

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Solid Waste Disposal: General Provisions
- 2) Code Citation: 35 Ill. Adm. Code 810
- 3)

<u>Section Numbers</u> :	<u>Proposed Actions</u> :
810.103	Amendment
810.104	Amendment
810.105	Amendment
- 4) Statutory Authority: 415 ILCS 5/7.2, 21, 21.1, 22, 22.17, 22.40, and 27
- 5) A Complete Description of the Subjects and Issues Involved: The amendments to Part 810 are a single segment of the consolidated docket R17-14/R17-15/R18-11/R18-31 rulemaking that also affects 35 Ill. Adm. Code 702, 704, 705, 720 through 728, 730, 733, 738, 739, 811 and 812. Due to the extreme volume of the consolidated docket, each Part is covered by a notice in four separate issues of the *Illinois Register*. Included in this issue are 35 Ill. Adm. Code 730, 733, 738, 739, and 810 through 812. To save space, a more detailed description of the subjects and issues involved in the consolidated docket R17-14/R17-15/R18-11/R18-31 rulemaking in this issue of the *Illinois Register* only in the answer to question 5 in the Notice of Adopted Amendments for 35 Ill. Adm. Code 730. A comprehensive description is contained in the Board's opinion and order of March 3, 2016, proposing amendments in docket R16-7, which opinion and order is available from the address below.



Specifically, the amendments to Part 810 incorporate elements of the Generator Improvements Rule. The Board makes several needed corrections in the text of the rules.

Tables appear in a document entitled "Identical-in-Substance Rulemaking Addendum (Proposed)" that the Board added to consolidated docket R17-14/R17-15/R18-11/R18-31.

The tables list the deviations from the literal text of the federal amendments and the several necessary corrections and stylistic revisions not directly derived from USEPA actions. Persons interested in the details of those deviations from the literal text should refer to the Identical-in-Substance Rulemaking Addendum (Proposed) in consolidated docket R17-14/R17-15/R18-11/R18-31.

Section 22.40 of the Environmental Protection Act [415 ILCS 5/22.40] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is

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not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Does this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference consolidated docket R17-14/R17-15/R18-11/R18-31 and be addressed to:

Don A. Brown, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago IL 60601

Please direct inquiries to the following person and reference consolidated docket R17-14/R17-15/R18-11/R18-31:

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

13) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking may affect those small businesses, small municipalities, and not-for-profit corporations disposing of industrial wastewaters into the sewage collection system of a publicly owned treatment works. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist and registered professional engineer. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].

14) Regulatory Agenda on which this rulemaking was summarized: January 2017 and January 2018

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

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

5
6 PART 810
7 SOLID WASTE DISPOSAL: GENERAL PROVISIONS
8

9 Section

- 10 810.101 Scope and Applicability
11 810.102 Severability
12 810.103 Definitions
13 810.104 Incorporations by Reference
14 810.105 Electronic Reporting

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16 AUTHORITY: Implementing Sections 7.2, 21, 21.1, 22, 22.17, and 22.40 and authorized by
17 Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 21, 21.1, 22, 22.17, 22.40, and
18 27].
19

20 SOURCE: Adopted in R88-7 at 14 Ill. Reg. 15838, effective September 18, 1990; amended in
21 R93-10 at 18 Ill. Reg. 1268, effective January 13, 1994; amended in R90-26 at 18 Ill. Reg.
22 12457, effective August 1, 1994; amended in R95-9 at 19 Ill. Reg. 14427, effective September
23 29, 1995; amended in R96-1 at 20 Ill. Reg. 11985, effective August 15, 1996; amended in R97-
24 20 at 21 Ill. Reg. 15825, effective November 25, 1997; amended in R04-5/R04-15 at 28 Ill. Reg.
25 9090, effective June 18, 2004; amended in R05-1 at 29 Ill. Reg. 5028, effective March 22, 2005;
26 amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 4130, effective February 23, 2006; amended in
27 R06-16/R06-17/R06-18 at 31 Ill. Reg. 1425, effective December 20, 2006; amended in R07-8 at
28 31 Ill. Reg. 16167, effective November 27, 2007; amended in R10-9 at 35 Ill. Reg. 10837,
29 effective June 22, 2011; amended in R14-1/R14-2/R14-3 at 38 Ill. Reg. 7253, effective March
30 13, 2014; amended in R15-8 at 38 Ill. Reg. 23458, effective November 24, 2014; amended in
31 R17-14/R17-15/R18-12 at 42 Ill. Reg. _____, effective _____.
32

33 **Section 810.103 Definitions**
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35 Except as stated in this Section, or unless a different meaning of a word or term is clear from the
36 context, the definition of words or terms in this Part will be the same as that applied to the same
37 words or terms in the Environmental Protection Act (Act)-[415 ILCS 5]:
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39 "Act" means the Environmental Protection Act [415 ILCS 5].
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41 "Admixtures" are chemicals added to earth materials to improve for a specific
42 application the physical or chemical properties of the earth materials. Admixtures
43 include, but are not limited to: lime, cement, bentonite, and sodium silicate.

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

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

"Aquifer" means saturated (with groundwater) soils and geologic materials which are sufficiently permeable to readily yield economically useful quantities of water to wells, springs, or streams under ordinary hydraulic gradients and whose boundaries can be identified and mapped from hydrogeologic data. (Section 3 of the Illinois Groundwater Protection Act [415 ILCS 55/3])

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

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

"Board" is the Pollution Control Board established by the Act. [415 ILCS 5/3.130]

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

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

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

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

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

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

"Disposal" means the discharge, deposit, injection, dumping, spilling, leaking or placing of any solid waste into or on any land or water or into any well such that solid waste or any constituent of the solid waste may enter the environment by being emitted into the air or discharged into any waters, including groundwater. [415 ILCS 5/3.185] If the solid waste is accumulated and not confined or contained to prevent its entry into the environment, or there is no certain plan for its disposal elsewhere, such accumulation will constitute disposal.

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

"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.

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

"Existing facility" or "Existing unit" means a facility or unit that is not defined in this Section as a new facility or a new unit.

