

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

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**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. 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. 8488, effective May 12, 1994, for a maximum of 150 days; amended in R90-26 at 18 Ill. Reg. 12471, effective August 1, 1994; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 1472, effective December 20, 2006.

**NOTE:** Capitalization indicates statutory language.

## **SUBPART A: GENERAL REQUIREMENTS**

### **Section 814.101      Scope and Applicability**

- a) This Part establishes the standards applicable to all existing landfill facilities, which includes facilities that are not considered to be new as defined at 35 Ill. Adm. Code 810.103. The existing landfill facilities covered by this Part include existing MSWLF units and lateral expansions, as defined at 35 Ill. Adm. Code 810.103. This Part establishes requirements for both new and existing disposal units within such existing landfill facilities. Landfill owners or operators are required to determine the date on which their facilities must begin closure, which is dependent upon the ability of existing units to meet the design and performance standards contained in this Part.
- b) All existing MSWLF units and lateral expansions shall be subject to the following standards:
  - 1) An existing MSWLF unit or a lateral expansion operating under a permit modified pursuant to Section 814.104 shall comply with the standards prescribed in Subpart C or Subpart D, whichever is applicable.
  - 2) An existing MSWLF unit or a lateral expansion operating under a permit issued pursuant to 35 Ill. Adm. Code 813 shall comply with the terms of the permit and the standards prescribed in Section 814.Subpart C for existing MSWLF units.
  - 3) An existing MSWLF unit or a lateral expansion operating under a permit issued pursuant 35 Ill. Adm. Code 807 shall comply with the terms of the permit and the requirements specified in Section 814.Appendix A until the unit's permit is modified in accordance with Section 814.104.

- 4) An existing MSWLF unit or a lateral expansion that is newly required to obtain a permit under Section 21(d) of the Act on or after October 9, 1993 shall comply with the standards prescribed in Subpart C or Subpart D, whichever is applicable.
- c) The requirements of Sections 814.104, 814.105 and 814.106 of this Subpart apply only to those landfill facilities identified as existing facilities in subsection (a) and which require an Agency issued permit.
- d) In addition to the requirements of subsection (c), an owner or operator of an existing MSWLF unit shall comply with the following:
  - 1) Permit requirements specified in Sections 814.108 and 814.109; and
  - 2) Any other applicable Federal rules, laws, regulations, or other requirements.

BOARD NOTE: Subsection (d)(2) is derived from 40 CFR 258.3 (1992).

- e) All general provisions of 35 Ill. Adm. Code 810 apply to this Part.

(Source: Amended in R93-10 at 18 Ill. Reg. 1284, effective January 13, 1994)

#### **Section 814.102 Compliance Date**

Unless otherwise expressly provided in Section 814.105 and 814.107, all landfills with existing units shall comply with the requirements of this Part within six months of the effective date of this Part.

(Source: Amended in R93-10 at 18 Ill. Reg. 1284, effective January 13, 1994)

#### **Section 814.103 Notification to Agency**

No later than six months after the effective date of this Part, all owners or operators shall send notification to the Agency describing the facility, estimated date of closure of existing units, and whether the facility is subject to the requirements of Subpart B, Subpart C, Subpart D, or Subpart E.

(Source: Amended in R93-10 at 18 Ill. Reg. 1284, effective January 13, 1994)

#### **Section 814.104 Applications For Significant Modification of Permits**

- a) All owners or operators of landfills permitted pursuant to Section 21(d) of the Environmental Protection Act (Act) (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 1021(d) [415 ILCS 5/21(d)]) shall file an application for a significant

modification to their permits for existing units, unless the units will be closed pursuant to Subpart E within two years of the effective date of this Part.

- b) The owner or operator of an existing unit shall submit information required by 35 Ill. Adm. Code 812 to demonstrate compliance with Subpart B, Subpart C or Subpart D of this Part, whichever is applicable.
- c) The application shall be filed within 48 months of the effective date of this Part, or at such earlier time as the Agency shall specify in writing pursuant to 35 Ill. Adm. Code 807.209 or 813.201(b).
- d) The application shall be made pursuant to the procedures of 35 Ill. Adm. Code 813.

(Source: Amended in R93-10 at 18 Ill. Reg. 1284, effective January 13, 1994)

**Section 814.105      Effect of Timely Filing of Notification and Application For Significant Modification**

- a) Permits issued pursuant to 35 Ill. Adm. Code 807 prior to the effective date of this Part remain in full force and effect until superseded by a permit issued pursuant to this Part or until revoked as a result of an enforcement action brought pursuant to Title VIII of the Act.
- b) An owner or operator who has timely filed a notification pursuant to Section 814.103 and an application for significant permit modification pursuant to Section 814.104 shall continue operation under the terms of its existing permits until final determination by the Agency on its application and any subsequent appeal to the Board pursuant to Section 40 of the Act. During this time, the owner or operator will be deemed to be in compliance with all requirements of this Part.

(Source: Amended in R93-10 at 18 Ill. 1284, effective January 13, 1994)

**Section 814.106      Agency Action on Applications for Significant Modifications to Existing Permits**

The Agency shall review applications for significant modifications to existing permits in accordance with the requirements and procedures of 35 Ill. Adm. Code 813.

