

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Solid Waste Disposal: General Provisions
- 2) Code Citation: 35 Ill. Adm. Code 810
- 3)

<u>Section Numbers</u> :	<u>Proposed Actions</u> :
810.103	Amendment
810.104	Amendment
- 4) Statutory Authority: 415 ILCS 5/7.2, 22.40, and 27
- 5) A Complete Description of the Subjects and Issues Involved: The amendments to Part 810 are a single segment of consolidated docket R20-3/R20-11 rulemaking that also affects 35 Ill. Adm. Code 702, 705, 720 through 726, 728, 733, and 811. The consolidated R20-3/R20-11 rulemaking updates the Illinois hazardous waste rules to incorporate amendments adopted by the United States Environmental Protection Agency (USEPA) during 2019. A comprehensive description is contained in the Board's opinion and order of May 21, 2020, proposing amendments in consolidated docket R20-3/R20-11, which opinion and order is available from the address below.

The Notice of Proposed Amendments for 35 Ill. Adm. Code 702, which also appears in this issue of the *Illinois Register* summarizes the broader rulemaking that is consolidated docket R20-3/R20-11. The Board directs attention to that Notice for elaboration.

Specifically, the amendments to Part 810 incorporate needed corrections in rule not directly related to USEPA amendments, including a correction to prior amendments requested by the Joint Committee on Administrative Rules (JCAR).

Tables appear in a document entitled "Identical-in-Substance Rulemaking Addendum (Proposed)" that the Board added to consolidated docket R20-3/R20-11. 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 R20-3/R20-11.

Sections 22.40 of the Environmental Protection Act [415 ILCS 5/22.40] provides that Section 5-35 of the 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 APA, it is not subject to First Notice or to Second Notice review by JCAR.

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- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 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 R20-3/R20-11 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 R20-3/R20-11:

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Request copies of the Board's opinion and order at 312/814-3620, or download a copy from the Board's Website at pcb.illinois.gov.

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- 13) Initial Regulatory Flexibility Analysis:
- 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) Small Business Impact Analysis: Sections 1-5(c) and 5-30 of the Administrative Procedure Act [5 ILCS 100/1-5(c) and 5-30] provide that small business impact analysis and related requirements under Section 5-30 do not apply to this type of identical-in-substance rulemaking.
- 15) Regulatory Agenda on which this rulemaking was summarized: January 2020

The full text of the Proposed Amendments 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 810
7 SOLID WASTE DISPOSAL: GENERAL PROVISIONS
8

9 Section

- 10 810.101 Scope and Applicability
11 810.102 Severability
12 810.103 Definitions
13 810.104 Incorporations by Reference
14 810.105 Electronic Reporting
15

16 AUTHORITY: Implementing Sections 7.2, 21, 21.1, 22, 22.17, and 22.40 and authorized by
17 Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 21, 21.1, 22, 22.17, 22.40, and
18 27].
19

20 SOURCE: Adopted in R88-7 at 14 Ill. Reg. 15838, effective September 18, 1990; amended in
21 R93-10 at 18 Ill. Reg. 1268, effective January 13, 1994; amended in R90-26 at 18 Ill. Reg.
22 12457, effective August 1, 1994; amended in R95-9 at 19 Ill. Reg. 14427, effective September
23 29, 1995; amended in R96-1 at 20 Ill. Reg. 11985, effective August 15, 1996; amended in R97-
24 20 at 21 Ill. Reg. 15825, effective November 25, 1997; amended in R04-5/R04-15 at 28 Ill. Reg.
25 9090, effective June 18, 2004; amended in R05-1 at 29 Ill. Reg. 5028, effective March 22, 2005;
26 amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 4130, effective February 23, 2006; amended in
27 R06-16/R06-17/R06-18 at 31 Ill. Reg. 1425, effective December 20, 2006; amended in R07-8 at
28 31 Ill. Reg. 16167, effective November 27, 2007; amended in R10-9 at 35 Ill. Reg. 10837,
29 effective June 22, 2011; amended in R14-1/R14-2/R14-3 at 38 Ill. Reg. 7253, effective March
30 13, 2014; amended in R15-8 at 38 Ill. Reg. 23458, effective November 24, 2014; amended in
31 R17-14/R17-15/R18-12/R18-31 at 42 Ill. Reg. 21304, effective November 19, 2018; amended in
32 R20-3/R20-11 at 44 Ill. Reg. _____, effective _____.
33

34 **Section 810.103 Definitions**
35

36 Except as stated in this Section, or unless a different meaning of a word or term is clear from the
37 context, the definition of words or terms in this Part will be the same as that applied to the same
38 words or terms in the Environmental Protection Act (Act):
39

40 "Act" means the Environmental Protection Act [415 ILCS 5].
41

42 "Admixtures" are chemicals added to earth materials to improve for a specific
43 application the physical or chemical properties of the earth materials. Admixtures

44 include, ~~but are not limited to:~~ lime, cement, bentonite, and sodium silicate.

45

46 *"Agency" is the Environmental Protection Agency established by the*
47 *Environmental Protection Act. [415 ILCS 5/3.105]*

48

49 "Applicant" means the person submitting an application to the Agency for a
50 permit for a solid waste disposal facility.

51

52 *"Aquifer" means saturated (with groundwater) soils and geologic materials which*
53 *are sufficiently permeable to readily yield economically useful quantities of water*
54 *to wells, springs, or streams under ordinary hydraulic gradients and whose*
55 *boundaries can be identified and mapped from hydrogeologic data. (Section 3 of*
56 *the Illinois Groundwater Protection Act [415 ILCS 55/3])*

57

58 "Bedrock" means the solid rock formation immediately underlying any loose
59 superficial material such as soil, alluvium, or glacial drift.

60

61 "Beneficially usable waste" means any solid waste from the steel and foundry
62 industries that will not decompose biologically, burn, serve as food for vectors,
63 form a gas, cause an odor, or form a leachate that contains constituents which
64 exceed the limits for this type of waste as specified at 35 Ill. Adm. Code 817.106.

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66 *"Board" is the Pollution Control Board established by the Act. [415 ILCS*
67 *5/3.130]*

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69 "Borrow area" means an area from which earthen material is excavated for the
70 purpose of constructing daily cover, final cover, a liner, a gas venting system,
71 roadways, or berms.

72

73 "Chemical waste" means a non-putrescible solid whose characteristics are such
74 that any contaminated leachate is expected to be formed through chemical or
75 physical processes, rather than biological processes, and no gas is expected to be
76 formed as a result.

77

78 "Coal combustion power generating facilities" means establishments that generate
79 electricity by combusting coal and which utilize a lime or limestone scrubber
80 system.

81

82 "Contaminated leachate" means any leachate whose constituent violate the
83 standards of 35 Ill. Adm. Code 811.202.

84

85 "Dead animal disposal site" means an on-the-farm disposal site at which the burial
86 of dead animals is done in accordance with the Illinois Dead Animal Disposal Act

87 [225 ILCS 610] and regulations adopted pursuant thereto (8 Ill. Adm. Code 90).

88
89 "Design period" means that length of time determined by the sum of the operating
90 life of the solid waste landfill facility plus the ~~post-closure~~~~post-closure~~ care period
91 necessary to stabilize the waste in the units.