"Existing MSWLF unit" means any municipal solid waste landfill unit that has received household waste before October 9, 1993. [415 ILCS 5/3.285]

"Facility" means a site and all equipment and fixtures on a site used to treat, store or dispose of solid or special wastes. A facility consists of an entire solid or special waste treatment, storage, or disposal operation. All structures used in connection with or to facilitate the waste disposal operation will be considered a part of the facility. A facility may include, but is not limited to, one or more solid waste disposal units, buildings, treatment systems, processing and storage operations, and monitoring stations.

130 "Field capacity" means that maximum moisture content of a waste, under field
131 conditions of temperature and pressure, above which moisture is released by
132 gravity drainage.

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

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

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145 "Gas condensate" means the liquid formed as a landfill gas is cooled or
146 compressed.

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

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

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

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

164
165 "*Household waste*" means *any solid waste (including garbage, trash, and sanitary*
166 *waste in septic tanks) derived from households (including single and multiple*
167 *residences, hotels and motels, bunkhouses, ranger stations, crew quarters,*
168 *campgrounds, picnic grounds, and day-use recreation areas).* [415 ILCS 5/3.230]

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

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

"Iron slag" means slag.

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

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

"Lateral expansion" means a horizontal expansion of the actual waste boundaries of an existing MSWLF unit occurring on or after October 9, 1993. A horizontal expansion is any area where solid waste is placed for the first time directly upon the bottom liner of the unit, excluding side slopes on or after October 9, 1993.
 [415 ILCS 5/3.275]

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

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

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

"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*

216 *unreasonably interfere with the enjoyment of life or property.* [415 ILCS 5/3.115]
 217 (defining "air pollution")
 218

219 *"Municipal solid waste landfill unit" or "MSWLF unit" means a contiguous area*
 220 *of land or an excavation that receives household waste, and that is not a land*
 221 *application, surface impoundment, injection well, or any pile of non-containerized*
 222 *accumulations of solid, non-flowing waste that is used for treatment or storage. A*
 223 *MSWLF unit may also receive other types of RCRA Subtitle D wastes, such as*
 224 *commercial solid waste, non-hazardous sludge, waste from a very small quantity*
 225 *generator, as defined in 35 Ill. Adm. Code 720.110, ~~waste~~ and industrial solid*
 226 *waste. Such a landfill may be publicly or privately owned or operated. a*
 227 *MSWLF unit may be a new MSWLF unit, an existing MSWLF unit or a lateral*
 228 *expansion. A sanitary landfill is subject to regulation as a MSWLF if it receives*
 229 *household waste.* [415 ILCS 5/3.285] But, a landfill that receives residential lead-
 230 based paint waste and which does not receive any other household waste is not a
 231 MSWLF unit.

232 BOARD NOTE: Section 3.160 of the Act, from which this definition derives,
 233 uses the phrase "small quantity generator," which is a separate type of facility
 234 defined in 40 CFR 260.10. The exclusion that would allow disposal of waste
 235 from very small quantity generator in a MSWLF unit does not apply to waste
 236 from a small quantity generator waste. Use of a "small quantity generator" would
 237 make the Illinois hazardous waste and MSWLF rules less stringent than their
 238 federal counterparts. The final sentence of corresponding 40 C.F.R. 258.2
 239 provides as follows: "A construction and demolition landfill that receives
 240 residential lead-based paint waste and which does not receive any other household
 241 waste is not a MSWLF Unit." A construction and demolition landfill is a type of
 242 landfill that does not exist in Illinois, so the Board omitted the reference to
 243 "construction and demolition landfill:". A landfill in Illinois that receives
 244 residential lead-based paint waste and no other type of household waste would be
 245 permitted as a chemical waste landfill or a putrescible waste landfill under
 246 Subpart C of 35 Ill. Adm. Code 811, as appropriate.
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248 "National Pollutant Discharge Elimination System" or "NPDES" means the
 249 program for issuing, modifying, revoking and reissuing, terminating, monitoring,
 250 and enforcing permits and imposing and enforcing pretreatment requirements
 251 under the Clean Water Act (33 USC 1251 et seq.), Section 12(f) of the Act-~~[415~~
 252 ~~ILCS 5/12(f)]~~, Subpart A of 35 Ill. Adm. Code 309, and 35 Ill. Adm. Code 310.
 253

254 "NPDES permit" means a permit issued under the NPDES program.
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256 "New facility" or "New unit" means a solid waste landfill facility or a unit at a
 257 facility, if one or more of the following conditions apply:
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259 It is a landfill or unit exempt from permit requirements pursuant to Section
260 21(d) of the Act [~~415 ILCS 5/21(d)~~] that hadhas not yet accepted any
261 waste as of September 18, 1990;

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263 It is a landfill or unit not exempt from permit requirements pursuant to
264 Section 21(d) of the Act [~~415 ILCS 5/21(d)~~] that hadhas no development
265 or operating permit issued by the Agency pursuant to 35 Ill. Adm. Code
266 807 as of September 18, 1990; or

267
268 It is a landfill with a unit whose maximum design capacity or lateral extent
269 wasis increased after September 18, 1990.

270 BOARD NOTE: A new unit located in an existing facility will be considered a
271 unit subject to 35 Ill. Adm. Code 814, which references applicable requirements
272 of 35 Ill. Adm. Code 811.

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274 *"New MSWLF unit" means any municipal solid waste landfill unit that has*
275 *received household waste on or after October 9, 1993 for the first time. [415*
276 *ILCS 5/3.285]*

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278 "One hundred-year flood plain" means any land area that is subject to a one
279 percent or greater chance of flooding in a given year from any source.

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281 "One hundred-year, 24-hour precipitation event" means a precipitation event of
282 24-hour duration with a probable recurrence interval of once in 100 years.

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284 "Operator" means the person responsible for the operation and maintenance of a
285 solid waste disposal facility.

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287 "Owner" means a person who has an interest, directly or indirectly, in land,
288 including a leasehold interest, on which a person operates and maintains a solid
289 waste disposal facility. The "owner" is the "operator" if there is no other person
290 who is operating and maintaining a solid waste disposal facility.

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292 "Perched watertable" means an elevated watertable above a discontinuous
293 saturated lens, resting on a low permeability (such as clay) layer within a high
294 permeability (such as sand) formation.

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296 "Permit area" means the entire horizontal and vertical region occupied by a
297 permitted solid waste disposal facility.