**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 8, 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, 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: Added at 18 Ill. Reg. 1284, effective January 13, 1994)

**Section 814.108 Interim Permit Requirements for Existing MSWLF Units**

- a) EXCEPT FOR A LATERAL EXPANSION OF AN EXISTING MSWLF UNIT REQUIRED TO RECEIVE A PERMIT MODIFICATION UNDER SECTION 21(T) OF THE ACT, BY SEPTEMBER 1, 1993, OR WITHIN 30 DAYS FOLLOWING THE EFFECTIVE DATE OF P.A. 88-496 (SEPTEMBER 13, 1993), WHICHEVER OCCURS FIRST, THE OWNER OR OPERATOR OF AN EXISTING MSWLF UNIT SHALL SUBMIT TO THE AGENCY A WRITTEN APPLICATION FOR A PERMIT (IF NO PERMIT HAS BEEN ISSUED UNDER SECTION 21(d) OF THE ACT) OR A PERMIT MODIFICATION (IF A PERMIT HAS BEEN ISSUED UNDER SECTION 21(d) OF THE ACT) ON FORMS PRESCRIBED AND PROVIDED BY THE AGENCY.
- b) PERSONS WHO SUBMIT AN APPLICATION FOR A PERMIT OR PERMIT MODIFICATION UNDER SUBSECTION (a) AND SECTION 22.42(a) OF THE ACT SHALL BE DEEMED TO HAVE AN INTERIM

PERMIT OR INTERIM PERMIT MODIFICATION ON OCTOBER 9, 1993, OR 30 CALENDAR DAYS AFTER THE AGENCY RECEIVES THE APPLICATION UNDER SUBSECTION (a) ABOVE AND SECTION 22.42(a) OF THE ACT, WHICHEVER OCCURS FIRST, EXCEPT THAT:

- 1) THE AGENCY MAY IMPOSE SUCH CONDITIONS TO THE INTERIM PERMIT OR INTERIM PERMIT MODIFICATION LAW AS MAY BE NECESSARY TO ACCOMPLISH THE PURPOSES OF THE ACT AND AS ARE NOT INCONSISTENT WITH THE REGULATIONS DESCRIBED IN SECTION 22.41 OF THE ACT.
- 2) NO INTERIM PERMIT OR INTERIM PERMIT MODIFICATION SHALL BE DEEMED ISSUED UNDER THIS SUBSECTION AND SUBSECTION 22.42(b) OF THE ACT IF THE AGENCY PROVIDES WRITTEN NOTIFICATION TO THE APPLICANT, BY OCTOBER 1, 1993 OR WITHIN 30 CALENDAR DAYS AFTER THE AGENCY RECEIVES THE APPLICATION UNDER THIS SECTION, WHICHEVER OCCURS FIRST, THAT:
  - A) THE APPLICATION IS INCOMPLETE; OR
  - B) THE APPLICANT MUST SUBMIT AN APPLICATION FOR A LATERAL EXPANSION PURSUANT TO SECTION 21(t) OF THE ACT.
- c) AN INTERIM PERMIT OR AN INTERIM PERMIT MODIFICATION DEEMED ISSUED UNDER THIS SECTION AND SECTION 22.42 OF THE ACT TO AN EXISTING MSWLF UNTIL SHALL EXPIRE UPON THE OCCURENCE OF THE FOLLOWING, WHICHEVER OCCURS FIRST:
  - 1) SIX CALENDAR YEARS FROM THE DATE UPON WHICH THE INTERIM PERMIT OR INTERIM PERMIT MODIFICATION WAS DEEMED TO BE ISSUED UNDER THIS SECTION AND SECTION 22.42 OF THE ACT, EXCEPT THAT IN THE EVENT THAT THE AGENCY IS REVIEWING AN APPLICATION FOR A PERMIT OR A SIGNIFICANT MODIFICATION OF A PERMIT FOR THE MSWLF UNIT, OR IN THE EVENT THAT A BOARD REVIEW OF A PERMIT DENIAL OR CONDITIONS OF A PERMIT OR SIGNIFICANT MODIFICATION OF THE PERMIT FOR THE MSWLF UNIT PURSUANT TO SECTION 40 OR 41 OF THE ACT IS PENDING AT THE END OF 6 CALENDAR YEAR PERIOD,

THE INTERIM PERMIT OR INTERIM PERMIT MODIFICATION SHALL EXPIRE UPON THE ISSUANCE OF THE AGENCY'S FINAL ACTION ON THE APPLICATION OR UPON THE CONCLUSION OF THE BOARD PROCEEDING UNDER SECTIONS 40 OR 41 OF THE ACT, INCLUDING THE EXHAUSTION OF ALL RIGHTS OF APPEAL OF THE PARTIES TO THE PROCEEDING.

- 2) FINAL ACTION BY THE AGENCY ON AN APPLICATION FOR A PERMIT OR SIGNIFICANT MODIFICATION OF A PERMIT ON OR AFTER OCTOBER 9, 1993, FOR THE MSWLF UNIT WHERE THE AGENCY NOTIFIES THE APPLICANT THAT THE AGENCY'S REVIEW OF THE APPLICATION INCLUDED A REVIEW OF THE MSWLF UNIT'S COMPLIANCE WITH BOARD RULES ADOPTED UNDER SECTION 22.40 OR 22.41 OF THE ACT.
- 3) THE BOARD REVOKES THE INTERIM PERMIT OR THE INTERIM PERMIT MODIFICATION DEEMED ISSUED UNDER THIS SECTION AND SECTION 22.42 OF THE ACT IN AN ENFORCEMENT ACTION BROUGHT UNDER THE ACT. (Section 22.42 of the Act.)