92
93 *"Disposal" means the discharge, deposit, injection, dumping, spilling, leaking or*
94 *placing of any solid waste into or on any land or water or into any well such that*
95 *solid waste or any constituent of the solid waste may enter the environment by*
96 *being emitted into the air or discharged into any waters, including groundwater.*
97 [415 ILCS 5/3.185] If the solid waste is accumulated and not confined or
98 contained to prevent its entry into the environment, or there is no certain plan for
99 its disposal elsewhere, such accumulation will constitute disposal.

100
101 "Disturbed areas" means those areas within a facility that have been physically
102 altered during waste disposal operations or during the construction of any part of
103 the facility.

104
105 "Documentation" means items, in any tangible form, whether directly legible or
106 legible with the aid of any machine or device, including but not limited to
107 affidavits, certificates, deeds, leases, contracts or other binding agreements,
108 licenses, permits, photographs, audio or video recordings, maps, geographic
109 surveys, chemical and mathematical formulas or equations, mathematical and
110 statistical calculations and assumptions, research papers, technical reports,
111 technical designs and design drawings, stocks, bonds, and financial records, that
112 are used to support facts or hypotheses.

113
114 "Earth liners" means structures constructed from naturally occurring soil material
115 that has been compacted to achieve a low permeability.

116
117 "Existing facility" or "Existing unit" means a facility or unit that is not defined in
118 this Section as a new facility or a new unit.

119
120 *"Existing MSWLF unit" means any municipal solid waste landfill unit that has*
121 *received household waste before October 9, 1993. [415 ILCS 5/3.285]*

122
123 "Facility" means a site and all equipment and fixtures on a site used to treat, store
124 or dispose of solid or special wastes. A facility consists of an entire solid or
125 special waste treatment, storage, or disposal operation. All structures used in
126 connection with or to facilitate the waste disposal operation will be considered a
127 part of the facility. A facility may include, but is not limited to, one or more solid
128 waste disposal units, buildings, treatment systems, processing and storage
129 operations, and monitoring stations.

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"Field capacity" means that maximum moisture content of a waste, under field conditions of temperature and pressure, above which moisture is released by gravity drainage.

"Foundry sand" means pure sand or a mixture of sand and any additives necessary for use of the sand in the foundry process, but does not include such foundry process by-products as air pollution control dust or refractories.

"Gas collection system" means a system of wells, trenches, pipes and other related ancillary structures such as manholes, compressor housing, and monitoring installations that collects and transports the gas produced in a putrescible waste disposal unit to one or more gas processing points. The flow of gas through such a system may be produced by naturally occurring gas pressure gradients or may be aided by an induced draft generated by mechanical means.

"Gas condensate" means the liquid formed as a landfill gas is cooled or compressed.

"Gas venting system" means a system of wells, trenches, pipes and other related structures that vents the gas produced in a putrescible waste disposal unit to the atmosphere.

"Geomembranes" means manufactured membrane liners and barriers of low permeability used to control the migration of fluids or gases.

"Geotextiles" are permeable manufactured materials used for purposes that include, but are not limited to, strengthening soil, providing a filter to prevent clogging of drains, and collecting and draining liquids and gases beneath the ground surface.

"Groundwater" means underground water which occurs within the saturated zone and within geologic materials where the fluid pressure in the pore space is equal to or greater than atmospheric pressure. (Section 3 of the Illinois Groundwater Protection Act)

"Household waste" means any solid waste (including garbage, trash, and sanitary waste in septic tanks) derived from households (including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas). [415 ILCS 5/3.230]

"Hydraulic barriers" means structures designed to prevent or control the seepage of water. Hydraulic barriers include, but are not limited to, cutoff walls, slurry

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walls, grout curtains, and liners.

"Inert waste" means any solid waste that will not decompose biologically, burn, serve as food for vectors, form a gas, cause an odor, or form a contaminated leachate, as determined in accordance with 35 Ill. Adm. Code 811.202(b). Such inert wastes will include only non-biodegradable and non-putrescible solid wastes. Inert wastes may include, but are not limited to, bricks, masonry, and concrete (cured for 60 days or more).

"Iron slag" means slag.

"Land application unit" means an area where wastes are agronomically spread over or disked into land or otherwise applied so as to become incorporated into the soil surface. For the purposes of this Part and 35 Ill. Adm. Code 811 through 815, a land application unit is not a landfill; however, other Parts of 35 Ill. Adm. Code: Chapter I may apply, and may include the permitting requirements of 35 Ill. Adm. Code 309.

"Landfill" means a unit or part of a facility in or on which waste is placed and accumulated over time for disposal, and which is not a land application unit, a surface impoundment or an underground injection well. For the purposes of this Part and 35 Ill. Adm. Code 811 through 815, landfills include waste piles, as defined in this Section.

"Lateral expansion" means a horizontal expansion of the actual waste boundaries of an existing MSWLF unit occurring on or after October 9, 1993. A horizontal expansion is any area where solid waste is placed for the first time directly upon the bottom liner of the unit, excluding side slopes on or after October 9, 1993. [415 ILCS 5/3.275]

"Leachate" means liquid that has been or is in direct contact with a solid waste.

"Lift" means an accumulation of waste that is compacted into a unit and over which cover is placed.

"Low risk waste" means any solid waste from the steel and foundry industries that will not decompose biologically, burn, serve as food for vectors, form a gas, cause an odor, or form a leachate that contains constituents that exceed the limits for this type of waste as specified at 35 Ill. Adm. Code 817.106.

"Malodor" means an odor caused by *one or more contaminant emissions into the atmosphere from a facility that is in sufficient quantities and of such characteristics and duration as to be* described as malodorous and which may be

216 *injurious to human, plant, or animal life, to health, or to property, or may*
 217 *unreasonably interfere with the enjoyment of life or property.* [415 ILCS 5/3.115]
 218 (defining "air pollution")
 219

220 "Municipal solid waste landfill unit" or "MSWLF unit" means a discrete area of
 221 land or an excavation that receives household waste, and that is not a land
 222 application unit, surface impoundment, injection well, or waste pile. ~~An~~A
 223 MSWLF unit also may receive other types of RCRA Subtitle D wastes, such as
 224 commercial solid waste, nonhazardous sludge, very small quantity generator
 225 waste, and industrial solid waste. Such a landfill may be publicly or privately
 226 owned. ~~An~~A MSWLF unit may be a new MSWLF unit, an existing MSWLF
 227 unit, or a lateral expansion. A construction and demolition landfill that receives
 228 residential lead-based paint waste and which does not receive any other household
 229 waste is not ~~an~~a MSWLF unit. The term injection well is defined in 35 Ill. Adm.
 230 Code 730.103. The terms land application unit, surface impoundment, and waste
 231 pile are defined in 40 ~~CFR~~C.F.R. § 257.2, incorporated by reference in Section
 232 810.104. The terms construction and demolition landfill and industrial solid
 233 waste are defined in 40 CFR 258.2, incorporated by reference in Section 810.104.
 234 BOARD NOTE: A "construction and demolition (C&D) landfill" is a regulatory
 235 category of landfill that does not exist in Illinois. It is distinct from a clean
 236 construction and demolition debris (CCDD) fill operation under 35 Ill. Adm.
 237 Code 1100. A landfill in Illinois that receives residential lead-based paint waste
 238 and no other type of household waste would be permitted as a chemical waste
 239 landfill or a putrescible waste landfill under Subpart C of 35 Ill. Adm. Code 811,
 240 as appropriate.
 241