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299 *"Person" is any individual, partnership, co-partnership, firm, company,*
300 *corporation, association, joint stock company, trust, estate, political subdivision,*
301 *State agency, or any other legal entity, or their legal representative, agent or*

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assigns. [415 ILCS 5/3.315]

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

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

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

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

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

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

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

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

"Research, development, and demonstration permit" or "RD&D permit" means a

345 permit issued pursuant to 35 Ill. Adm. Code 813.112.

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

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353 *"Resource Conservation and Recovery Act" or "RCRA" means the Resource*
354 *Conservation and Recovery Act of 1976 (P.L. 94-580 codified as 42 USC. §§6901*
355 *et seq.) as amended. [415 ILCS 5/3.425]*

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

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

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

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

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

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

387

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

391
392 "Significant Modification" means a modification to an approved permit issued by
393 the Agency in accordance with Section 39 of the Act [~~415 ILCS 5/39~~] and 35 Ill.
394 Adm. Code 813 that is required when one or more of the following changes
395 (considered significant when that change is measured by one or more parameters
396 whose values lie outside the expected operating range of values as specified in the
397 permit) are planned, occur, or will occur:

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399 An increase in the capacity of the waste disposal unit over the permitted
400 capacity;

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

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

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

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408 A change in configuration, performance, or efficiency of the leachate
409 management system;

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

413
414 Installation of a gas management system or a decrease in the efficiency or
415 performance of an existing gas management system;

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417 A change in the performance or operation of the surface water control
418 system;

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420 A decrease in the quality or quantity of data from any environmental
421 monitoring system;

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423 A change in the applicable background concentrations or the maximum
424 allowable predicted concentrations;

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426 A change in the design or configuration of the regraded area after
427 development or after final closure;

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

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431 Any change in the permit boundary;
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433 A change in the postclosure land use of the property;
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435 A remedial action necessary to protect groundwater;
436
437 Transfer of the permit to a new operator;
438
439 Operating authorization is being sought to place into service a structure
440 constructed pursuant to a construction quality assurance program; or
441
442 A change in any requirement set forth as a special condition in the permit.
443
444 "Slag" means the fused agglomerate that separates in the iron and steel production
445 and floats on the surface of the molten metal.
446
447 "Sole source aquifer" means those aquifers designated pursuant to Section
448 1424(e) of the Safe Drinking Water Act of 1974 (42 USC 300h-3).
449
450 "Solid Waste" means a waste that is defined in this Section as an inert waste, as a
451 putrescible waste, as a chemical waste or as a special waste, and which is not also
452 defined as a hazardous waste pursuant to 35 Ill. Adm. Code 721.
453
454 *"Special waste" means any industrial process waste, pollution control waste, or*
455 *hazardous waste, except as determined pursuant to Section 22.9 of the Act* [415
456 ~~ILCS 5/22.9~~] *and 35 Ill. Adm. Code 808. [415 ILCS 5/3.475]*
457
458 "Static Safety Factor" means the ratio between resisting forces or moments in a
459 slope and the driving forces or moments that may cause a massive slope failure.
460
461 "Steel slag" means slag.
462
463 "Surface impoundment" means a natural topographic depression, a man-made
464 excavation, or a diked area into which flowing wastes, such as liquid wastes or
465 wastes containing free liquids, are placed. For the purposes of this Part and 35 Ill.
466 Adm. Code 811 through 815, a surface impoundment is not a landfill. Other Parts
467 of 35 Ill. Adm. Code: Chapter I may apply, including the permitting requirements
468 of 35 Ill. Adm. Code 309.
469
470 "Twenty-five-year, 24-hour precipitation event" means a precipitation event of
471 24-hour duration with a probable recurrence interval of once in 25 years.
472
473 "Uppermost aquifer" means the first geologic formation above or below the

474 bottom elevation of a constructed liner or wastes, where no liner is present, that is
475 an aquifer, and includes any lower aquifer that is hydraulically connected with
476 this aquifer within the facility's permit area.

477
478 "Unit" means a contiguous area used for solid waste disposal.

479
480 "Unit of local government" means a unit of local government, as defined by
481 Article 7, Section 1 of the Illinois Constitution. A unit of local government may
482 include, but is not limited to, a municipality, a county, or a sanitary district.

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

492
493 "Waste stabilization" means any chemical, physical, or thermal treatment of
494 waste, either alone or in combination with biological processes, that results in a
495 reduction of microorganisms, including viruses, and the potential for putrefaction.

496
497 "Working face" means any part of a landfill where waste is being disposed of.

498
499 "Zone of attenuation" means the three dimensional region formed by excluding
500 the volume occupied by the waste placement from the smaller of the volumes
501 resulting from vertical planes drawn to the bottom of the uppermost aquifer at the
502 property boundary or 100 feet from the edge of one or more adjacent units.

503
504 (Source: Amended at 42 Ill. Reg. _____, effective _____)

505
506 **Section 810.104 Incorporations by Reference**

507
508 a) The Board incorporates the following material by reference:

509
510 1) Code of Federal Regulations:

511
512 40 CFR 3.2 (~~2017~~2014) (How Does This Part Provide for
513 Electronic Reporting?), referenced in Section 810.105.

514
515 40 CFR 3.3 (~~2017~~2014) (What Definitions Are Applicable to This
516 Part?), referenced in Section 810.105.

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40 CFR 3.10 (~~2017~~2014) (What Are the Requirements for Electronic Reporting to EPA?), referenced in Section 810.105.

40 CFR 3.2000 (~~2017~~2014) (What Are the Requirements Authorized State, Tribe, and Local Programs' Reporting Systems Must Meet?), referenced in Section 810.105.

40 CFR 141.40 (~~2017~~2014) (Monitoring Requirements for Unregulated Contaminants), referenced in 35 Ill. Adm. Code 811.319 and 817.415.