(Source: Added in R93-10 at 18 Ill. Adm. Code 1284, effective January 13, 1994)

**Section 814.109 Permit Modification Requirements for Lateral Expansions at Existing MSWLF Units**

- a) NO PERSON SHALL CAUSE OR ALLOW A LATERAL EXPANSION OF A MUNICIPAL SOLID WASTE LANDFILL UNIT ON OR AFTER OCTOBER 9, 1993, WITHOUT A PERMIT MODIFICATION, GRANTED BY THE AGENCY, THAT AUTHORIZES THE LATERAL EXPANSION. (Section 21(t) of the Act.)
- b) An owner or operator of an existing MSWLF unit seeking a lateral expansion shall submit to the agency an application for a permit modification using the forms specified by the Agency.
- c) An owner or operator of an existing MSWLF unit operating under a permit modified pursuant to Section 814.104 shall submit the information required by 35 Ill. Adm. Code 811 and 812 to demonstrate compliance with the additional requirements prescribed for lateral expansions under Subpart C or Subpart D, whichever is applicable.
- d) An owner or operator of an existing MSWLF unit operating under a permit issued pursuant to 35 Ill. Adm. Code 813 shall submit the



information required by 35 Ill. Adm. Code 811 and 812 to demonstrate compliance with the additional requirements prescribed for existing MSWLF units under Section 814.Subpart C.

- e) An owner or operator of an existing MSWLF unit operating in accordance with Section 814.105 under a permit issued pursuant 35 Ill. Adm. Code 807 shall submit the information required by Section 814.Appendix A to demonstrate compliance with the specific Subtitle D standards listed in Appendix A.
- f) The application shall be made pursuant to the permit modification procedures of 35 Ill. Adm. Code 813 or 807, whichever is applicable.

BOARD NOTE: The Board envisions that the informational requirements for existing MSWLF units with permits issued pursuant to 35 Ill. Adm. Code 813 and 814 (subsection (c) and (d)) will be minimal, since most of the information required by Parts 811 and 812 would have been submitted to the Agency along with the application for a new permit or a significant modification of an existing permit.

(Source: Added in R93-10 at 18 Ill. Reg. 1284, effective January 13, 1994)

### **Section 814.110      Electronic Reporting**

The filing of any document pursuant to any provision of this Part as an electronic document is subject to 35 Ill. Adm. Code 810.105.

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

(Source: Added at 31 Ill. Reg. 1472, effective December 20, 2006)

## **SUBPART B: STANDARDS FOR UNITS ACCEPTING INERT WASTE**

### **Section 814.201      Scope and Applicability**

- a) The standards in this Subpart are applicable to all existing units of landfills, including those exempt from permit requirements in accordance with Section 21(d) of the Act, that have accepted or accept only inert waste. Based on an evaluation of the information submitted pursuant to Subpart A and any Agency site inspection, units that meet the requirements of this Subpart may remain open for an indefinite period of time after the effective date of this Part.

- b) Based on an evaluation of the information submitted pursuant to Subpart A and any Agency site inspection, units which are unable to comply with the requirements of this Subpart are subject to the requirements of Subpart D.

**Section 814.202      Applicable Standards**

Units which accept only inert waste shall be subject to all of the requirements of 35 Ill. Adm. Code 811.Subparts A and B.

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

**Section 814.301      Scope and Applicability**

- a) The standards in this Subpart are applicable to all existing units of landfills, including those exempt from permit requirements in accordance with Section 21(d) of the Act, that have accepted or accept chemical and putrescible wastes. Based on an evaluation of the information submitted pursuant to Subpart A and any Agency site inspection, units that meet the requirements of this Subpart may remain open for an indefinite period of time beyond seven years after the effective date of this Part.
- b) Based on an evaluation of the information submitted pursuant to Subpart A and any Agency site inspection, units which are unable to comply with the requirements of this Subpart are subject to the requirements of Subpart D or Subpart E.

**Section 814.302      Applicable Standards**

- a) All of the requirements for new units described in 35 Ill. Adm. Code 811 shall apply to units regulated under this Subpart except the following:
  - 1) The location standards in 35 Ill. Adm. Code 811.302(a), (d), (e) and (f);
  - 2) The foundation and mass stability analysis standards in 35 Ill. Adm. Code 811.304 and 811.305;
  - 3) The final cover requirements of 35 Ill. Adm. Code 811.314 shall not apply to units or parts of units closed, covered and vegetated prior to the effective date of this Part.

- 4) The liner and leachate drainage and collection requirements of 35 Ill. Adm. Code 811.306, 811.307, and 811.308; and
  - 5) The hydrogeological site investigation requirements of 35 Ill. Adm. Code 811.315, except that information shall be collected to implement a groundwater monitoring program in accordance with 35 Ill. Adm. Code 811.318 and 811.319 and establish background concentrations for the purpose of establishing water quality standards pursuant to 35 Ill. Adm. Code 811.320; and
- b) Units regulated under this Subpart shall be subject to the following standards:
- 1) The unit must be equipped with a system which will effectively drain and collect leachate and transport it to a leachate management system.
  - 2) The owner or operator shall provide a long-term static safety factor of at least 1.5 to protect a completed unit against slope failure.
  - 3) Calculation of the Design Period For the purposes of calculating financial assurance for existing landfills, other than existing MSWLF units and lateral expansions, the design period shall be calculated as follows:
    - A) The design period shall be no less than the operating life of the landfill plus fifteen years of postclosure care;
    - B) The postclosure care period shall be extended by three years for each year the unit is expected to be in operation up to the applicable design period required by 35 Ill. Adm. Code 811 (For example, an existing unit with expected operating lives of three, seven or 12 years after the effective date of this Part would be required to provide financial assurance during operation and for a postclosure care period of either 15 years since  $3 \times 3 = 9$  years is less than the 15 year minimum specified in subsection (b)(3)(A); 21 years since  $3 \times 7 = 21$  years; or 30 years since  $3 \times 13 = 39$  years is greater than the 30 years specified in Section 811.303(a), respectively); and
    - C) The design period may not be reduced as allowed by 35 Ill. Adm. Code 811.303(b) and (c).
- c) Airport Safety Requirements for existing MSWLF units and lateral expansions.

