

From: [McGill, Richard](#)
To: [Brown, Don](#)
Cc: [McCambridge, Michael](#)
Subject: FW: 35 IAC 810.103, defn of MSWLF unit
Date: Friday, August 10, 2018 11:46:52 AM

Good morning again, Mr. Clerk!

Please docket this forwarded email correspondence as a public comment.

If you have any questions, please let me know. Thank you.

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From: McGill, Richard
Sent: Friday, August 10, 2018 11:46 AM
To: 'Eastvold, Jonathan C.' <JonathanE@ilga.gov>
Subject: RE: 35 IAC 810.103, defn of MSWLF unit

Good morning, Jonathan:

Thank you again for your questions.

As to the second question, I'm unaware of any plans to amend the statutory definition—which, of course, doesn't mean there aren't any or that one or more won't yet arise, especially given how early it is.

Your first question re-focused us on what appears to be a better approach and one we'll recommend the Board consider for final adoption. Specifically, the Board's definition would track USEPA's definition of "municipal solid waste landfill (MSWLF) unit" (40 CFR 258.2). This approach would necessitate revising the Board Note too. Here's the revision, with deviations from USEPA rule text indicated in red/yellow:

"Municipal solid waste landfill unit" or "MSWLF unit" means a discrete area of land or an excavation that receives household waste, and that is not a land application unit, surface impoundment, injection well, or waste pile, as those terms are defined in 40 CFR 257.2, incorporated by reference in 35 Ill. Adm. Code 720.111. A MSWLF unit also may receive other types of RCRA Subtitle D wastes, such as commercial solid waste, nonhazardous sludge, very small quantity generator waste, and industrial solid waste. Such a landfill may be

publicly or privately owned. A MSWLF unit may be a new MSWLF unit, an existing MSWLF unit, or a lateral expansion. A construction and demolition landfill, as defined in 40 CFR 258.2, incorporated by reference in 35 Ill. Adm. Code 720.111, that receives residential lead-based paint waste and which does not receive any other household waste is not a MSWLF unit.

~~“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, small quantity generator 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: 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 (C&D) landfill is a regulatory category type of landfill that does not exist in Illinois. It is distinct from a clean construction or demolition debris (CCDD) fill operation under 35 Ill. Adm. Code 1100., 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.

I will have the Board’s Clerk docket this email correspondence, which may elicit public comment from IEPA and others. If you have any other questions, please let me know. Thank you.

Best regards,

Richard

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To: McGill, Richard <Richard.McGill@illinois.gov>

Subject: [External] 35 IAC 810.103, defn of MSWLF unit

Two quick questions:

1. Would PCB be willing to remove italics from the new wording in this definition, since it's not really statutory language at this point?
2. Are there plans afoot to amend this definition in statute to reflect the new federal terminology?

Thanks so much.

Jonathan

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