40 CFR 258.10(a), (b), and (c) (~~2017~~2014) (Airport Safety), referenced in Appendix A to 35 Ill. Adm. Code 814.~~Appendix A.~~

40 CFR 258.11(a) (~~2017~~2014) (Floodplains), referenced in Appendix A to 35 Ill. Adm. Code 814.~~Appendix A.~~

40 CFR 258.12(a) (~~2017~~2014) (Wetlands), referenced in Appendix A to 35 Ill. Adm. Code 814.~~Appendix A.~~

40 CFR 258.13 (~~2017~~2014) (Fault Areas), referenced in Appendix A to 35 Ill. Adm. Code 814.~~Appendix A.~~

40 CFR 258.14 (~~2017~~2014) (Seismic Impact Zones), referenced in Appendix A to 35 Ill. Adm. Code 814.~~Appendix A.~~

40 CFR 258.15 (~~2017~~2014) (Unstable Areas), referenced in Appendix A to 35 Ill. Adm. Code 814.~~Appendix A.~~

40 CFR 258.16(a) (~~2017~~2014) (Closure of Existing Municipal Solid Waste Landfill Units), referenced in Appendix A to 35 Ill. Adm. Code 814.~~Appendix A.~~

40 CFR 258.20 (~~2017~~2014) (Procedures for Excluding the Receipt of Hazardous Waste), referenced in Appendix A to 35 Ill. Adm. Code 814.~~Appendix A.~~

40 CFR 258.23 (~~2017~~2014) (Explosive Gases Control), referenced in Appendix A to 35 Ill. Adm. Code 814.~~Appendix A.~~

40 CFR 258.26 (~~2017~~2014) (Run-on/Run-off Control Systems), referenced in Appendix A to 35 Ill. Adm. Code 814.~~Appendix A.~~

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40 CFR 258.27 (~~2017~~2014) (Surface Water Requirements),
referenced in Appendix A to 35 Ill. Adm. Code 814.~~Appendix A.~~

40 CFR 258.28 (~~2017~~2014) (Liquids Restrictions), referenced in
Appendix A to 35 Ill. Adm. Code 814.~~Appendix A.~~

40 CFR 258.29(a) and (c) (~~2017~~2014) (Recordkeeping
Requirements), referenced in Appendix A to 35 Ill. Adm. Code
814.~~Appendix A.~~

40 CFR 258.60(c)(2), (c)(3), (d), (f), (g), and (i) (~~2017~~2014)
(Closure Criteria), referenced in Appendix A to 35 Ill. Adm. Code
814.~~Appendix A.~~

40 CFR 258.61(a), (c)(3), and (d) (~~2017~~2014) (Post-Closure Care
Requirements), referenced in Appendix A to 35 Ill. Adm. Code
814.~~Appendix A.~~

40 CFR 258.70(a) (~~2017~~2014) ((Financial Assurance)
Applicability and Effective Date), referenced in Appendix A to 35
Ill. Adm. Code 814.~~Appendix A.~~

40 CFR 258.71(a)(2) (~~2017~~2014) (Financial Assurance for
Closure), referenced in Appendix A to 35 Ill. Adm. Code
814.~~Appendix A.~~

40 CFR 258.72(a)(1) and (a)(2) (~~2017~~2014) (Financial Assurance
for Post-Closure Care), referenced in Appendix A to 35 Ill. Adm.
Code 814.~~Appendix A.~~

40 CFR 258.73 (~~2017~~2014) (Financial Assurance for Corrective
Action), referenced in Appendix A to 35 Ill. Adm. Code
814.~~Appendix A.~~

40 CFR 258.74 (~~2017~~2014) (Allowable Mechanisms (for Financial
Assurance)), referenced in Appendix A to 35 Ill. Adm. Code
814.~~Appendix A.~~

Appendix I to 40 CFR 258 (~~2017~~2014) (Constituents for Detection
Monitoring), referenced in 35 Ill. Adm. Code 811.319.

Appendix II to 40 CFR 258 (~~2017~~2014) (List of Hazardous

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Inorganic and Organic Constituents), referenced in 35 Ill. Adm. Code 811.319.

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

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

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

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

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

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

- 4) GASB. Governmental Accounting Standards Board, 401 Merritt 7, P.O. Box 5116, Norwalk CT 06856-5116:

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

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

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

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

Method 9095B (Paint Filter Liquids Test) in "Test Methods for

646 Evaluating Solid Waste, Physical/Chemical Methods" (Third
 647 Edition, Update IIIB, November 2004) (document number EPA-
 648 SW-846-03-03B or EPA-530-R-04-037), referenced in 35 Ill.
 649 Adm. Code 811.107.

650
 651 b) This incorporation includes no later amendments or editions.

652
 653 (Source: Amended at 42 Ill. Reg. _____, effective _____)
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655 **Section 810.105 Electronic Reporting**

656
 657 a) Scope and Applicability.

658
 659 1) The USEPA, the Board, or the Agency may allow for the filing of
 660 electronic documents. This Section does not require submission of
 661 electronic documents in lieu of paper documents. This Section sets forth
 662 the requirements for the optional electronic filing of any report or
 663 document that must be submitted to the appropriate of the following:
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665 A) To USEPA directly under Title 40 of the Code of Federal
 666 Regulations; or

667
 668 B) To the Board or the Agency pursuant to any provision of 35 Ill.
 669 Adm. Code 810 through 815, to the extent the document is
 670 required by a provision derived from 40 CFR 258.

671
 672 2) Electronic reporting under this Section can begin only after USEPA has
 673 first done as follows:
 674

675 A) As to filing with USEPA, USEPA has published a notice in the
 676 Federal Register announcing that USEPA is prepared to receive
 677 documents required or permitted by the identified part or subpart
 678 of Title 40 of the Code of Federal Regulations in an electronic
 679 format; or

680
 681 B) As to filing with the State, USEPA has granted approval of any
 682 electronic document receiving system established by the Board or
 683 the Agency that meets the requirements of 40 CFR 3.2000,
 684 incorporated by reference in Section 810.104.

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 686 3) This Section does not apply to any of the following documents, whether or
 687 not the document is a document submitted to satisfy the requirements cited
 688 in subsection (a)(1) of this Section:

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- A) Any document submitted via facsimile;
 - B) Any document submitted via magnetic or optical media, such as diskette, compact disc, digital video disc, or tape; or
 - C) Any data transfer between USEPA, any state, or any local government and either the Board or the Agency as part of administrative arrangements between the parties to the transfer to share data.
- 4) Upon USEPA conferring approval for the filing of any types of documents as electronic documents, as described in subsection (a)(2)(B) ~~of this Section~~, the Agency or the Board, as appropriate, must publish a Notice of Public Information in the Illinois Register that describes the documents approved for submission as electronic documents, the electronic document receiving system approved to receive them, the acceptable formats and procedures for their submission, and the date on which the Board or the Agency will begin to receive those submissions. In the event of cessation of USEPA approval or receiving any type of document as an electronic document, the Board or the Agency must similarly cause publication of a Notice of Public Information in the Illinois Register.