- 1) An owner or operator of an existing MSWLF unit or a lateral expansion that is located within 10,000 feet (3,048 meters) of any airport runway end used by turbojet aircraft or within 5,000 feet (1,524 meters) of any airport runway end used by only piston-type aircraft shall:
  - A) Demonstrate that the unit is designed and operated so that the MSWLF unit does not pose a bird hazard to aircraft; and
  - B) Place the demonstration required by subsection (c)(1)(A) of this section in the operating record and submit a copy of the demonstration to the Agency.
- 2) An owner or operator of an existing MSWLF unit seeking a lateral expansion within a five-mile radius of any airport runway end used by turbojet or piston-type aircraft shall notify the affected airport and the Federal Aviation Administration (FAA).
- 3) For purposes of this Section:
  - A) "Airport" means public-use airport open to the public without prior permission and without restrictions within the physical capacities of available facilities.
  - B) "Bird hazard" means an increase in the likelihood of bird/aircraft collisions that may cause damage to the aircraft or injury to its occupants.
- d) Notwithstanding any exemptions under subsection (a), existing MSWLF units shall be subject to the foundation and mass stability standards at 35 Ill. Adm. Code 811.304, 811.305 and 811.306(b).
- e) Notwithstanding any exemptions under subsection (a) or any requirements under subsection (b), lateral expansions at existing MSWLF units shall be subject to the following requirements:
  - 1) The foundation and mass stability standards at 35 Ill. Adm. Code 811.304 and 811.305;
  - 2) The liner and leachate drainage and collection requirements at 35 Ill. Adm. Code 811.306, 811.307, and 811.308; and
  - 3) The groundwater impact assessment requirements at 35 Ill. Adm. Code 811.317

- f) Existing MSWLF units that are unable to meet the location restrictions pertaining to floodplains and airports specified at Sections 814.302(a) and 814.302(c), or the foundation and mass stability standards specified at Section 814.302(d) shall close by October 9, 1996. Such units shall comply with all of the applicable standards of this Part including closure and postclosure care activities.
- g) The deadline for closure of required by subsection (f) of this Section may be extended up to two years if the owner or operator of an existing MSWLF unit demonstrates to the Agency that:
  - 1) There is no available alternative disposal capacity; and
  - 2) There is no immediate threat to human health and the environment.

BOARD NOTE: Subsection (c) is derived from 40 CFR 258.10 (1992). Subsections (f) and (g) are derived from 40 CFR 258.16 (1992).

(Source: Amended in R93-10 at 18 Ill. Reg. 1284, effective January 13, 1994)

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

##### **Section 814.401 Scope and Applicability**

- a) The standards in this Subpart are applicable to all existing units of landfills, including those exempt from permit requirements in accordance with Section 21(d) of the Act, that have accepted or accept chemical and putrescible wastes. Based on an evaluation of the information submitted pursuant to Subpart A and any Agency site inspection, units that meet the requirements of this Subpart shall initiate closure between two and seven years after the effective date of this Part.
- b) Based on an evaluation of the information submitted pursuant to Subpart A and any Agency site inspection, units which are unable to comply with the requirements of this Section are subject to the requirements of Subpart E.

##### **Section 814.402 Applicable Standards**

- a) All of the requirements for new units described in 35 Ill. Adm. Code 811 shall apply to units regulated under this Subpart except the following:

- 1) The location standards in 35 Ill. Adm. Code 811.302(a), (c), (d), (e), and (f);
  - 2) The foundation and mass stability analysis standards in 35 Ill. Adm. Code 811.304 and 811.305;
  - 3) The liner and leachate drainage and collection requirements of 35 Ill. Adm. Code 811.306, 811.307, and 811.308;
  - 4) The final cover requirements of 35 Ill. Adm. Code 811.314 shall not apply to units or parts of units closed, covered and vegetated prior to the effective date of this Part;
  - 5) The hydrogeological site investigation requirements of 35 Ill. Adm. Code 811.315;
  - 6) The groundwater impact assessment standards of 35 Ill. Adm. Code 811.317;
  - 7) The groundwater monitoring program requirements of 35 Ill. Adm. Code 811.318(c); and
  - 8) The groundwater quality standards of 35 Ill. Adm. Code 811.320(a), (b) and (c).
- b) The following standards shall apply to units regulated under this Subpart:
- 1) No new units shall be opened and an existing unit may not expand beyond the area included in a permit prior to the effective date of this Part or, in the case of permit exempt facilities, beyond the area needed for landfilling to continue until closure is initiated;
  - 2) After the effective date of this Part, the unit may not apply for supplemental wastestream permits to accept new special wastes. However, the unit may continue to accept special waste under permits existing prior to the effective date of this Part and may renew those permits as necessary.
  - 3) Groundwater Standards  
  