242 "National Pollutant Discharge Elimination System" or "NPDES" means the
 243 program for issuing, modifying, revoking and reissuing, terminating, monitoring,
 244 and enforcing permits and imposing and enforcing pretreatment requirements
 245 under the Clean Water Act (33 USC 1251 et seq.), Section 12(f) of the Act,
 246 Subpart A of 35 Ill. Adm. Code 309, and 35 Ill. Adm. Code 310.
 247

248 "NPDES permit" means a permit issued under the NPDES program.
 249

250 "New facility" or "New unit" means a solid waste landfill facility or a unit at a
 251 facility, if one or more of the following conditions apply:
 252

253 It is a landfill or unit exempt from permit requirements pursuant to Section
 254 21(d) of the Act that had not yet accepted any waste as of September 18,
 255 1990;
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257 It is a landfill or unit not exempt from permit requirements pursuant to
 258 Section 21(d) of the Act that had no development or operating permit

259 issued by the Agency pursuant to 35 Ill. Adm. Code 807 as of September
260 18, 1990; or
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262 It is a landfill with a unit whose maximum design capacity or lateral extent
263 was increased after September 18, 1990.

264 BOARD NOTE: A new unit located in an existing facility will be considered a
265 unit subject to 35 Ill. Adm. Code 814, which references applicable requirements
266 of 35 Ill. Adm. Code 811.
267

268 *"New MSWLF unit" means any municipal solid waste landfill unit that has*
269 *received household waste on or after October 9, 1993 for the first time. [415*
270 *ILCS 5/3.285]*

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272 "One hundred-year flood plain" means any land area that is subject to a one
273 percent or greater chance of flooding in a given year from any source.
274

275 "One hundred-year, 24-hour precipitation event" means a precipitation event of
276 24-hour duration with a probable recurrence interval of once in 100 years.
277

278 "Operator" means the person responsible for the operation and maintenance of a
279 solid waste disposal facility.
280

281 "Owner" means a person who has an interest, directly or indirectly, in land,
282 including a leasehold interest, on which a person operates and maintains a solid
283 waste disposal facility. The "owner" is the "operator" if there is no other person
284 who is operating and maintaining a solid waste disposal facility.
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286 "Perched watertable" means an elevated watertable above a discontinuous
287 saturated lens, resting on a low permeability (such as clay) layer within a high
288 permeability (such as sand) formation.
289

290 "Permit area" means the entire horizontal and vertical region occupied by a
291 permitted solid waste disposal facility.
292

293 *"Person" is any individual, partnership, co-partnership, firm, company,*
294 *corporation, association, joint stock company, trust, estate, political subdivision,*
295 *State agency, or any other legal entity, or their legal representative, agent or*
296 *assigns. [415 ILCS 5/3.315]*
297

298 "Potentially usable waste" means any solid waste from the steel and foundry
299 industries that will not decompose biologically, burn, serve as food for vectors,
300 form a gas, cause an odor, or form a leachate that contains constituents that
301 exceed the limits for this type of waste as specified at 35 Ill. Adm. Code 817.106.

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"Poz-O-Tec materials" means materials produced by a stabilization process patented by Conversion Systems, Inc. utilizing flue gas desulfurization (FGD) sludges and ash produced by coal combustion power generation facilities as raw materials.

"Poz-O-Tec monofill" means a landfill in which solely Poz-O-Tec materials are placed for disposal.

"Professional engineer" means a person who has registered and obtained a seal pursuant to the Professional Engineering Practice Act of 1989 [225 ILCS 325].

"Professional land surveyor" means a person who has received a certificate of registration and a seal pursuant to the Illinois Professional Land Surveyor Act of 1989 [225 ILCS 330].

"Putrescible waste" means a solid waste that contains organic matter capable of being decomposed by microorganisms so as to cause a malodor, gases, or other offensive conditions, or which is capable of providing food for birds and vectors. Putrescible wastes may form a contaminated leachate from microbiological degradation, chemical processes, and physical processes. Putrescible waste includes, but is not limited to, garbage, offal, dead animals, general household waste, and commercial waste. All solid wastes that do not meet the definition of inert or chemical wastes will be considered putrescible wastes.

"Publicly owned treatment works" or "POTW" means a treatment works that is owned by the State of Illinois or a unit of local government. This definition includes any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastewater. It also includes sewers, pipes, and other conveyances only if they convey wastewater to a POTW treatment plant. The term also means the unit of local government that has jurisdiction over the indirect discharges to and the discharges from such a treatment works.

"Recharge zone" means an area through which water can enter an aquifer.

"Research, development, and demonstration permit" or "RD&D permit" means a permit issued pursuant to 35 Ill. Adm. Code 813.112.

"Residential lead-based paint waste" means waste containing lead-based paint that is generated as a result of activities such as abatement, rehabilitation, renovation, and remodeling in homes and other residences. The term residential lead-based

344 paint waste includes, but is not limited to, lead-based paint debris, chips, dust, and
 345 sludges.

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 347 *"Resource Conservation and Recovery Act" or "RCRA" means the Resource*
 348 *Conservation and Recovery Act of 1976 (P.L. 94-580 codified as 42 USC: 6901 et*
 349 *seq.) as amended. [415 ILCS 5/3.425]*

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 351 "Responsible charge", when used to refer to a person, means that the person is
 352 normally present at a waste disposal site; directs the day-to-day overall operation
 353 at the site; and either is the owner or operator or is employed by or under contract
 354 with the owner or operator to assure that the day-to-day operations at the site are
 355 carried out in compliance with any Part of 35 Ill. Adm. Code: Chapter I
 356 governing operations at waste disposal sites.

357
 358 "Runoff" means water resulting from precipitation that flows overland before it
 359 enters a defined stream channel, any portion of such overland flow that infiltrates
 360 into the ground before it reaches the stream channel, and any precipitation that
 361 falls directly into a stream channel.

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 363 "Salvaging" means the return of waste materials to use, under the supervision of
 364 the landfill operator, so long as the activity is confined to an area remote from the
 365 operating face of the landfill, it does not interfere with or otherwise delay the
 366 operations of the landfill, and it results in the removal of all materials for
 367 salvaging from the landfill site daily or separates them by type and stores them in
 368 a manner that does not create a nuisance, harbor vectors, or cause an unsightly
 369 appearance.

370
 371 "Scavenging" means the removal of materials from a solid waste management
 372 facility or unit that is not salvaging.

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 374 "Seismic slope safety factor" means the ratio between the resisting forces or
 375 moments in a slope and the driving forces or moments that may cause a massive
 376 slope failure during an earthquake or other seismic event such as an explosion.

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 378 "Settlement" means subsidence caused by waste loading, changes in groundwater
 379 level, chemical changes within the soil, and adjacent operations involving
 380 excavation.

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 382 "Shredding" means the mechanical reduction in particle sizes of solid waste.
 383 Putrescible waste is considered shredded if 90 percent of the waste by dry weight
 384 passes a three-inch sieve.