BOARD NOTE: Subsection (a) ~~of this Section~~ is derived from 40 CFR 3.1 (2017), as added at 70 Fed. Reg. 59848 (Oct. 13, 2005).

- b) Definitions. For the purposes of this Section, terms will have the meaning attributed them in 40 CFR 3.3, incorporated by reference in 35 Ill. Adm. Code 810.104.
- c) Procedures for submission of electronic documents to USEPA. Except as provided in subsection (a)(3) ~~of this Section~~, any person who is required under Title 40 of the Code of Federal Regulations to create and submit or otherwise provide a document to USEPA may satisfy this requirement with an electronic document, in lieu of a paper document, provided the following conditions are met:
 - 1) The person satisfies the requirements of 40 CFR 3.10, incorporated by reference in Section 810.104; and
 - 2) USEPA has first published a notice in the Federal Register as described in subsection (a)(2) ~~of this Section~~.

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BOARD NOTE: Subsection (c) ~~of this Section~~ is derived from 40 CFR 3.2(a) and subpart B of 40 CFR 3 (2017), as added at 70 Fed. Reg. 59848 (Oct. 13, 2005).

- d) Procedures for submission of electronic documents to the Board or the Agency.
 - 1) The Board or the Agency may, but is not required to, establish procedures for the electronic submission of documents that meet the requirements of CFR 3.2 and 3.2000, incorporated by reference in Section 810.104. The Board or the Agency must establish any such procedures under the Administrative Procedure Act ~~[5 ILCS 100/5]~~.
 - 2) The Board or the Agency may not accept electronic documents under this Section until after USEPA has approved the procedures in writing, and the Board or the Agency has published a notice of such approval in the Illinois Register. Nothing in this subsection (d) limits the authority of the Board or the Agency under the Illinois Environmental Protection Act ~~[415 ILCS 5]~~ to accept documents filed electronically.

BOARD NOTE: Subsection (d) ~~of this Section~~ is derived from 40 CFR 3.2(b) and subpart D of 40 CFR 3 (2017), as added at 70 Fed. Reg. 59848 (Oct. 13, 2005).

- e) Effects of submission of an electronic document.
 - 1) If a person who submits a document as an electronic document fails to comply with the requirements this Section, that person is subject to the penalties prescribed for failure to comply with the requirement that the electronic document was intended to satisfy.
 - 2) Where a document submitted as an electronic document to satisfy a reporting requirement bears an electronic signature, the electronic signature legally binds, obligates, and makes the signer responsible to the same extent as the signer's handwritten signature would on a paper document submitted to satisfy the same reporting requirement.
 - 3) Proof that a particular signature device was used to create an electronic signature will suffice to establish that the individual uniquely entitled to use the device did so with the intent to sign the electronic document and give it effect.

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4) Nothing in this Section limits the use of electronic documents or information derived from electronic documents as evidence in enforcement or other proceedings.

BOARD NOTE: Subsection (e) ~~of this Section~~ is derived from 40 CFR 3.4 and 3.2000(c) ~~(2017)~~, as added at 70 Fed. Reg. 59848 (Oct. 13, 2005).

f) Public document subject to State laws. Any electronic document filed with the Board is a public document. The document, its filing, its retention by the Board, and its availability for public inspection and copying are subject to various State laws, including, but not limited to, the following:

- 1) The Administrative Procedure Act [5 ILCS 100];
- 2) The Freedom of Information Act [5 ILCS 140];
- 3) The State Records Act [5 ILCS 160];
- 4) The Electronic Commerce Security Act [5 ILCS 175];
- 5) The Environmental Protection Act ~~[415 ILCS 5]~~;
- 6) Regulations relating to public access to Board records (2 Ill. Adm. Code 2175); and
- 7) Board procedural rules relating to protection of trade secrets and confidential information (35 Ill. Adm. Code 130).

g) Nothing in this Section or in any provisions adopted pursuant to subsection (c)(1) ~~of this Section~~ will create any right or privilege to submit any document as an electronic document.

BOARD NOTE: Subsection (g) ~~of this Section~~ is derived from 40 CFR 3.2(c) ~~(2017)~~, as added at 70 Fed. Reg. 59848 (Oct. 13, 2005).

BOARD NOTE: Derived from 40 CFR 3, ~~as added~~, and 40 CFR 258.29(d) ~~(2017)(2005)~~, as amended at 70 Fed. Reg. 59848 (Oct. 13, 2005).

(Source: Amended at 42 Ill. Reg. _____, effective _____)

AGENCY VS. JCAR

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

PART 810
SOLID WASTE DISPOSAL: GENERAL PROVISIONS

Section

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

AUTHORITY: Implementing Sections 7.2, 21, 21.1, 22, 22.17, and 22.40 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 21, 21.1, 22, 22.17, 22.40, and 27].

SOURCE: Adopted in R88-7 at 14 Ill. Reg. 15838, effective September 18, 1990; amended in R93-10 at 18 Ill. Reg. 1268, effective January 13, 1994; amended in R90-26 at 18 Ill. Reg. 12457, effective August 1, 1994; amended in R95-9 at 19 Ill. Reg. 14427, effective September 29, 1995; amended in R96-1 at 20 Ill. Reg. 11985, effective August 15, 1996; amended in R97-20 at 21 Ill. Reg. 15825, effective November 25, 1997; amended in R04-5/R04-15 at 28 Ill. Reg. 9090, effective June 18, 2004; amended in R05-1 at 29 Ill. Reg. 5028, effective March 22, 2005; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 4130, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 1425, effective December 20, 2006; amended in R07-8 at 31 Ill. Reg. 16167, effective November 27, 2007; amended in R10-9 at 35 Ill. Reg. 10837, effective June 22, 2011; amended in R14-1/?R14-2/?R14-3 at 38 Ill. Reg. 7253, effective March 13, 2014; amended in R15-8 at 38 Ill. Reg. 23458, effective November 24, 2014; amended in R17-14/R17-15/R18-12 at 42 Ill. Reg. _____, effective _____.