A unit shall not contaminate a source of drinking water at the compliance boundary, defined as any point on the edge of the unit at or below the ground surface. At any point on the compliance boundary, the concentration of constituents shall not exceed the water quality standards specified in 35 Ill. Adm. Code 302.301, 302.303, 302.304, and 302.305. The Board may provide for a zone

of attenuation and adjust the compliance boundary in accordance with Section 28.1 of the Act and the procedures of 35 Ill. Adm. Code 106.Subpart G upon petition demonstration by the owner or operator that the alternative compliance boundary will not result in contamination of groundwater which may be needed or used for human consumption. In reviewing such petitions, the Board will consider the following factors:

- A) The hydrogeological characteristics of the unit and surrounding land, including any natural attenuation and dilution characteristics of the aquifer;
  - B) The volume and physical and chemical characteristics of the leachate;
  - C) The quantity, quality, and direction of flow of groundwater underlying the facility;
  - D) The proximity and withdrawal rates of groundwater users;
  - E) The availability of alternative drinking water supplies;
  - F) The existing quality of the groundwater, including other sources of contamination and their cumulative impacts on the groundwater;
  - G) Public health, safety, and welfare effects; and
  - H) In no case shall the zone of compliance extend beyond the facility property line or beyond the annual high water mark of any navigable surface water.
  - I) Notwithstanding the limitations of subsection 814.402(b)(3)(H), in no case shall the zone of compliance at an existing MSWLF unit extend beyond 150 meters from the edge of the unit.
- 4) Calculation of the Design Period

For the purposes of calculating financial assurance for existing landfills, other than existing MSWLF units and lateral expansions, the design period shall be calculated as follows:

- A) The design period shall be no less than five years; and

- B) The postclosure care period shall be extended by three years for each year the unit is expected to be in operation up to the applicable design period required by 35 Ill. Adm. Code 811. (For example, an existing unit with an expected life of three years after the effective date of this Part would be required to provide financial assurance for nine years of postclosure care,  $9 = 3 \times 3$ .)
  - C) The design period may not be reduced as allowed by 35 Ill. Adm. Code 811.303(b) and (c).
- c) Airport Safety Requirements for existing MSWLF units and lateral expansions.
- 1) An owner or operator of an existing MSWLF unit or a lateral expansion that is located within 10,000 feet (3,048 meters) of any airport runway end used by turbojet aircraft or within 5,000 feet (1,524 meters) of any airport runway end used by only piston-type aircraft shall:
    - A) Demonstrate that the unit is designed and operated so that the MSWLF unit does not pose a bird hazard to aircraft; and
    - B) Place the demonstration required by subsection (c)(1)(A) of this Section in the operating record and submit a copy of the demonstration to the Agency.
  - 2) An owner or operator of an existing MSWLF unit seeking a lateral expansion within a five-mile radius of any airport runway end used by turbojet or piston-type aircraft shall notify the affected airport and the Federal Aviation Administration (FAA).
  - 3) For purposes of this Section:
    - A) "Airport" means public-use airport open to the public without prior permission and without restrictions within the physical capacities of available facilities.
    - B) "Bird hazard" means an increase in the likelihood of bird/aircraft collisions that may cause damage to the aircraft or injury to its occupants.
- d) Notwithstanding any exemptions under subsection (b), existing MSWLF units shall be subject to the foundation and mass stability standards at 35 Ill. Adm. Code 811.304, 811.305, and 811.306(b).



- e) Notwithstanding any exemptions under subsection (a) or any requirements under subsection (b), lateral expansions at existing MSWLF units shall be subject to the following requirements:
  - 1) The foundation and mass stability standards at 35 Ill. Adm. Code 811.304 and 811.305;
  - 2) The liner and leachate drainage and collection requirements at 35 Ill. Adm. Code 811.306, 811.307, and 811.308; and
  - 3) The groundwater impact assessment requirements at 35 Ill. Adm. Code 811.317, if the unit is equipped with a compacted earth liner in accordance with Section 811.306(d).
  - 4) The groundwater monitoring systems requirements at 35 Ill. Adm. Code 811.318;
  - 5) The groundwater quality standards at 35 Ill. Adm. 811.320.
- f) Existing MSWLF units that are unable to meet the location restrictions pertaining to floodplains and airports specified at Sections 814.302(a) and 302(c) following or the foundation and mass stability standards specified at Section 814.302(d) shall close by October 9, 1996. Such units shall comply with all of the applicable standards of this Part including closure and postclosure care activities.
- g) The deadline for closure of required by subsection (f) of this section may be extended up to two years if the owner or operator of an existing MSWLF unit demonstrates to the Agency that:
  - 1) There is no available alternative disposal capacity; and
  - 2) There is no immediate threat to human health and the environment.

BOARD NOTE: Subsection 814.402(b)(3)(H) implements the compliance zone distance requirement specified at 40 CFR 258.40(d) (1992). Subsection (c) is derived from 40 CFR 258.10. Subsections (f) and (g) are derived from 40 CFR 258.16 (1992).

(Source: Amended in R93-10 at 18 Ill. Reg. 1284, effective January 13, 1994)

**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**

- a)      The standards in this Subpart are applicable to all existing units of landfills, including those exempt from permit requirements in accordance with Section 21(d) of the Act, that accept inert waste only, or which accept chemical and putrescible wastes.
- b)      All units that cannot demonstrate compliance with the requirements of Subpart B, Subpart C or Subpart D are scheduled to begin closure within two years of the effective date of this Part must begin closure within two years of the effective date of this Part.
- c)      A new permit shall not be required for any facility at which all units will close within two years of the effective date of this Part.

(Source: Amended in R93-10 at 18 Ill. 1284, effective January 13, 1994)

**Section 814.502      Standards for Operation and Closure**

- a)      All units regulated in this Subpart are subject to all requirements in 35 Ill. Adm. Code 807.
- b)      All units regulated under this Subpart are subject to all conditions of the existing permit.

