

ILLINOIS POLLUTION CONTROL BOARD
September 1, 1994

IN THE MATTER OF:)
)
STEEL AND FOUNDRY INDUSTRY) R90-26 (Docket B)
AMENDMENTS TO THE LANDFILL) (Rulemaking)
REGULATIONS (35 Ill. Adm.)
Code 817.309))

Adopted Rule. Final Order.

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

By order of March 31, 1994 in this matter, the Board separated out proposed Section 817.309 from the then pending steel and foundry industry landfill rules for the purposes of separate consideration of that section. That separate consideration having been completed, the Board by today's action adopts Section 817.309. The section will now be forwarded to the Office of the Secretary of State and be effective upon receipt by that office.

The Board's responsibility in this matter arises from the Environmental Protection Act (Act) (415 ILCS 5/1 et seq. (1992)). The Board is charged therein to "determine, define and implement the environmental control standards applicable in the State of Illinois" (415 ILCS 5/5(b)). More generally, the Board's rulemaking charge is based on the system of checks and balances integral to Illinois environmental governance: the Board bears responsibility for the rulemaking and principal adjudicatory functions; the Illinois Environmental Protection Agency (Agency) has primary responsibility for administration of the Act and the Board's regulations. The latter includes administering today's new regulation.

DISCUSSION

This matter concerns the addition of a new section to regulations governing landfilling of wastes from the steel and foundry industries, as considered in Docket R90-26(A)¹. The R90-26(A) rules were proposed by the Illinois Steel Group and the Illinois Cast Metal Association (collectively as SFG) under the premise that certain wastes generated by the steel and foundry

¹ In the Matter of: Steel and Foundry Industry Amendments to the Landfill Regulations (35 Ill. Adm. Code 810 through 185 and 817) R90-26 Docket A, adopted by the Board on July 21, 1994, with an effective date of August 1, 1994.

industries are sufficiently distinct from other regulated nonhazardous wastes that some unique provisions governing their disposal are warranted. The Board agrees with this premise, and accordingly has proceeded to adopt appropriate rules.

During the first-notice pendency of the R90-26(A) rules, the question was raised as to whether the then proposed standards for the location of potentially usable waste (PUW) landfills were adequate. The SFG responded² in part by proposing new Section 817.309, the subject of today's action.

The instant matter was set for first notice by Board order of March 31, 1994³; publication occurred at 18 Ill. Reg. 6246, April 29, 1994. The first-notice comment period ended on June 13, 1994. Four first-notice public comments were received, numbers PC #25 though PC #28.

On June 23, 1994 the Board adopted the proposal for second notice. Minor changes were made relative to the language that had been proposed for first notice. The changes were solely for the purposes of clarification, as recommended by the proponents in PC #28.

This matter was considered by the Joint Committee on Administrative Rules (JCAR) at its meeting on August 16, 1994. On that day JCAR voted a certification of no objection. However, JCAR did recommend certain non-substantive changes in form; the Board has agreed to these changes and today incorporates them into the regulations.

ORDER

The Board directs that the following amendments be submitted to the Secretary of State for final notice pursuant to Section 6 of the Illinois Administrative Procedure Act.

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

² The interested person is directed to the Board's opinion and order of this same date in Docket B for a full discussion of the location standards provision.

³ In the Matter of: Steel and Foundry Industry Amendments to the Landfill Regulations (35 Ill. Adm. Code 817.309) R90-26 Docket B, ___ PCB ___, March 31, 1994.

PART 817
REQUIREMENTS FOR NEW STEEL AND FOUNDRY INDUSTRY WASTES LANDFILLS

SUBPART A: GENERAL REQUIREMENTS

Section
817.101 Scope and Applicability
817.103 Determination of Waste Status
817.104 Sampling Frequency
817.105 Waste Classification
817.106 Waste Classification Limits
817.107 Waste Mining

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

Section
817.201 Scope and Applicability
817.202 Limitations on Use
817.203 Notification
817.204 Long-Term Storage

SUBPART C: STEEL AND FOUNDRY INDUSTRY POTENTIALLY
USABLE WASTE LANDFILLS

Section
817.301 Scope and Applicability
817.302 Design Period
817.303 Final Cover
817.304 Final Slope and Stabilization
817.305 Leachate Sampling
817.306 Load Checking
817.307 Closure
817.308 Nuisance Precautions
817.309 Facility Location

SUBPART D: NEW STEEL AND FOUNDRY INDUSTRY LOW RISK WASTE
LANDFILLS

Section
817.401 Scope and Applicability
817.402 Facility Location
817.403 Design Period
817.404 Foundation and Mass Stability Analysis
817.405 Foundation Construction
817.406 Liner Systems
817.407 Leachate Drainage System
817.408 Leachate Collection System
817.409 Leachate Treatment and Disposal System
817.410 Final Cover System
817.411 Hydrogeologic Site Investigations
817.412 Plugging and Sealing of Drill Holes
817.413 Groundwater Impact Assessment
817.414 Design, Construction and Operation of Groundwater
Monitoring Systems
817.415 Groundwater Monitoring Programs

- 817.416 Groundwater Quality Standards
- 817.417 Waste Placement
- 817.418 Final Slope and Stabilization
- 817.419 Load Checking

SUBPART E: CONSTRUCTION QUALITY ASSURANCE PROGRAMS

Section

817.501 Scope and Applicability

Section

817.Appendix A Organic Chemical Constituents List

AUTHORITY: Implementing Sections 5, 21, 21.1, 22, 22.17, 28.1, and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111½, 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 R90-26(A) at 18 Ill. Reg. 12411, effective August 1, 1994; amended in R90-26(B) at 18 Ill. Reg. _____, effective _____.

Section 817.309 Facility Location

- a) No part of a unit shall be located within a setback zone established pursuant to Section 14.2 or 14.3 of the Act.
- b) No part of a unit shall be located within the recharge zone or within 366 meters (1200 feet), vertically or horizontally, of that portion of a stratigraphic unit containing Class I or Class III groundwater as defined at 35 Ill. Adm. Code 620, unless there is a stratum between the bottom of the waste disposal unit and the top of the Class I or Class III groundwater that meets the following minimum requirements:
 - 1) The stratum has a minimum thickness of 15.2 meters (50 feet);
 - 2) The maximum hydraulic conductivity in both the horizontal and vertical directions is no more than 1×10^{-7} centimeters per second, as determined by in situ borehole or equivalent tests;
 - 3) There is no indication of continuous sand or silt seams, faults, fractures or cracks within the stratum that may provide paths for migration; and
 - 4) Age dating of extracted water samples from both the aquifer and the stratum indicates that the

time of travel for water percolating downward through the relatively impermeable stratum is no faster than 15.2 meters (50 feet) in 100 years.


- c) Subsection (b) shall not apply to units that accept only beneficially useable waste.
- d) A facility located within 152 meters (500 feet) of the right of way of a township or county road or state or interstate highway shall have its operations screened from view by a barrier of natural objects, fences, barricades or plants no less than 2.44 meters (8 feet) in height.
- e) No part of a unit shall be located closer than 152 meters (500 feet) from an occupied dwelling, school, or hospital that was occupied on the date when the operator first applied for a permit to develop the unit or the facility containing the unit, unless the owner of such dwelling, school, or hospital provides permission to the operator, in writing, for a closer distance.

(Source: Added at 18 Ill. Reg. _____, effective _____.

IT IS SO ORDERED.

Member Emmett E. Dunham, II abstains.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above opinion and order was adopted on the 13th day of September, 1994, by a vote of 5-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board