385
 386 "Significant modification" means a modification to an approved permit issued by

387 the Agency in accordance with Section 39 of the Act and 35 Ill. Adm. Code 813
388 that is required when one or more of the following changes (considered
389 significant when that change is measured by one or more parameters whose
390 values lie outside the expected operating range of values as specified in the
391 permit) are planned, occur, or will occur:
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393 An increase in the capacity of the waste disposal unit over the permitted
394 capacity;

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396 Any change in the placement of daily, intermediate, or final cover;

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398 A decrease in performance, efficiency, or longevity of the liner system;

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400 A decrease in efficiency or performance of the leachate collection system;

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402 A change in configuration, performance, or efficiency of the leachate
403 management system;

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405 A change in the final disposition of treated effluent or in the quality of the
406 discharge from the leachate treatment or pretreatment system;

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408 Installation of a gas management system or a decrease in the efficiency or
409 performance of an existing gas management system;

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411 A change in the performance or operation of the surface water control
412 system;

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414 A decrease in the quality or quantity of data from any environmental
415 monitoring system;

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417 A change in the applicable background concentrations or the maximum
418 allowable predicted concentrations;

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420 A change in the design or configuration of the regraded area after
421 development or after final closure;

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423 A change in the amount or type of ~~post-closure~~ ~~postclosure~~ financial
424 assurance;

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426 Any change in the permit boundary;

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428 A change in the ~~post-closure~~ ~~postclosure~~ land use of the property;

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430 A remedial action necessary to protect groundwater;
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432 Transfer of the permit to a new operator;
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434 Operating authorization is being sought to place into service a structure
435 constructed pursuant to a construction quality assurance program; or
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437 A change in any requirement set forth as a special condition in the permit.
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439 "Slag" means the fused agglomerate that separates in the iron and steel production
440 and floats on the surface of the molten metal.
441
442 "Sole source aquifer" means those aquifers designated pursuant to section 1424(e)
443 of the Safe Drinking Water Act of 1974 (42 USC 300h-3).
444
445 "Solid waste" means a waste that is defined in this Section as an inert waste, as a
446 putrescible waste, as a chemical waste or as a special waste, and which is not also
447 defined as a hazardous waste pursuant to 35 Ill. Adm. Code 721.
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449 "*Special waste*" means any industrial process waste, pollution control waste, or
450 hazardous waste, except as determined pursuant to Section 22.9 of the Act and 35
451 Ill. Adm. Code 808. [415 ILCS 5/3.475]
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453 "Static safety factor" means the ratio between resisting forces or moments in a
454 slope and the driving forces or moments that may cause a massive slope failure.
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456 "Steel slag" means slag.
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458 "Surface impoundment" means a natural topographic depression, a man-made
459 excavation, or a diked area into which flowing wastes, such as liquid wastes or
460 wastes containing free liquids, are placed. For the purposes of this Part and 35 Ill.
461 Adm. Code 811 through 815, a surface impoundment is not a landfill. Other Parts
462 of 35 Ill. Adm. Code: Chapter I may apply, including the permitting requirements
463 of 35 Ill. Adm. Code 309.
464
465 "Twenty-five-year, 24-hour precipitation event" means a precipitation event of
466 24-hour duration with a probable recurrence interval of once in 25 years.
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468 "Uppermost aquifer" means the first geologic formation above or below the
469 bottom elevation of a constructed liner or wastes, where no liner is present, that is
470 an aquifer, and includes any lower aquifer that is hydraulically connected with
471 this aquifer within the facility's permit area.
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"Unit" means a contiguous area used for solid waste disposal.

"Unit of local government" means a unit of local government, as defined by Article 7, Section 1 of the Illinois Constitution. A unit of local government may include, but is not limited to, a municipality, a county, or a sanitary district.

"Waste pile" means an area on which non-containerized masses of solid, non-flowing wastes are placed for disposal. For the purposes of this Part and 35 Ill. Adm. Code 811 through 815, a waste pile is a landfill, unless the operator can demonstrate that the wastes are not accumulated over time for disposal. At a minimum, this demonstration must include photographs, records, or other observable or discernable information, maintained on a yearly basis, that show that within the preceding year the waste has been removed for utilization or disposal elsewhere.

"Waste stabilization" means any chemical, physical, or thermal treatment of waste, either alone or in combination with biological processes, that results in a reduction of microorganisms, including viruses, and the potential for putrefaction.

"Working face" means any part of a landfill where waste is being disposed of.

"Zone of attenuation" means the three dimensional region formed by excluding the volume occupied by the waste placement from the smaller of the volumes resulting from vertical planes drawn to the bottom of the uppermost aquifer at the property boundary or 100 feet from the edge of one or more adjacent units.

(Source: Amended at 44 Ill. Reg. _____, effective _____)

Section 810.104 Incorporations by Reference

a) The Board incorporates the following material by reference:

1) Code of Federal Regulations:

40 CFR 3.2 (2019)(2017) (How Does This Part Provide for Electronic Reporting?), referenced in Section 810.105.

40 CFR 3.3 (2019)(2017) (What Definitions Are Applicable to This Part?), referenced in Section 810.105.

40 CFR 3.10 (2019)(2017) (What Are the Requirements for Electronic Reporting to EPA?), referenced in Section 810.105.

516 40 CFR 3.2000 (2019)~~(2017)~~ (What Are the Requirements
517 Authorized State, Tribe, and Local Programs' Reporting Systems
518 Must Meet?), referenced in Section 810.105.
519
520 40 CFR 141.40 (2019)~~(2017)~~ (Monitoring Requirements for
521 Unregulated Contaminants), referenced in 35 Ill. Adm. Code
522 811.319 and 817.415.
523
524 40 CFR 257.2 (2019)~~(2017)~~ (Definitions), referenced in Section
525 810.103.
526
527 40 CFR 258.2 (2019)~~(2017)~~ (Definitions), referenced in Section
528 810.103.
529
530 40 CFR 258.10(a), (b), and (c) (2019)~~(2017)~~ (Airport Safety),
531 referenced in Appendix A to 35 Ill. Adm. Code 814.
532
533 40 CFR 258.11(a) (2019)~~(2017)~~ (Floodplains), referenced in
534 Appendix A to 35 Ill. Adm. Code 814.
535
536 40 CFR 258.12(a) (2019)~~(2017)~~ (Wetlands), referenced in
537 Appendix A to 35 Ill. Adm. Code 814.
538
539 40 CFR 258.13 (2019)~~(2017)~~ (Fault Areas), referenced in
540 Appendix A to 35 Ill. Adm. Code 814.
541
542 40 CFR 258.14 (2019)~~(2017)~~ (Seismic Impact Zones), referenced
543 in Appendix A to 35 Ill. Adm. Code 814.
544
545 40 CFR 258.15 (2019)~~(2017)~~ (Unstable Areas), referenced in
546 Appendix A to 35 Ill. Adm. Code 814.
547
548 40 CFR 258.16(a) (2019)~~(2017)~~ (Closure of Existing Municipal
549 Solid Waste Landfill Units), referenced in Appendix A to 35 Ill.
550 Adm. Code 814.
551
552 40 CFR 258.20 (2019)~~(2017)~~ (Procedures for Excluding the
553 Receipt of Hazardous Waste), referenced in Appendix A to 35 Ill.
554 Adm. Code 814.
555
556 40 CFR 258.23 (2019)~~(2017)~~ (Explosive Gases Control),
557 referenced in Appendix A to 35 Ill. Adm. Code 814.
558