**SUBPART F: STANDARDS FOR EXISTING UNITS ACCEPTING ONLY LOW RISK WASTES FROM THE STEEL AND FOUNDRY INDUSTRIES THAT MAY REMAIN OPEN FOR MORE THAN SEVEN YEARS**

**Section 814.601      Scope and Applicability**

- a)      The standards in this Subpart are applicable to all existing units of landfills, including those exempt from permit requirements in accordance with Section 21(d) of the Act, that have accepted or accept low risk wastes and are classified as low risk waste landfill in accordance with subsection (c) of this Section. Based on an evaluation of the information submitted pursuant to Subpart A of this Part and any Agency site inspection, units that meet the requirements of this Subpart may remain open for an indefinite period of time beyond seven years after September 18, 1990.
- b)      Based on an evaluation of the information submitted pursuant to Subpart A of this Part and any Agency site inspection, units which are unable to comply with the requirements of this Subpart are subject to the requirements of Subpart G or Subpart H of this Part.

- c) An owner or operator shall demonstrate that the existing landfill unit is a low risk waste landfill unit pursuant to 35 Ill. Adm. Code 817.105 and 817.106 as follows:
  - 1) Collecting a representative sample of undiluted and unattenuated landfill leachate obtained in accordance with 35 Ill. Adm. Code 817.103(b)(3); or
  - 2) Extracting leachate from representative core samples obtained from the existing unit. The core samples shall be individually extracted by using ASTM Method D3987-85 specified in 35 Ill. Adm. Code 817.103(a) and the resulting leachate shall be used for waste classification purposes.

(Source: Added at 18 Ill. Reg. 12471, effective August 1, 1994)

**Section 814.602      Applicable Standards**

- a) All of the requirements for new units described in 35 Ill. Adm. Code 817 shall apply to units regulated under this Subpart except the following:
  - 1) The location standards in 35 Ill. Adm. Code 817.402(a) and (d);
  - 2) The foundation and mass stability analysis standards in 35 Ill. Adm. Code 817.404 and 817.405;
  - 3) The final cover requirements of 35 Ill. Adm. Code 817.410 shall not apply to units or parts of units closed, covered, and vegetated prior to August 1, 1994;
  - 4) The liner and leachate drainage and collection requirements of 35 Ill. Adm. Code 817.406, 817.407, and 817.408; and
  - 5) The hydrogeological site investigation requirements of 35 Ill. Adm. Code 817.411, except that information shall be collected to implement a groundwater monitoring program in accordance with 35 Ill. Adm. Code 817.414 and 817.415 and establish background concentrations for the purpose of establishing maximum allowable predicted concentrations pursuant to 35 Ill. Adm. Code 817.414.
- b) Units regulated under this Subpart shall be subject to the following standards:
  - 1) The unit must be equipped with a system which will effectively drain and collect leachate and transport it to a leachate management system. However, if the facility can provide proof

that the applicable groundwater quality standards, as provided at 35 Ill. Adm. Code 817.416(a)(1), will not be exceeded at the compliance boundary, no leachate collection or transport system shall be required. At a minimum, such proof shall include a groundwater impact assessment performed in accordance with 35 Ill. Adm. Code 817.413;

- 2) The operator shall provide a long-term static safety factor of at least 1.5 to protect a completed unit against slope failure;
- 3) Calculation of the Design Period. For the purpose of calculating financial assurance, the design period shall be calculated as follows:
  - A) The design period shall be no less than the operating life of the landfill plus 15 years of postclosure care;
  - B) The postclosure care period shall be extended by three years for each year the unit is expected to be in operation up to the applicable design period required by 35 Ill. Adm. Code 817. (For example, an existing unit with an expected operating life of three or seven years after September 18, 1990 would be required to provide financial assurance during operation and for a postclosure care period of either 15 years since  $3 \times 3 = 9$  years is less than the 15 year minimum specified in subsection (b)(3)(A); or 20 years since  $3 \times 7 = 21$  years is greater than the 20 years specified in Section 817.403(a), respectively.)

(Source: Added at 18 Ill. Reg. 12471, effective August 1, 1994)

## **SUBPART G: STANDARDS FOR EXISTING UNITS ACCEPTING ONLY LOW RISK WASTES FROM THE STEEL OR FOUNDRY INDUSTRIES THAT MUST INITIATE CLOSURE WITHIN SEVEN YEARS**

### **Section 814.701 Scope and Applicability**

- a) The standards in this Subpart are applicable to all existing units of landfills, including those exempt from permit requirements in accordance with Section 21(d) of the Act, that have accepted or accept low risk wastes and are classified as low risk waste landfill in accordance with subsection (c) below. Based on an evaluation of the information submitted pursuant to Subpart A of this Part and any Agency site inspection, units that meet the requirements of this Subpart shall initiate closure between two and seven years after August 1, 1994.

- b) Based on an evaluation of the information submitted pursuant to Subpart A of this Part and any Agency site inspection, units which are unable to comply with the requirements of this Section are subject to the requirements of Subpart H of this Part.
- c) An owner or operator shall demonstrate that the existing landfill unit is a low risk waste landfill unit pursuant to 35 Ill. Adm. Code 817.105 and 817.106 as follows:
  - 1) Collecting a representative sample of undiluted and unattenuated landfill leachate obtained in accordance with 35 Ill. Adm. Code 817.103(b)(3); or
  - 2) Extracting leachate from representative core samples obtained from the existing unit. The core samples shall be individually extracted by using ASTM Method D3987-85 specified in 35 Ill. Adm Code 817.103(a) and the resulting leachate shall be used for waste classification purposes.

