five-foot contour intervals where the relief exceeds 20 feet and a two-foot contour interval where the relief is 20 feet or less, and referenced to a USGS datum. The following information shall be provided:

- a) The boundaries of the facility;
- b) The boundaries of the composting area(s);
- c) The property boundaries, if different;
- d) The location of all buildings on the property and any other pertinent location data with respect to the operation of the proposed facility (i.e., utilities, water supply, fencing, access roads, paved areas, etc.);
- e) The location of all staging and stockpiling areas for landscape waste, end-product compost, windrow bulking agents or additives;
- f) The drainage patterns of the composting facility and surrounding areas. At a minimum, the direction of both on-site and off-site drainage, as well as the location of any ditches,

- swales, berms or other structures that exist or will be constructed to control runoff and leachate generated by the facility's operation must be identified; and
- g) Proof that all authorizations, permits, and approvals required from each Bureau of the Agency have been applied for or obtained.

### **Section 831.109      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 and any other applicable Parts of 35 Ill. Adm. Code: Chapter I. Such description must include, but not be limited to, the following information:

- a) An estimate of the maximum annual volume and peak daily volume of landscape waste the facility will be able to process;
- b) Proof of the following:
  - 1) *The facility includes a setback of at least 200 feet from the nearest potable water supply well;*
  - 2) *The facility is located outside the boundary of the 10-year floodplain or the site will be floodproofed;*
  - 3) *The facility is located so as to minimize incompatibility with the character of the surrounding area, including at least a 200 foot setback from any residence and in the case of a facility that is developed or the permitted composting area of which is expanded after November 17, 1991 the composting area is located at least 1/8 mile from the nearest residence (other than a residence located on the same property as the facility). In addition, in the case of a facility that is developed or the permitted composting area of which is expanded after January 1, 1999, the composting area is located at least 1/8 mile from the property line of each of the following:*
    - A) Facilities that primarily serve to house or treat people that are immunocompromised or immunosuppressed, such as cancer or AIDS patients; people with asthma, cystic fibrosis, or bioaerosol allergies; or children under the age of one year;
    - B) Primary and secondary schools and adjacent areas that the school uses for recreation; and

- C) Any facility for child care licensed under Section 3 of the Child Care Act of 1969 [225 ILCS 10/3]; preschools; and adjacent areas that the facility or preschool uses for recreation; and
- 4) *The design of the facility will prevent any compost material from being placed within 5 feet of the water table, will adequately control runoff from the site, and will collect and manage any leachate that is generated on the site* (Section 39(m) of the Act);
- c) An operating plan, satisfying the requirements set forth in 35 Ill. Adm. Code 830.206;
- d) An early detection or groundwater monitoring system design, in accordance with 35 Ill. Adm. Code 830.Appendix A, if required pursuant to 35 Ill. Adm. Code 830.205(b)(1)(A)(iii) or 830.205(b)(2)(A)(iii);
- e) A contingency plan, satisfying the requirements set forth in 35 Ill. Adm. Code 830.212;
- f) Specification of the operating hours of the facility;
- g) The types of landscape waste that are proposed to be received by the facility;
- h) Descriptions of the storage areas (including their capacities) that will be used to stage the waste before windrowing, to store bulking agent(s) or additives and to store the end-product compost; and
- i) Description of personnel training procedures, satisfying the requirements of 35 Ill. Adm. Code 830.210.

(Source: Amended at 22 Ill. Reg. 21044, effective November 23, 1998)

#### **Section 831.110      Legal Description**

The permit application must contain a legal description of the facility boundary. Data supplied by any registered land surveyor contained in the permit application must bear the signature or seal of that registered land surveyor. References are to be included when such data are obtained from published sources.

#### **Section 831.111      Proof of Land Ownership and Certification**

The permit application must contain a certificate of ownership of the land on which the facility is located or a copy of the lease and its duration. The lease must clearly specify that the property owner authorizes the construction of a composting facility on the leased premises. The operator or property owner shall certify that the Agency will be notified 30 days prior to any changes in property ownership or conditions in the lease affecting the permit area.

#### **Section 831.112      Closure Plan**

The permit application must contain a written closure plan which contains a description of methods for compliance with all closure requirements in 35 Ill. Adm. Code 830.

#### **Section 831.113      Financial Assurance**

The permit application must contain methods to ensure financial assurance satisfying the requirements in 35 Ill. Adm. Code 830.Subpart F.

#### **Section 831.114      Operator-Initiated Modification of an Approved Permit**

- a) To initiate a permit modification authorizing construction, resulting in an increase in capacity or extending the term of the existing permit, the operator shall file a complete permit application, on a form provided by the Agency, demonstrating compliance with all applicable requirements set forth in 35 Ill. Adm. Code 830.
- b) To initiate any other permit modification, the operator shall submit, on a form provided by the Agency, a request for the desired modification. The applicant shall submit all information required pursuant to this Part which pertains to the desired modification.

#### **Section 831.115      Modification to Obtain Operating Authorization**

Unless otherwise authorized in the facility permit, prior to placing into service any structure constructed at a facility, the applicant shall obtain an operating authorization as a permit condition. In order to obtain such an operating authorization, the operator shall submit a report documenting that construction has been completed in accordance with the engineering design.

#### **Section 831.116      Permit Renewal**

- a) The operator shall submit only that information required pursuant to this Part that has changed since the last permit review by the Agency.
- b) The operator shall update any groundwater impact assessment, in accordance with 35 Ill. Adm. Code 830.Appendix A.

- c) The operator shall provide a new cost estimate for closure pursuant to 35 Ill. Adm. Code 830.213 and 35 Ill. Adm. Code 830.Subpart F, based upon the maximum cost of premature final closure in the next permit term.