559 40 CFR 258.26 (2019)~~(2017)~~ (Run-on/Run-off Control Systems),
560 referenced in Appendix A to 35 Ill. Adm. Code 814.
561
562 40 CFR 258.27 (2019)~~(2017)~~ (Surface Water Requirements),
563 referenced in Appendix A to 35 Ill. Adm. Code 814.
564
565 40 CFR 258.28 (2019)~~(2017)~~ (Liquids Restrictions), referenced in
566 Appendix A to 35 Ill. Adm. Code 814.
567
568 40 CFR 258.29(a) and (c) (2019)~~(2017)~~ (Recordkeeping
569 Requirements), referenced in Appendix A to 35 Ill. Adm. Code
570 814.
571
572 40 CFR 258.60(c)(2), (c)(3), (d), (f), (g), and (i) (2019)~~(2017)~~
573 (Closure Criteria), referenced in Appendix A to 35 Ill. Adm. Code
574 814.
575
576 40 CFR 258.61(a), (c)(3), and (d) (2019)~~(2017)~~ (Post-Closure Care
577 Requirements), referenced in Appendix A to 35 Ill. Adm. Code
578 814.
579
580 40 CFR 258.70(a) (2019)~~(2017)~~ ((Financial Assurance)
581 Applicability and Effective Date), referenced in Appendix A to 35
582 Ill. Adm. Code 814.
583
584 40 CFR 258.71(a)(2) (2019)~~(2017)~~ (Financial Assurance for
585 Closure), referenced in Appendix A to 35 Ill. Adm. Code 814.
586
587 40 CFR 258.72(a)(1) and (a)(2) (2019)~~(2017)~~ (Financial Assurance
588 for Post-Closure Care), referenced in Appendix A to 35 Ill. Adm.
589 Code 814.
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591 40 CFR 258.73 (2019)~~(2017)~~ (Financial Assurance for Corrective
592 Action), referenced in Appendix A to 35 Ill. Adm. Code 814.
593
594 40 CFR 258.74 (2019)~~(2017)~~ (Allowable Mechanisms (for
595 Financial Assurance)), referenced in Appendix A to 35 Ill. Adm.
596 Code 814.
597
598 Appendix I of 40 CFR 258 (2019)~~(2017)~~ (Constituents for
599 Detection Monitoring), referenced in 35 Ill. Adm. Code 811.319.
600
601 Appendix II of 40 CFR 258 (2019)~~(2017)~~ (List of Hazardous

- 602 Inorganic and Organic Constituents), referenced in 35 Ill. Adm.
603 Code 811.319.
604
- 605 2) American Institute of Certified Public Accountants, 1211 Avenue of the
606 Americas, New York, NY 10036:
607
- 608 Financial Accounting Standard Board (FASB) Accounting
609 Standards – Current Text, 2008 Edition, referenced in 35 Ill. Adm.
610 Code 811.715.
611
- 612 American Institute of Certified Public Accountants (AICPA)
613 Professional Standards – Statements on Auditing Standards, June
614 1, 2008 Edition, referenced in 35 Ill. Adm. Code 811.715.
615
- 616 3) ASTM. American Society for Testing and Materials, 1976 Race Street,
617 Philadelphia, PA 19103, 215-299-5585:
618
- 619 Method D2234-76, "Test Method for Collection of Gross Samples
620 of Coal", approved 1976, referenced in 35 Ill. Adm. Code 817.103.
621
- 622 Method D3987-85, "Standard Test Method for Shake Extraction of
623 Solid Waste with Water", approved 1985, referenced in 35 Ill.
624 Adm. Code 814.601, 814.701, 814.901, 814.902, and 817.103.
625
- 626 4) GASB. Governmental Accounting Standards Board, 401 Merritt 7, P.O.
627 Box 5116, Norwalk, CT 06856-5116:
628
- 629 Statement 18, Accounting for Municipal Solid Waste Landfill
630 Closure and Post-Closure Care Costs, August 1993, referenced in
631 35 Ill. Adm. Code 811.716.
632
- 633 5) U.S. Army Corps of Engineers, Publication Department, 2803 52nd Ave.,
634 Hyattsville, MD 20781, 301-394-0081:
635
- 636 Engineering Manual 1110-2-1906 Appendix VII, Falling-Head
637 Permeability Cylinder (1986), referenced in 35 Ill. Adm. Code
638 816.530.
639
- 640 6) U.S. Government Printing Office, Washington, DC 20402, 202-783-3238:
641
- 642 Method 9095B (Paint Filter Liquids Test) in "Test Methods for
643 Evaluating Solid Waste, Physical/Chemical Methods" (Third
644 Edition, Update IIIB, November 2004) (document number EPA-

645 SW-846-03-03B or EPA-530-R-04-037), referenced in 35 Ill.
646 Adm. Code 811.107.

647
648 b) These incorporations include no later amendments or editions.

649
650 (Source: Amended at 44 Ill. Reg. _____, effective _____)

AGENCY P vs JCAR r01

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

PART 810
SOLID WASTE DISPOSAL: GENERAL PROVISIONS

Section
810.101 Scope and Applicability
810.102 Severability
810.103 Definitions
810.104 Incorporations by Reference
810.105 Electronic Reporting

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. 15838, effective September 18, 1990; amended in R93-10 at 18 Ill. Reg. 1268, effective January 13, 1994; amended in R90-26 at 18 Ill. Reg. 12457, effective August 1, 1994; amended in R95-9 at 19 Ill. Reg. 14427, effective September 29, 1995; amended in R96-1 at 20 Ill. Reg. 11985, effective August 15, 1996; amended in R97-20 at 21 Ill. Reg. 15825, effective November 25, 1997; amended in R04-5/R04-15 at 28 Ill. Reg. 9090, effective June 18, 2004; amended in R05-1 at 29 Ill. Reg. 5028, effective March 22, 2005; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 4130, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 1425, effective December 20, 2006; amended in R07-8 at 31 Ill. Reg. 16167, effective November 27, 2007; amended in R10-9 at 35 Ill. Reg. 10837, effective June 22, 2011; amended in R14-1/?R14-2/?R14-3 at 38 Ill. Reg. 7253, effective March 13, 2014; amended in R15-8 at 38 Ill. Reg. 23458, effective November 24, 2014; amended in R17-14/R17-15/R18-12/R18-31 at 42 Ill. Reg. 21304, effective November 19, 2018; amended in R20-3/R20-11 at 44 Ill. Reg. _____, effective _____.

Section 810.103 Definitions

Except as stated in this Section, or unless a different meaning of a word or term is clear from the context, the definition of words or terms in this Part will be the same as that applied to the same words or terms in the Environmental Protection Act (Act):

"Act" means the Environmental Protection Act [415 ILCS 5].

"Admixtures" are chemicals added to earth materials to improve for a specific application the physical or chemical properties of the earth materials. Admixtures include, ~~but are not limited to:~~ lime, cement, bentonite, and sodium silicate.

"Agency" is the Environmental Protection Agency established by the Environmental Protection Act. [415 ILCS 5/3.105]

"Applicant" means the person submitting an application to the Agency for a permit for a solid waste disposal facility.

"Aquifer" means saturated (with groundwater) soils and geologic materials which are sufficiently permeable to readily yield economically useful quantities of water to wells, springs, or streams under ordinary hydraulic gradients and whose boundaries can be identified and mapped from hydrogeologic data. (Section 3 of the Illinois Groundwater Protection Act [415 ILCS 55/3])

"Bedrock" means the solid rock formation immediately underlying any loose superficial material such as soil, alluvium, or glacial drift.