Section 810.103 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 (Act) ~~[415 ILCS 5]~~:

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

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

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

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

"Aquifer" means saturated (with groundwater) soils and geologic materials which are sufficiently permeable to readily yield economically useful quantities of water to wells, springs, or streams under ordinary hydraulic gradients and whose boundaries can be identified and mapped from hydrogeologic data. (Section 3 of the Illinois Groundwater Protection Act [415 ILCS 55/3])

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

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

"Board" is the Pollution Control Board established by the Act. [415 ILCS 5/3.130]

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

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

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

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

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

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

"Disposal" means the discharge, deposit, injection, dumping, spilling, leaking or placing of any solid waste into or on any land or water or into any well such that solid waste or any constituent of the solid waste may enter the environment by being emitted into the air or

discharged into any waters, including groundwater. [415 ILCS 5/3.185]
If the solid waste is accumulated and not confined or contained to prevent its entry into the environment, or there is no certain plan for its disposal elsewhere, such accumulation will constitute disposal.

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

"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.

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

"Existing facility" or "Existing unit" means a facility or unit that is not defined in this Section as a new facility or a new unit.

"Existing MSWLF unit" means any municipal solid waste landfill unit that has received household waste before October 9, 1993. [415 ILCS 5/3.285]

"Facility" means a site and all equipment and fixtures on a site used to treat, store or dispose of solid or special wastes. A facility consists of an entire solid or special waste treatment, storage, or disposal operation. All structures used in connection with or to facilitate the waste disposal operation will be considered a part of the facility. A facility may include, but is not limited to, one or more solid waste disposal units, buildings, treatment systems, processing and storage operations, and monitoring stations.

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

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

"Gas collection system" means a system of wells, trenches, pipes and other related ancillary structures such as manholes, compressor housing, and monitoring installations that collects and transports the gas produced in a putrescible waste disposal unit to one or more gas

processing points. The flow of gas through such a system may be produced by naturally occurring gas pressure gradients or may be aided by an induced draft generated by mechanical means.

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

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

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

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

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

"Household waste" means any solid waste (including garbage, trash, and sanitary waste in septic tanks) derived from households (including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas). [415 ILCS 5/3.230]

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

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

"Iron slag" means slag.

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

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

"Lateral expansion" means a horizontal expansion of the actual waste boundaries of an existing MSWLF unit occurring on or after October 9, 1993. A horizontal expansion is any area where solid waste is placed for the first time directly upon the bottom liner of the unit, excluding side slopes on or after October 9, 1993. [415 ILCS 5/3.275]

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

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

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

"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] (defining "air pollution")

"Municipal solid waste landfill unit" or "MSWLF unit" means a contiguous area of land or an excavation that receives household waste, and that is not a land application, surface impoundment, injection well, or any pile of non-containerized accumulations of solid, non-flowing waste that is used for treatment or storage. A MSWLF unit may also receive other types of RCRA Subtitle D wastes, such as commercial solid waste, non-hazardous sludge, waste from a very small quantity generator, as defined in 35 Ill. Adm. Code 720.110, ~~waste~~ and industrial solid waste. Such a landfill may be publicly or privately owned or operated. a MSWLF unit may be a new MSWLF unit, an existing MSWLF unit or a lateral expansion. A sanitary landfill is subject to regulation as a MSWLF if it receives household waste. [415 ILCS 5/3.285] But, a landfill that receives residential lead-based paint waste and which does not receive any other household waste is not a MSWLF unit.

BOARD NOTE: Section 3.160 of the Act, from which this definition derives, uses the phrase "small quantity generator," which is a separate type of facility defined in 40 CFR 260.10. The exclusion that would allow disposal of waste from very small quantity generator in a MSWLF unit does not apply to waste from a small quantity generator waste. Use of a "small quantity generator" would make the Illinois hazardous waste

and MSWLF rules less stringent than their federal counterparts. The final sentence of corresponding 40 C.F.R. 258.2 provides as follows: "A construction and demolition landfill that receives residential lead-based paint waste and which does not receive any other household waste is not a MSWLF Unit." A construction and demolition landfill is a type of landfill that does not exist in Illinois, so the Board omitted the reference to "construction and demolition landfill-". A landfill in Illinois that receives residential lead-based paint waste and no other type of household waste would be permitted as a chemical waste landfill or a putrescible waste landfill under Subpart C of 35 Ill. Adm. Code 811, as appropriate.

"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 ~~{415 ILCS 5/12(f)}~~, Subpart A of 35 Ill. Adm. Code 309, and 35 Ill. Adm. Code 310.

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

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

It is a landfill or unit exempt from permit requirements pursuant to Section 21(d) of the Act ~~{415 ILCS 5/21(d)}~~ that had ~~has~~ not yet accepted any waste as of September 18, 1990;

It is a landfill or unit not exempt from permit requirements pursuant to Section 21(d) of the Act ~~{415 ILCS 5/21(d)}~~ that had ~~has~~ no development or operating permit issued by the Agency pursuant to 35 Ill. Adm. Code 807 as of September 18, 1990; or

It is a landfill with a unit whose maximum design capacity or lateral extent was ~~is~~ increased after September 18, 1990.
BOARD NOTE: A new unit located in an existing facility will be considered a unit subject to 35 Ill. Adm. Code 814, which references applicable requirements of 35 Ill. Adm. Code 811.

"New MSWLF unit" means any municipal solid waste landfill unit that has received household waste on or after October 9, 1993 for the first time. [415 ILCS 5/3.285]

"One hundred-year flood plain" means any land area that is subject to a one percent or greater chance of flooding in a given year from any source.

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

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

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

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

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

"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 5/3.315]

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

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

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

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

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

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

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

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

"Research, development, and demonstration permit" or "RD&D permit" means a permit issued pursuant to 35 Ill. Adm. Code 813.112.

