

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Information to be Submitted in a Permit Application
- 2) Code Citation: 35 Ill. Adm. Code 812
- 3) Section Number: 812.105 Proposed Action: 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 812 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, 810 and 811. 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 amendment to Part 812 makes 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 Illinois 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 IAPA, it is 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

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POLLUTION CONTROL BOARD

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- 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? No
- 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:

Michael J. McCambridge
Staff Attorney
Illinois Pollution Control Board
100 W. Randolph, 11-500
Chicago IL 60601

312/814-6924
email: michael.mccambridge@illinois.gov

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:

POLLUTION CONTROL BOARD

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- 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 Amendment 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 812
7 INFORMATION TO BE SUBMITTED IN A PERMIT APPLICATION

8
9 SUBPART A: GENERAL INFORMATION REQUIRED FOR ALL LANDFILLS

10
11 Section
12 812.101 Scope and Applicability
13 812.102 Certification by Professional Engineer
14 812.103 Application Fees
15 812.104 Required Signatures
16 812.105 Approval by Unit of Local Government
17 812.106 Site Location Map
18 812.107 Site Plan Map
19 812.108 Narrative Description of the Facility
20 812.109 Location Standards
21 812.110 Surface Water Control
22 812.111 Daily Cover
23 812.112 Legal Description
24 812.113 Proof of Property Ownership and Certification
25 812.114 Closure Plans
26 812.115 Postclosure Care Plans
27 812.116 Closure and Postclosure Cost Estimates
28 812.117 Electronic Reporting

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29
30 SUBPART B: ADDITIONAL INFORMATION REQUIRED
31 FOR INERT WASTE LANDFILLS

32
33 Section
34 812.201 Scope and Applicability
35 812.202 Waste Stream Test Results
36 812.203 Final Cover
37 812.204 Closure Requirements

38
39 SUBPART C: ADDITIONAL INFORMATION REQUIRED FOR PUTRESCIBLE
40 AND CHEMICAL WASTE LANDFILLS

41
42 Section
43 812.301 Scope and Applicability

- 44 812.302 Waste Analysis
- 45 812.303 Site Location
- 46 812.304 Waste Shredding
- 47 812.305 Foundation Analysis and Design
- 48 812.306 Design of the Liner System
- 49 812.307 Leachate Drainage and Collection Systems
- 50 812.308 Leachate Management System
- 51 812.309 Landfill Gas Monitoring Systems
- 52 812.310 Gas Collection Systems
- 53 812.311 Landfill Gas Disposal
- 54 812.312 Intermediate Cover
- 55 812.313 Design of the Final Cover System
- 56 812.314 Description of the Hydrogeology
- 57 812.315 Plugging and Sealing of Drill Holes
- 58 812.316 Results of the Groundwater Impact Assessment
- 59 812.317 Groundwater Monitoring Program
- 60 812.318 Operating Plans

61
 62 AUTHORITY: Implementing Sections 7.2, 21, 21.1, 22, 22.17, and 22.40, and authorized by
 63 Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 21, 21.1, 22, 22.17, 22.40, and
 64 27].

65
 66 SOURCE: Adopted in R88-7 at 14 Ill. Reg. 15785, effective September 18, 1990; amended in
 67 R90-26 at 18 Ill. Reg. 12185, effective August 1, 1994; amended in R06-16/R06-17/R06-18 at
 68 31 Ill. Reg. 1461, effective December 20, 2006; amended in R17-14/R17-15/R18-12 at 42 Ill.
 69 Reg. _____, effective _____.

70
 71 **SUBPART A: GENERAL INFORMATION REQUIRED FOR ALL LANDFILLS**

72
 73 **Section 812.105 Approval by Unit of Local Government**

74
 75 The applicant ~~must~~ state whether the facility is a new regional pollution control facility, as
 76 defined in Section ~~3.3303-32~~ of the Act, which is subject to the site location suitability approval
 77 requirements of Sections 39(c) and 39.2 of the Act. If such approval by a unit of local
 78 government is required, the application ~~must~~ identify the unit of local government with
 79 jurisdiction. The application ~~must~~ contain any approval issued by that unit of local
 80 government. If no approval has been granted, the application ~~must~~ describe the status of the
 81 approval request.

82
 83 (Source: Amended at 42 Ill. Reg. _____, effective _____)

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

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PART 812
INFORMATION TO BE SUBMITTED IN A PERMIT APPLICATION

SUBPART A: GENERAL INFORMATION REQUIRED FOR ALL LANDFILLS

- Section
- 812.101 Scope and Applicability
 - 812.102 Certification by Professional Engineer
 - 812.103 Application Fees
 - 812.104 Required Signatures
 - 812.105 Approval by Unit of Local Government
 - 812.106 Site Location Map
 - 812.107 Site Plan Map
 - 812.108 Narrative Description of the Facility
 - 812.109 Location Standards
 - 812.110 Surface Water Control
 - 812.111 Daily Cover
 - 812.112 Legal Description
 - 812.113 Proof of Property Ownership and Certification
 - 812.114 Closure Plans
 - 812.115 Postclosure Care Plans
 - 812.116 Closure and Postclosure Cost Estimates
 - 812.117 Electronic Reporting

SUBPART B: ADDITIONAL INFORMATION REQUIRED
FOR INERT WASTE LANDFILLS

- Section
- 812.201 Scope and Applicability
 - 812.202 Waste Stream Test Results
 - 812.203 Final Cover
 - 812.204 Closure Requirements

SUBPART C: ADDITIONAL INFORMATION REQUIRED FOR PUTRESCIBLE
AND CHEMICAL WASTE LANDFILLS

- Section
- 812.301 Scope and Applicability
 - 812.302 Waste Analysis
 - 812.303 Site Location
 - 812.304 Waste Shredding
 - 812.305 Foundation Analysis and Design
 - 812.306 Design of the Liner System
 - 812.307 Leachate Drainage and Collection Systems
 - 812.308 Leachate Management System
 - 812.309 Landfill Gas Monitoring Systems
 - 812.310 Gas Collection Systems

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- 812.312 Intermediate Cover
- 812.313 Design of the Final Cover System
- 812.314 Description of the Hydrogeology
- 812.315 Plugging and Sealing of Drill Holes
- 812.316 Results of the Groundwater Impact Assessment
- 812.317 Groundwater Monitoring Program
- 812.318 Operating Plans

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. 15785, effective September 18, 1990; amended in R90-26 at 18 Ill. Reg. 12185, effective August 1, 1994; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 1461, effective December 20, 2006; amended in R17-14/R17-15/R18-12 at 42 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL INFORMATION REQUIRED FOR ALL LANDFILLS

Section 812.105 Approval by Unit of Local Government

The applicant must ~~shall~~ state whether the facility is a new regional pollution control facility, as defined in Section 3.330-~~3.32~~ of the Act, which is subject to the site location suitability approval requirements of Sections 39(c) and 39.2 of the Act. If such approval by a unit of local government is required, the application must ~~shall~~ identify the unit of local government with jurisdiction. The application must ~~shall~~ contain any approval issued by that unit of local government. If no approval has been granted, the application must ~~shall~~ describe the status of the approval request.

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

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Padding cell	

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