"Beneficially usable waste" means any solid waste from the steel and foundry industries that will not decompose biologically, burn, serve as food for vectors, form a gas, cause an odor, or form a leachate that contains constituents which exceed the limits for this type of waste as specified at 35 Ill. Adm. Code 817.106.

"Board" is the Pollution Control Board established by the Act. [415 ILCS 5/3.130]

"Borrow area" means an area from which earthen material is excavated for the purpose of constructing daily cover, final cover, a liner, a gas venting system, roadways, or berms.

"Chemical waste" means a non-putrescible solid whose characteristics are such that any contaminated leachate is expected to be formed through chemical or physical processes, rather than biological processes, and no gas is expected to be formed as a result.

"Coal combustion power generating facilities" means establishments that generate electricity by combusting coal and which utilize a lime or limestone scrubber system.

"Contaminated leachate" means any leachate whose constituent violate the standards of 35 Ill. Adm. Code 811.202.

"Dead animal disposal site" means an on-the-farm disposal site at which the burial of dead animals is done in accordance with the Illinois Dead Animal Disposal Act [225 ILCS 610] and regulations adopted pursuant thereto (8 Ill. Adm. Code 90).

"Design period" means that length of time determined by the sum of the operating life of the solid waste landfill facility plus the post-closure ~~postclosure~~ care period necessary to stabilize the waste in the units.

"Disposal" means the discharge, deposit, injection, dumping, spilling, leaking or placing of any solid waste into or on any land or water or into any well such that solid waste or any constituent of the solid waste may enter the environment by being emitted into the air or discharged into any waters, including groundwater. [415 ILCS 5/3.185] If the solid waste is accumulated and not confined or contained to prevent its entry into the environment, or there is no certain plan for its disposal elsewhere, such accumulation will constitute disposal.

"Disturbed areas" means those areas within a facility that have been physically altered during waste disposal operations or during the construction of any part of the facility.

"Documentation" means items, in any tangible form, whether directly legible or legible with the aid of any machine or device, including but not limited to affidavits, certificates, deeds, leases, contracts or other binding agreements, licenses, permits, photographs, audio or video recordings, maps, geographic surveys, chemical and mathematical formulas or equations, mathematical and statistical calculations and assumptions, research papers, technical reports, technical designs and design drawings, stocks, bonds, and financial records, that are used to support facts or hypotheses.

"Earth liners" means structures constructed from naturally occurring soil material that has been compacted to achieve a low permeability.

"Existing facility" or "Existing unit" means a facility or unit that is not defined in this Section as a new facility or a new unit.

"Existing MSWLF unit" means any municipal solid waste landfill unit that has received household waste before October 9, 1993. [415 ILCS 5/3.285]

"Facility" means a site and all equipment and fixtures on a site used to treat, store or dispose of solid or special wastes. A facility consists of an entire solid or special waste treatment, storage, or disposal operation. All structures used in connection with or to facilitate the waste disposal operation will be considered a part of the facility. A facility may include, but is not limited to, one or more solid waste disposal units, buildings, treatment systems, processing and storage operations, and monitoring stations.

"Field capacity" means that maximum moisture content of a waste, under field conditions of temperature and pressure, above which moisture is released by gravity drainage.

"Foundry sand" means pure sand or a mixture of sand and any additives necessary for use of the sand in the foundry process, but does not include such foundry process by-products as air pollution control dust or refractories.

"Gas collection system" means a system of wells, trenches, pipes and other related ancillary structures such as manholes, compressor housing,

and monitoring installations that collect and transport the gas produced in a putrescible waste disposal unit to one or more gas processing points. The flow of gas through such a system may be produced by naturally occurring gas pressure gradients or may be aided by an induced draft generated by mechanical means.

"Gas condensate" means the liquid formed as a landfill gas is cooled or compressed.

"Gas venting system" means a system of wells, trenches, pipes and other related structures that vents the gas produced in a putrescible waste disposal unit to the atmosphere.

"Geomembranes" means manufactured membrane liners and barriers of low permeability used to control the migration of fluids or gases.

"Geotextiles" are permeable manufactured materials used for purposes that include, but are not limited to, strengthening soil, providing a filter to prevent clogging of drains, and collecting and draining liquids and gases beneath the ground surface.

"Groundwater" means underground water which occurs within the saturated zone and within geologic materials where the fluid pressure in the pore space is equal to or greater than atmospheric pressure. (Section 3 of the Illinois Groundwater Protection Act)

"Household waste" means any solid waste (including garbage, trash, and sanitary waste in septic tanks) derived from households (including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas). [415 ILCS 5/3.230]

"Hydraulic barriers" means structures designed to prevent or control the seepage of water. Hydraulic barriers include, but are not limited to, cutoff walls, slurry walls, grout curtains, and liners.

"Inert waste" means any solid waste that will not decompose biologically, burn, serve as food for vectors, form a gas, cause an odor, or form a contaminated leachate, as determined in accordance with 35 Ill. Adm. Code 811.202(b). Such inert wastes will include only non-biodegradable and non-putrescible solid wastes. Inert wastes may include, but are not limited to, bricks, masonry, and concrete (cured for 60 days or more).

"Iron slag" means slag.

"Land application unit" means an area where wastes are agronomically spread over or disked into land or otherwise applied so as to become incorporated into the soil surface. For the purposes of this Part and 35 Ill. Adm. Code 811 through 815, a land application unit is not a landfill; however, other Parts of 35 Ill. Adm. Code: Chapter I may

apply, and may include the permitting requirements of 35 Ill. Adm. Code 309.

"Landfill" means a unit or part of a facility in or on which waste is placed and accumulated over time for disposal, and which is not a land application unit, a surface impoundment or an underground injection well. For the purposes of this Part and 35 Ill. Adm. Code 811 through 815, landfills include waste piles, as defined in this Section.

"Lateral expansion" means a horizontal expansion of the actual waste boundaries of an existing MSWLF unit occurring on or after October 9, 1993. A horizontal expansion is any area where solid waste is placed for the first time directly upon the bottom liner of the unit, excluding side slopes on or after October 9, 1993. [415 ILCS 5/3.275]

"Leachate" means liquid that has been or is in direct contact with a solid waste.

"Lift" means an accumulation of waste that is compacted into a unit and over which cover is placed.

"Low risk waste" means any solid waste from the steel and foundry industries that will not decompose biologically, burn, serve as food for vectors, form a gas, cause an odor, or form a leachate that contains constituents that exceed the limits for this type of waste as specified at 35 Ill. Adm. Code 817.106.

"Malodor" means an odor caused by one or more contaminant emissions into the atmosphere from a facility that is in sufficient quantities and of such characteristics and duration as to be described as malodorous and which may be injurious to human, plant, or animal life, to health, or to property, or may unreasonably interfere with the enjoyment of life or property. [415 ILCS 5/3.115] (defining "air pollution")

"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. An ~~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. An ~~A~~ MSWLF unit may be a new MSWLF unit, an existing MSWLF unit, or a lateral expansion. A construction and demolition landfill that receives residential lead-based paint waste and which does not receive any other household waste is not an ~~a~~ MSWLF unit. The term injection well is defined in 35 Ill. Adm. Code 730.103. The terms land application unit, surface impoundment, and waste pile are defined in 40 CFR ~~C.F.R.~~ § 257.2, incorporated by reference in Section 810.104. The terms construction and demolition landfill and industrial solid waste are defined in 40 CFR 258.2, incorporated by reference in Section 810.104.