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

"Resource Conservation and Recovery Act" or "RCRA" means the Resource Conservation and Recovery Act of 1976 (P.L. 94-580 codified as 42 USC. §§ 6901 et seq.) as amended. [415 ILCS 5/3.425]

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

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

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

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

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

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

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

"Significant Modification" means a modification to an approved permit issued by the Agency in accordance with Section 39 of the Act—~~[415 ILCS 5/39]~~ and 35 Ill. Adm. Code 813 that is required when one or more of the following changes (considered significant when that change is measured by one or more parameters whose values lie outside the expected operating range of values as specified in the permit) are planned, occur, or will occur:

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

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

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

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

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

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

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

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

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

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

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

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

Any change in the permit boundary;

A change in the postclosure land use of the property;

A remedial action necessary to protect groundwater;

Transfer of the permit to a new operator;

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

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

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

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

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

"Special waste" means any industrial process waste, pollution control waste, or hazardous waste, except as determined pursuant to Section 22.9 of the Act ~~{415 ILCS 5/22.9}~~ and 35 Ill. Adm. Code 808. [415 ILCS 5/3.475]

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

"Steel slag" means slag.

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

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

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

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

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

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

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

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

"Zone of attenuation" means the three dimensional region formed by excluding the volume occupied by the waste placement from the smaller of the volumes resulting from vertical planes drawn to the bottom of the uppermost aquifer at the property boundary or 100 feet from the edge of one or more adjacent units.

(Source: Amended at 42 Ill. Reg. , effective)

Section 810.104 Incorporations by Reference

a) The Board incorporates the following material by reference:

1) Code of Federal Regulations:

40 CFR 3.2 (2017) (~~2016~~—(How Does This Part Provide for Electronic Reporting?)), referenced in Section 810.105.

40 CFR 3.3 (2017) (~~2016~~ (What Definitions Are Applicable to This Part?)), referenced in Section 810.105.

40 CFR 3.10 (2017) (~~2016~~ (What Are the Requirements for Electronic Reporting to EPA?)), referenced in Section 810.105.

40 CFR 3.2000 (2017) (~~2016~~ (What Are the Requirements Authorized State, Tribe, and Local Programs' Reporting Systems Must Meet?)), referenced in Section 810.105.

40 CFR 141.40 (2017) (~~2016~~ (Monitoring Requirements for Unregulated Contaminants)), referenced in 35 Ill. Adm. Code 811.319 and 817.415.

40 CFR 258.10(a), (b), and (c) (2017) (Airport Safety), referenced in Appendix A to 35 Ill. Adm. Code 814.

40 CFR 258.11(a) (2017) (Floodplains), referenced in Appendix A to 35 Ill. Adm. Code 814.

40 CFR 258.12(a) (2017) (Wetlands), referenced in Appendix A to 35 Ill. Adm. Code 814.

40 CFR 258.13 (2017) (Fault Areas), referenced in Appendix A to 35 Ill. Adm. Code 814.

40 CFR 258.14 (2017) (Seismic Impact Zones), referenced in Appendix A to 35 Ill. Adm. Code 814.

40 CFR 258.15 (2017) (Unstable Areas), referenced in Appendix A to 35 Ill. Adm. Code 814.

40 CFR 258.16(a) (2017) (Closure of Existing Municipal Solid Waste Landfill Units), referenced in Appendix A to 35 Ill. Adm. Code 814.

40 CFR 258.20 (2017) (Procedures for Excluding the Receipt of Hazardous Waste), referenced in Appendix A to 35 Ill. Adm. Code 814.

40 CFR 258.23 (2017) (Explosive Gases Control), referenced in Appendix A to 35 Ill. Adm. Code 814.

40 CFR 258.26 (2017) (Run-on/Run-off Control Systems), referenced in Appendix A to 35 Ill. Adm. Code 814.

40 CFR 258.27 (2017) (Surface Water Requirements), referenced in Appendix A to 35 Ill. Adm. Code 814.

40 CFR 258.28 (2017) (Liquids Restrictions), referenced in Appendix A to 35 Ill. Adm. Code 814.

40 CFR 258.29(a) and (c) (2017) (Recordkeeping Requirements), referenced in Appendix A to 35 Ill. Adm. Code 814.

40 CFR 258.60(c)(2) ~~and~~ (c)(3), (d), (f), (g), and (i) (2017) (Closure Criteria), referenced in Appendix A to 35 Ill. Adm. Code 814.

40 CFR 258.61(a), (c)(3), and (d) (2017) (Post-Closure Care Requirements), referenced in Appendix A to 35 Ill. Adm. Code 814.

40 CFR 258.70(a) (2017) ((Financial Assurance) Applicability and Effective Date), referenced in Appendix A to 35 Ill. Adm. Code 814.

40 CFR 258.71(a)(2) (2017) (Financial Assurance for Closure), referenced in Appendix A to 35 Ill. Adm. Code 814.

40 CFR 258.72(a)(1) and (a)(2) (2017) (Financial Assurance for Post-Closure Care), referenced in Appendix A to 35 Ill. Adm. Code 814.

40 CFR 258.73 (2017) (Financial Assurance for Corrective Action), referenced in Appendix A to 35 Ill. Adm. Code 814.

40 CFR 258.74 (2017) (Allowable Mechanisms (for Financial Assurance)), referenced in Appendix A to 35 Ill. Adm. Code 814.

Appendix I to 40 CFR 258 (2017) (Constituents for Detection Monitoring) ~~-(2013)-~~, referenced in 35 Ill. Adm. Code 811.319.

Appendix II to 40 CFR 258 (2017) (List of Hazardous Inorganic and Organic Constituents) ~~-(2013)-~~, referenced in 35 Ill. Adm. Code 811.319.

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

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

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

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

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

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

4) GASB. Governmental Accounting Standards Board, 401 Merritt 7, P.O. Box 5116, Norwalk CT 06856-5116:

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

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

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

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

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

b) This incorporation includes no later amendments or editions.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 810.105 Electronic Reporting

a) Scope and Applicability.

1) The USEPA, the Board, or the Agency may allow for the filing of electronic documents. This Section does not require submission of electronic documents in lieu of paper documents. This Section sets forth the requirements for the optional electronic filing of any report or document that must be submitted to the appropriate of the following:

A) To USEPA directly under Title 40 of the Code of Federal Regulations; or

B) To the Board or the Agency pursuant to any provision of 35 Ill. Adm. Code 810 through 815, to the extent the document is required by a provision derived from 40 CFR 258.