(Source: Added at 18 Ill. Reg. 12471, effective August 1, 1994)

**Section 814.702      Applicable Standards**

- a) All of the requirements for new units described in 35 Ill. Adm. Code 817 shall apply to units regulated under this Subpart, except the following:
  - 1) The location standards in 35 Ill. Adm. Code 817.402(a), (c) and (d);
  - 2) The foundation and mass stability analysis standards in 35 Ill. Adm. Code 817.404 and 817.405;
  - 3) The final cover requirements of 35 Ill. Adm. Code 817.407 shall not apply to units or parts of units closed, covered, and vegetated prior to August 1, 1994;
  - 4) The line and leachate drainage and collection requirements of 35 Ill. Adm. Code 817.406, 817.407, and 817.408;
  - 5) The hydrogeological site investigation requirements of 35 Ill. Adm. Code 817.411;
  - 6) The groundwater impact assessment standards of 35 Ill. Adm. Code 817.413;

- 7) The groundwater monitoring program requirements of 35 Ill. Adm. Code 817.414(c); and
  - 8) The groundwater quality standards of 35 Ill. Adm. Code 817.416(a), (b), and (c).
- b) The following standards shall apply to units regulated under this Subpart:
- 1) No new units shall be opened and an existing unit may not expand beyond the area included in a permit prior to August 1, 1994 or, in the case of permit exempt facilities, beyond the area needed for landfilling to continue until closure is initiated;
  - 2) After August 1, 1994, the unit may continue to accept special waste under permits existing prior to August 1, 1994 and may renew those permits as necessary. However, the unit may apply for supplemental waste stream permits only if the following conditions are met:
    - A) The additional waste stream composition is similar to or compatible with the wastes previously disposed of in the unit; and
    - B) the waste stream leaching characteristics determined in accordance with 35 Ill. Adm. Code 817.103 meets the maximum allowable leaching concentrations for low risk wastes specified at 35 Ill. Adm. Code 817.106.
  - 3) Groundwater Standards. A unit shall not contaminate a source of drinking water at the compliance boundary, defined as any point on the edge of the unit at or below the ground surface. At any point on the compliance boundary, the concentration of constituents shall not exceed the applicable groundwater quality standards of 35 Ill. Adm. Code Part 620. The Board may provide for a zone of attenuation and adjust the compliance boundary in accordance with Section 28.1 of the Act and the procedures of 35 Ill. Adm. Code 106.Subpart G upon petition demonstration by the operator that the alternative compliance boundary will not result in contamination of groundwater which may be needed or used for human consumption. In reviewing such petitions, the Board will consider the following factors:
    - A) The hydrogeological characteristics of the unit and surrounding land, including any natural attenuation and dilution characteristics of the aquifer;

- B) The volume and physical and chemical characteristics of the leachate;
  - C) The quantity, quality, and direction of flow of groundwater underlying the facility;
  - D) The proximity and withdrawal rates of groundwater users;
  - E) The availability of alternative drinking water supplies;
  - F) The existing quality of the groundwater, including other sources of contamination and their cumulative impacts on the groundwater;
  - G) Public health, safety, and welfare effects; and
  - H) In no case shall the zone of compliance extend beyond the facility property line or beyond the annual high water mark of any navigable surface water.
- 4) Calculation of the Design Period. For the purposes of calculating financial assurance, the design period shall be calculated as follows:
- A) The design period shall be no less than five years; and
  - B) The postclosure care period shall be extended by three years for each year the unit is expected to be in operation up to the applicable design period required by 35 Ill. Adm. Code 817. (For example, an existing unit with an expected life of three years after September 18, 1990 would be required to provide financial assurance for nine years of postclosure care,  $9 = 3 \times 3$ .)

(Source: Added at 18 Ill. Reg. 12471, effective August 1, 1994)

**SUBPART H: STANDARDS FOR EXISTING UNITS ACCEPTING ONLY  
POTENTIALLY USABLE STEEL OR FOUNDRY INDUSTRY WASTE, OR  
ACCEPTING ONLY LOW RISK STEEL OR FOUNDRY INDUSTRY WASTES  
THAT MUST INITIATE CLOSURE WITHIN TWO YEARS**

**Section 814.801      Scope and Applicability**

- a) The standards in this Subpart are applicable to all existing units of landfills, including those exempt from permit requirements in accordance

with Section 21(d) of the Act, that accept potentially usable waste only or which accept low risk wastes.

- b) All units that cannot demonstrate compliance with the requirements of Subparts B, F, or G of this Part, or that are scheduled to begin closure within two years after August 1, 1994, must begin closure within two years after August 1, 1994.
- c) A new permit shall not be required for any facility at which all units will close within two years after August 1, 1994.

(Source: Added at 18 Ill. Reg. 12471, effective August 1, 1994)

### **Section 814.802 Standards for Operation and Closure**

- a) All units regulated in this Subpart are subject to all requirements in 35 Ill. Adm. Code 807.
- b) All units regulated under this Subpart are subject to all conditions of the existing permit.