BOARD NOTE: A "construction and demolition (C&D) landfill" is a regulatory category of landfill that does not exist in Illinois. It is

distinct from a clean construction and demolition debris (CCDD) fill operation under 35 Ill. Adm. Code 1100. 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.

"National Pollutant Discharge Elimination System" or "NPDES" means the program for issuing, modifying, revoking and reissuing, terminating, monitoring, and enforcing permits and imposing and enforcing pretreatment requirements under the Clean Water Act (33 USC 1251 et seq.), Section 12(f) of the Act, Subpart A of 35 Ill. Adm. Code 309, and 35 Ill. Adm. Code 310.

"NPDES permit" means a permit issued under the NPDES program.

"New facility" or "New unit" means a solid waste landfill facility or a unit at a facility, if one or more of the following conditions apply:

It is a landfill or unit exempt from permit requirements pursuant to Section 21(d) of the Act that had not yet accepted any waste as of September 18, 1990;

It is a landfill or unit not exempt from permit requirements pursuant to Section 21(d) of the Act that had no development or operating permit issued by the Agency pursuant to 35 Ill. Adm. Code 807 as of September 18, 1990; or

It is a landfill with a unit whose maximum design capacity or lateral extent was increased after September 18, 1990.

BOARD NOTE: A new unit located in an existing facility will be considered a unit subject to 35 Ill. Adm. Code 814, which references applicable requirements of 35 Ill. Adm. Code 811.

"New MSWLF unit" means any municipal solid waste landfill unit that has received household waste on or after October 9, 1993 for the first time. [415 ILCS 5/3.285]

"One hundred-year flood plain" means any land area that is subject to a one percent or greater chance of flooding in a given year from any source.

"One hundred-year, 24-hour precipitation event" means a precipitation event of 24-hour duration with a probable recurrence interval of once in 100 years.

"Operator" means the person responsible for the operation and maintenance of a solid waste disposal facility.

"Owner" means a person who has an interest, directly or indirectly, in land, including a leasehold interest, on which a person operates and maintains a solid waste disposal facility. The "owner" is the

"operator" if there is no other person who is operating and maintaining a solid waste disposal facility.

"Perched watertable" means an elevated watertable above a discontinuous saturated lens, resting on a low permeability (such as clay) layer within a high permeability (such as sand) formation.

"Permit area" means the entire horizontal and vertical region occupied by a permitted solid waste disposal facility.

"Person" is any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, political subdivision, State agency, or any other legal entity, or their legal representative, agent or assigns. [415 ILCS 5/3.315]

"Potentially usable waste" means any solid waste from the steel and foundry industries that will not decompose biologically, burn, serve as food for vectors, form a gas, cause an odor, or form a leachate that contains constituents that exceed the limits for this type of waste as specified at 35 Ill. Adm. Code 817.106.

"Poz-O-Tec materials" means materials produced by a stabilization process patented by Conversion Systems, Inc. utilizing flue gas desulfurization (FGD) sludges and ash produced by coal combustion power generation facilities as raw materials.

"Poz-O-Tec monofill" means a landfill in which solely Poz-O-Tec materials are placed for disposal.

"Professional engineer" means a person who has registered and obtained a seal pursuant to the Professional Engineering Practice Act of 1989 [225 ILCS 325].

"Professional land surveyor" means a person who has received a certificate of registration and a seal pursuant to the Illinois Professional Land Surveyor Act of 1989 [225 ILCS 330].

"Putrescible waste" means a solid waste that contains organic matter capable of being decomposed by microorganisms so as to cause a malodor, gases, or other offensive conditions, or which is capable of providing food for birds and vectors. Putrescible wastes may form a contaminated leachate from microbiological degradation, chemical processes, and physical processes. Putrescible waste includes, but is not limited to, garbage, offal, dead animals, general household waste, and commercial waste. All solid wastes that do not meet the definition of inert or chemical wastes will be considered putrescible wastes.

"Publicly owned treatment works" or "POTW" means a treatment works that is owned by the State of Illinois or a unit of local government. This definition includes any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastewater. It also includes sewers, pipes, and other conveyances only

if they convey wastewater to a POTW treatment plant. The term also means the unit of local government that has jurisdiction over the indirect discharges to and the discharges from such a treatment works.

"Recharge zone" means an area through which water can enter an aquifer.

"Research, development, and demonstration permit" or "RD&D permit" means a permit issued pursuant to 35 Ill. Adm. Code 813.112.

"Residential lead-based paint waste" means waste containing lead-based paint that is generated as a result of activities such as abatement, rehabilitation, renovation, and remodeling in homes and other residences. The term residential lead-based paint waste includes, but is not limited to, lead-based paint debris, chips, dust, and sludges.

"Resource Conservation and Recovery Act" or "RCRA" means the Resource Conservation and Recovery Act of 1976 (P.L. 94-580 codified as 42 USC-6901 et seq.) as amended. [415 ILCS 5/3.425]

"Responsible charge", when used to refer to a person, means that the person is normally present at a waste disposal site; directs the day-to-day overall operation at the site; and either is the owner or operator or is employed by or under contract with the owner or operator to assure that the day-to-day operations at the site are carried out in compliance with any Part of 35 Ill. Adm. Code: Chapter I governing operations at waste disposal sites.

"Runoff" means water resulting from precipitation that flows overland before it enters a defined stream channel, any portion of such overland flow that infiltrates into the ground before it reaches the stream channel, and any precipitation that falls directly into a stream channel.

"Salvaging" means the return of waste materials to use, under the supervision of the landfill operator, so long as the activity is confined to an area remote from the operating face of the landfill, it does not interfere with or otherwise delay the operations of the landfill, and it results in the removal of all materials for salvaging from the landfill site daily or separates them by type and stores them in a manner that does not create a nuisance, harbor vectors, or cause an unsightly appearance.

"Scavenging" means the removal of materials from a solid waste management facility or unit that is not salvaging.

"Seismic slope safety factor" means the ratio between the resisting forces or moments in a slope and the driving forces or moments that may cause a massive slope failure during an earthquake or other seismic event such as an explosion.

"Settlement" means subsidence caused by waste loading, changes in groundwater level, chemical changes within the soil, and adjacent operations involving excavation.

"Shredding" means the mechanical reduction in particle sizes of solid waste. Putrescible waste is considered shredded if 90 percent of the waste by dry weight passes a three-inch sieve.

"Significant modification" means a modification to an approved permit issued by the Agency in accordance with Section 39 of the Act and 35 Ill. Adm. Code 813 that is required when one or more of the following changes (considered significant when that change is measured by one or more parameters whose values lie outside the expected operating range of values as specified in the permit) are planned, occur, or will occur:

An increase in the capacity of the waste disposal unit over the permitted capacity;

Any change in the placement of daily, intermediate, or final cover;

A decrease in performance, efficiency, or longevity of the liner system;

A decrease in efficiency or performance of the leachate collection system;

A change in configuration, performance, or efficiency of the leachate management system;

A change in the final disposition of treated effluent or in the quality of the discharge from the leachate treatment or pretreatment system;

Installation of a gas management system or a decrease in the efficiency or performance of an existing gas management system;

A change in the performance or operation of the surface water control system;

A decrease in the quality or quantity of data from any environmental monitoring system;

A change in the applicable background concentrations or the maximum allowable predicted concentrations;

A change in the design or configuration of the regraded area after development or after final closure;

A change in the amount or type of post-closure ~~postclosure~~-financial assurance;

Any change in the permit boundary;

A change in the post-closure ~~postclosure~~-land use of the property;

A remedial action necessary to protect groundwater;

Transfer of the permit to a new operator;

Operating authorization is being sought to place into service a structure constructed pursuant to a construction quality assurance program; or

A change in any requirement set forth as a special condition in the permit.