2) Electronic reporting under this Section can begin only after USEPA has first done as follows:

A) As to filing with USEPA, USEPA has published a notice in the Federal Register announcing that USEPA is prepared to receive documents required or permitted by the identified part or subpart of Title 40 of the Code of Federal Regulations in an electronic format; or

B) As to filing with the State, USEPA has granted approval of any electronic document receiving system established by the Board or the Agency that meets the requirements of 40 CFR 3.2000, incorporated by reference in Section 810.104.

3) This Section does not apply to any of the following documents, whether or not the document is a document submitted to satisfy the requirements cited in subsection (a) (1) ~~of this Section~~:

A) Any document submitted via facsimile;

B) Any document submitted via magnetic or optical media, such as diskette, compact disc, digital video disc, or tape; or

C) Any data transfer between USEPA, any state, or any local government and either the Board or the Agency as part of administrative arrangements between the parties to the transfer to share data.

4) Upon USEPA conferring approval for the filing of any types of documents as electronic documents, as described in subsection (a) (2) (B) ~~of this Section~~, the Agency or the Board, as appropriate, must publish a Notice of Public Information in the Illinois Register that describes the documents approved for submission as electronic documents, the electronic document receiving system approved to receive them, the acceptable formats and procedures for their submission, and the date on which the Board or the Agency will begin to receive those submissions. In the event of cessation of USEPA approval or receiving any type of document as an electronic document, the Board or the Agency must similarly cause publication of a Notice of Public Information in the Illinois Register.

BOARD NOTE: Subsection (a) ~~of this Section~~ is derived from 40 CFR 3.1 (2017), ~~as added at 70 Fed. Reg. 59848 (Oct. 13, 2005)~~.

b) Definitions. For the purposes of this Section, terms will have the meaning attributed them in 40 CFR 3.3, incorporated by reference in 35 Ill. Adm. Code 810.104.

c) Procedures for submission of electronic documents to USEPA. Except as provided in subsection (a) (3) ~~of this Section~~, any person who is required under Title 40 of the Code of Federal Regulations to create and submit or otherwise provide a document to USEPA may satisfy this requirement with an electronic document, in lieu of a paper document, provided the following conditions are met:

1) The person satisfies the requirements of 40 CFR 3.10, incorporated by reference in Section 810.104; and

2) USEPA has first published a notice in the Federal Register as described in subsection (a) (2) ~~of this Section~~.

BOARD NOTE: Subsection (c) ~~of this Section~~ is derived from 40 CFR 3.2(a) and subpart B of 40 CFR 3 (2017), ~~as added at 70 Fed. Reg. 59848 (Oct. 13, 2005)~~.

d) Procedures for submission of electronic documents to the Board or the Agency.

1) The Board or the Agency may, but is not required to, establish procedures for the electronic submission of documents that meet the requirements of CFR 3.2 and 3.2000, incorporated by reference in Section 810.104. The Board or the Agency must establish any such procedures under the Administrative Procedure Act ~~[5 ILCS 100/5]~~.

2) The Board or the Agency may not accept electronic documents under this Section until after USEPA has approved the procedures in writing, and the Board or the Agency has published a notice of such approval in the Illinois Register. Nothing in this subsection (d) limits the authority of the Board or the Agency under the Illinois Environmental Protection Act ~~[415 ILCS 5]~~ to accept documents filed electronically.

BOARD NOTE: Subsection (d) ~~of this Section~~ is derived from 40 CFR 3.2(b) and subpart D of 40 CFR 3 (2017), ~~as added at 70 Fed. Reg. 59848 (Oct. 13, 2005)~~.

e) Effects of submission of an electronic document.

1) If a person who submits a document as an electronic document fails to comply with the requirements this Section, that person is subject to the penalties prescribed for failure to comply with the requirement that the electronic document was intended to satisfy.

2) Where a document submitted as an electronic document to satisfy a reporting requirement bears an electronic signature, the electronic signature legally binds, obligates, and makes the signer responsible to the same extent as the signer's handwritten signature would on a paper document submitted to satisfy the same reporting requirement.

3) Proof that a particular signature device was used to create an electronic signature will suffice to establish that the individual uniquely entitled to use the device did so with the intent to sign the electronic document and give it effect.

4) Nothing in this Section limits the use of electronic documents or information derived from electronic documents as evidence in enforcement or other proceedings.

BOARD NOTE: Subsection (e) ~~of this Section~~ is derived from 40 CFR 3.4 and 3.2000(c) (2017), ~~as added at 70 Fed. Reg. 59848 (Oct. 13, 2005)~~.

f) Public document subject to State laws. Any electronic document filed with the Board is a public document. The document, its filing, its retention by the Board, and its availability for public inspection and copying are subject to various State laws, including, but not limited to, the following:

1) The Administrative Procedure Act [5 ILCS 100];

- 2) The Freedom of Information Act [5 ILCS 140];
 - 3) The State Records Act [5 ILCS 160];
 - 4) The Electronic Commerce Security Act [5 ILCS 175];
 - 5) The Environmental Protection Act ~~[415 ILCS 5]~~;
 - 6) Regulations relating to public access to Board records (2 Ill. Adm. Code 2175); and
 - 7) Board procedural rules relating to protection of trade secrets and confidential information (35 Ill. Adm. Code 130).
- g) Nothing in this Section or in any provisions adopted pursuant to subsection (c) (1) ~~of this Section~~ will create any right or privilege to submit any document as an electronic document.

BOARD NOTE: Subsection (g) ~~of this Section~~ is derived from 40 CFR 3.2(c) (2017), ~~as added at 70 Fed. Reg. 59848 (Oct. 13, 2005)~~.

BOARD NOTE: Derived from 40 CFR ~~3, as added, 3~~ and ~~40 CFR~~ 258.29(d) (2017) ~~(2005), as amended at 70 Fed. Reg. 59848 (Oct. 13, 2005)~~.

(Source: Amended at 42 Ill. Reg. ~~—~~, effective ~~_____~~)

~~ILLINOIS REGISTER
POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS~~

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Document comparison by Workshare Compare on Tuesday, July 24, 2018
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