(Source: Added at 18 Ill. Reg. 12471, effective August 1, 1994)

## **SUBPART I: STANDARDS FOR EXISTING UNITS ACCEPTING ONLY POTENTIALLY USABLE STEEL OR FOUNDRY INDUSTRY WASTE THAT PLAN TO STAY OPEN FOR MORE THAN TWO YEARS**

### **Section 814.901 Scope and Applicability**

- a) The standards in this Subpart are applicable to all existing units of landfills, including those exempt from permit requirements in accordance with Section 21(d) of the Act, that accept only potentially usable waste and are classified as potentially usable waste landfills in accordance with subsection (c) below. Based on an evaluation of the information submitted pursuant to Subpart A of this Part and any Agency site inspection, units that meet the requirements of this Subpart may remain open for an indefinite period of time after August 1, 1994.
- b) Based on an evaluation of the information submitted pursuant to Subpart A of this Part and any Agency site inspection, units which are unable to comply with the requirements of this Section are subject to the requirements of Subpart H of this Part.
- c) An owner or operator shall demonstrate that the existing landfill unit is a potentially usable waste landfill unit pursuant to 35 Ill. Adm. Code 817.105 and 817.106 as follows:



- 1) Collecting a representative sample of undiluted and unattenuated landfill leachate obtained in accordance 35 Ill. Adm. Code 817.103(b)(3); or
- 2) Extracting leachate from representative core samples obtained from the existing unit. The core samples shall be individually extracted by using ASTM method D3987-85 specified in 35 Ill. Adm. Code 817.103(a) and the resulting leachate shall be used for waste classification purposes.

(Source: Added at 18 Ill. Reg. 12471, effective August 1, 1994)

**Section 814.902      Standards for Operation and Closure**

- a) All units regulated in this Subpart are subject to all requirements in 35 Ill. Adm. Code 817.Subpart C.
- b) If an owner or operator of a unit regulated under this Subpart is unable to obtain the representative leachate samples required pursuant to 35 Ill. Adm. Code 817.305(a), representative core samples shall be taken at appropriate locations in the unit. Each sample shall be individually subjected to ASTM Method D3987-85 extraction procedure prescribed in 35 Ill. Adm. Code 817.103(a). The resulting leachate from the extraction procedure shall be substituted for that to be collected pursuant to 35 Ill. Adm. Code 817.305(a).

(Source: Added at 18 Ill. Reg. 12471, effective August 1, 1994)

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

- a) An existing MSWLF unit operating under a permit issued pursuant to 35 Ill. Adm. Code 807 shall comply with the following requirements of the federal Subtitle D standards under 40 CFR 258 (1992) until the unit's permit is modified in accordance with Section 814.104:
  - 1) Location restrictions:
    - A) 40 CFR 258.10 (a) and (c);
    - B) 40 CFR 258.11 (a);
    - C) 40 CFR 258.15;

- D) 40 CFR 258.16 (a);
- 2) Operating standards:
  - A) 40 CFR 258.20;
  - B) 40 CFR 258.23;
  - C) 40 CFR 258.26;
  - D) 40 CFR 258.27;
  - E) 40 CFR 258.28;
  - F) 40 CFR 258.29 (a) and (c);
- 3) Closure and postclosure care:
  - A) 40 CFR 258.60 (c)(2) and (c)(3), (d), (f), (g) and (i);
  - B) 40 CFR 258.61 (a), (c)(3) and (d);
- 4) Financial assurance requirements:
  - A) 40 CFR 258.70(a);
  - B) 40 CFR 258.71 (a)(2);
  - C) 40 CFR 258.72(a)(1) and (a)(2);
  - D) 40 CFR 258.73; and
  - E) 40 CFR 258.74.
- b) In addition to the requirements of subsection (a), all existing MSWLF units, including municipally owned and operated on-site facilities, shall comply with the financial assurance requirements specified at 35 Ill. Adm. Code 807.Subpart F.
- c) A lateral expansion at an existing MSWLF unit operating under a permit issued pursuant to 35 Ill. Adm. Code 807 shall comply with the following requirements of the federal Subtitle D standards under 40 CFR 258 (1992) until the unit's permit is modified in accordance with Section 814.104:
  - 1) Location restrictions:

- A) 40 CFR 258.10 (a), (b) and (c);
  - B) 40 CFR 258.11 (a);
  - C) 40 CFR 258.12 (a);
  - D) 40 CFR 258.13;
  - E) 40 CFR 258.14;
  - F) 40 CFR 258.15;
  - G) 40 CFR 258.16 (a);
- 2) Operating standards:
- A) 40 CFR 258.20;
  - B) 40 CFR 258.23;
  - C) 40 CFR 258.26;
  - D) 40 CFR 258.27;
  - E) 40 CFR 258.28;
  - F) 40 CFR 258.29(a) and (c);
- 3) Closure and postclosure care:
- A) 40 CFR 258.60(c)(2) and (c)(3), (d), (f), (g) and (i);
  - B) 40 CFR 258.61 (a), (c)(3) and (d);
- 4) Financial assurance requirements:
- A) 40 CFR 258.70(a);
  - B) 40 CFR 258.71 (a)(2);
  - C) 40 CFR 258.72 (a)(1) and (a)(2);
  - D) 40 CFR 258.73; and
  - E) 40 CFR 258.74.

- c) In addition to the requirements of subsection (b) of this appendix, a lateral expansion at an existing MSWLF unit operating under a permit issued pursuant to 35 Ill. Adm. Code 807 shall comply with the following requirements:
- 1) Flexible membrane liner requirements prescribed at 35 Ill. Adm. Code 811.306(d)(5)(A); and
  - 2) All existing MSWLF units including municipally owned and operated and on-site facilities shall with the financial assurance requirements specified at 35 Ill. Adm. Code 807.Subpart F.

(Source: Added in R93-10 at 18 Ill. 1284, effective January 13, 1994)