

ILLINOIS POLLUTION CONTROL BOARD

May 5, 1994

IN THE MATTER OF: )  
 )  
RCRA SUBTITLE D EXTENSION ) R94-13  
35 ILL. ADM. CODE 814 ) (Rulemaking)

Adopted Emergency Rule. Final Order.

OPINION AND ORDER OF THE BOARD (by G. T. Girard):

On April 30, 1994, the Governor signed Senate Bill 405 into law. Public Act 88-540 which amends Section 22.40(c) of the Environmental Protection Act was immediately effective. The amendment adopted in P.A. 88-540 extends the deadline for acceptance of solid waste at municipal solid waste landfills meeting the conditions of 40 CFR 258.1(e)(2) and (e)(3) from April 9, 1994 to October 9, 1994. This extension will allow those landfills to remain open to accept waste from the flood of 1993.

The Board's regulations at 35 Ill. Adm. Code 814.107 include the April 9, 1994 deadline. Therefore, in order to insure that the regulations and the statute agree the Board today opens this rulemaking docket. Further, for the reasons stated below, the Board finds, pursuant to Section 27(c) of the Act and Section 5-45 of the Illinois Administrative Procedure Act (5 ILCS 100/5-45) that a "situation exists which reasonably constitutes a threat to the public interest, safety or welfare".

The Board today adopts an emergency rule to reflect the statutory change in P.A. 88-540. The ability of these landfills to accept the waste will allow the cost effective disposal of the great volume of waste created by the 1993 flood emergency. Further, the rule change will insure that the statute and the regulations are not in disagreement. Therefore, the Board will proceed with this emergency rule which will be effective upon filing for 150 days.

ORDER

The Board directs the Clerk to cause the filing of this emergency rule with the Secretary of State Administrative Code Unit for publication in the Illinois Register:

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

PART 814  
STANDARDS FOR EXISTING LANDFILLS AND UNITS

## SUBPART A: GENERAL REQUIREMENTS

Section  
 814.101 Scope and Applicability  
 814.102 Compliance Date  
 814.103 Notification to Agency  
 814.104 Applications for Significant Modification of Permits  
 814.105 Effect of Timely Filing of Notification and Application  
 for Significant Modification  
 814.106 Agency Action on Applications for Significant  
 Modifications to Existing Permits  
 814.107 Compliance Dates for Existing MSWLF Units  
 814.108 Interim Permit Requirements for Existing MSWLF Units  
 814.109 Permit Requirements for Lateral Expansions at Existing  
 MSWLF Units

## SUBPART B: STANDARDS FOR UNITS ACCEPTING INERT WASTE

Section  
 814.201 Scope and Applicability  
 814.202 Applicable Standards

SUBPART C: STANDARDS FOR EXISTING UNITS ACCEPTING CHEMICAL OR  
PUTRESCIBLE WASTES THAT MAY REMAIN OPEN FOR MORE THAN SEVEN YEARS

Section  
 814.301 Scope and Applicability  
 814.302 Applicable Standards

SUBPART D: STANDARDS FOR EXISTING UNITS ACCEPTING CHEMICAL OR  
PUTRESCIBLE WASTES THAT MUST INITIATE CLOSURE WITHIN SEVEN YEARS

Section  
 814.401 Scope and Applicability  
 814.402 Applicable Standards

SUBPART E: STANDARDS FOR EXISTING UNITS ACCEPTING INERT WASTE  
ONLY, OR ACCEPTING CHEMICAL AND PUTRESCIBLE WASTES THAT MUST  
INITIATE CLOSURE WITHIN TWO YEARS

Section  
 814.501 Scope and Applicability  
 814.502 Standards for Operation and Closure

Section 814.Appendix A Additional Requirements for Existing  
 MSWLF Units and Lateral Expansions  
 Operating Under Permits Issued Pursuant  
 to 35 Ill. Adm. Code 807.

AUTHORITY: Implementing Sections 5, 21, 21.1, 22, 22.17 and  
 28.1, and authorized by Section 27 of the Environmental  
 Protection Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 1005,  
 1021, 1021.1, 1022, 1022.17, 1028.1 and 1027 [415 ILCS 5/5, 5/21,  
 5/21.1, 5/22, 5/22.17, 5/28.1 and 5/27]).

SOURCE: Adopted in R88-7 at 14 Ill. Reg. 15850, effective  
 September 18, 1990; amended in R93-10 at 18 Ill. Reg. 1284,

effective January 13, 1994; emergency amendment in R94-13 at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_ .

NOTE: Capitalization indicates statutory language.

Section 814.107 Compliance Dates for Existing MSWLF Units and Lateral Expansions

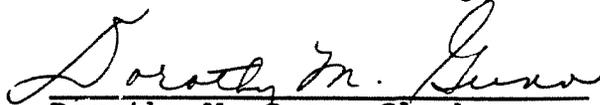
- a) Except as specified in subsections (b) or (c), all existing MSWLF units and lateral expansions shall comply with the applicable requirements of this Part in accordance with Section 814.101(b) on or before October 9, 1993.
- b) An existing MSWLF unit or a lateral expansion that meets the conditions of subsections (b)(1), (b)(2), and (b)(3) and receive waste after October 9, 1993, but stop receiving waste before ~~April 9~~October 10, 1994, is exempted from the additional requirements prescribed for existing MSWLF units and lateral expansions in this Part. The exemption conditions are as follows:
  - 1) The unit accepted 100 tons per day or less of solid waste for disposal between October 9, 1991, and October 9, 1992.
  - 2) The unit shall not accept more than 100 tons per day for disposal between October 9, 1993, and April 9, 1994.
  - 3) The unit is not on the National Priority list (NPL) as found in 40 CFR 300 Appendix B.
- c) An existing MSWLF unit or a lateral expansion of an existing unit is exempted from the additional requirements prescribed for MSWLF units in this Part until ~~April 8~~October 9, 1994, if the Agency determines that such a unit or lateral expansion is needed to receive flood-related waste.

BOARD NOTE: The compliance dates specified in subsections (a) and (b) reflect the revisions adopted by the USEPA in the Federal Register Notification published on October 1, 1993 (see 58 FR 51536).

(Source: Emergency amendment in R94-13 at 18 Ill. Reg. \_\_\_\_\_ effective \_\_\_\_\_.)

## IT IS SO ORDERED

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above opinion and order was adopted on the 5<sup>th</sup> day of May, 1994, by a vote of 6-0.

  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board