"Slag" means the fused agglomerate that separates in the iron and steel production and floats on the surface of the molten metal.

"Sole source aquifer" means those aquifers designated pursuant to section 1424(e) of the Safe Drinking Water Act of 1974 (42 USC 300h-3).

"Solid waste" means a waste that is defined in this Section as an inert waste, as a putrescible waste, as a chemical waste or as a special waste, and which is not also defined as a hazardous waste pursuant to 35 Ill. Adm. Code 721.

"Special waste" means any industrial process waste, pollution control waste, or hazardous waste, except as determined pursuant to Section 22.9 of the Act and 35 Ill. Adm. Code 808. [415 ILCS 5/3.475]

"Static safety factor" means the ratio between resisting forces or moments in a slope and the driving forces or moments that may cause a massive slope failure.

"Steel slag" means slag.

"Surface impoundment" means a natural topographic depression, a man-made excavation, or a diked area into which flowing wastes, such as liquid wastes or wastes containing free liquids, are placed. For the purposes of this Part and 35 Ill. Adm. Code 811 through 815, a surface impoundment is not a landfill. Other Parts of 35 Ill. Adm. Code: Chapter I may apply, including the permitting requirements of 35 Ill. Adm. Code 309.

"Twenty-five-year, 24-hour precipitation event" means a precipitation event of 24-hour duration with a probable recurrence interval of once in 25 years.

"Uppermost aquifer" means the first geologic formation above or below the bottom elevation of a constructed liner or wastes, where no liner is present, that is an aquifer, and includes any lower aquifer that is hydraulically connected with this aquifer within the facility's permit area.

"Unit" means a contiguous area used for solid waste disposal.

"Unit of local government" means a unit of local government, as defined by Article 7, Section 1 of the Illinois Constitution. A unit of local government may include, but is not limited to, a municipality, a county, or a sanitary district.

"Waste pile" means an area on which non-containerized masses of solid, non-flowing wastes are placed for disposal. For the purposes of this Part and 35 Ill. Adm. Code 811 through 815, a waste pile is a landfill, unless the operator can demonstrate that the wastes are not accumulated over time for disposal. At a minimum, this demonstration must include photographs, records, or other observable or discernable information, maintained on a yearly basis, that show that within the preceding year the waste has been removed for utilization or disposal elsewhere.

"Waste stabilization" means any chemical, physical, or thermal treatment of waste, either alone or in combination with biological processes, that results in a reduction of microorganisms, including viruses, and the potential for putrefaction.

"Working face" means any part of a landfill where waste is being disposed of.

"Zone of attenuation" means the three dimensional region formed by excluding the volume occupied by the waste placement from the smaller of the volumes resulting from vertical planes drawn to the bottom of the uppermost aquifer at the property boundary or 100 feet from the edge of one or more adjacent units.

(Source: Amended at 44 Ill. Reg. , effective)

Section 810.104 Incorporations by Reference

a) The Board incorporates the following material by reference:

1) Code of Federal Regulations:

40 CFR 3.2 (2019) (~~2017~~) (How Does This Part Provide for Electronic Reporting?), referenced in Section 810.105.

40 CFR 3.3 (2019) (~~2017~~) (What Definitions Are Applicable to This Part?), referenced in Section 810.105.

40 CFR 3.10 (2019) (~~2017~~) (What Are the Requirements for Electronic Reporting to EPA?), referenced in Section 810.105.

40 CFR 3.2000 (2019) (~~2017~~) (What Are the Requirements Authorized State, Tribe, and Local Programs' Reporting Systems Must Meet?), referenced in Section 810.105.

40 CFR 141.40 (2019) ~~(2017)~~ (Monitoring Requirements for Unregulated Contaminants), referenced in 35 Ill. Adm. Code 811.319 and 817.415.

40 CFR 257.2 (2019) ~~(2017)~~ (Definitions), referenced in Section 810.103.

40 CFR 258.2 (2019) ~~(2017)~~ (Definitions), referenced in Section 810.103.

40 CFR 258.10(a), (b), and (c) (2019) ~~(2017)~~ (Airport Safety), referenced in Appendix A to 35 Ill. Adm. Code 814.

40 CFR 258.11(a) (2019) ~~(2017)~~ (Floodplains), referenced in Appendix A to 35 Ill. Adm. Code 814.

40 CFR 258.12(a) (2019) ~~(2017)~~ (Wetlands), referenced in Appendix A to 35 Ill. Adm. Code 814.

40 CFR 258.13 (2019) ~~(2017)~~ (Fault Areas), referenced in Appendix A to 35 Ill. Adm. Code 814.

40 CFR 258.14 (2019) ~~(2017)~~ (Seismic Impact Zones), referenced in Appendix A to 35 Ill. Adm. Code 814.

40 CFR 258.15 (2019) ~~(2017)~~ (Unstable Areas), referenced in Appendix A to 35 Ill. Adm. Code 814.

40 CFR 258.16(a) (2019) ~~(2017)~~ (Closure of Existing Municipal Solid Waste Landfill Units), referenced in Appendix A to 35 Ill. Adm. Code 814.

40 CFR 258.20 (2019) ~~(2017)~~ (Procedures for Excluding the Receipt of Hazardous Waste), referenced in Appendix A to 35 Ill. Adm. Code 814.

40 CFR 258.23 (2019) ~~(2017)~~ (Explosive Gases Control), referenced in Appendix A to 35 Ill. Adm. Code 814.

40 CFR 258.26 (2019) ~~(2017)~~ (Run-on/Run-off Control Systems), referenced in Appendix A to 35 Ill. Adm. Code 814.

40 CFR 258.27 (2019) ~~(2017)~~ (Surface Water Requirements), referenced in Appendix A to 35 Ill. Adm. Code 814.

40 CFR 258.28 (2019) ~~(2017)~~ (Liquids Restrictions), referenced in Appendix A to 35 Ill. Adm. Code 814.

40 CFR 258.29(a) and (c) (2019) ~~(2017)~~ (Recordkeeping Requirements), referenced in Appendix A to 35 Ill. Adm. Code 814.

40 CFR 258.60(c)(2), (c)(3), (d), (f), (g), and (i) (2019) ~~(2017)~~ (Closure Criteria), referenced in Appendix A to 35 Ill. Adm. Code 814.

40 CFR 258.61(a), (c)(3), and (d) (2019) ~~(2017)~~ (Post-Closure Care Requirements), referenced in Appendix A to 35 Ill. Adm. Code 814.

40 CFR 258.70(a) (2019) (~~2017~~)-(Financial Assurance) Applicability and Effective Date), referenced in Appendix A to 35 Ill. Adm. Code 814.

40 CFR 258.71(a)(2) (2019) (~~2017~~)-(Financial Assurance for Closure), referenced in Appendix A to 35 Ill. Adm. Code 814.

40 CFR 258.72(a)(1) and (a)(2) (2019) (~~2017~~)-(Financial Assurance for Post-Closure Care), referenced in Appendix A to 35 Ill. Adm. Code 814.

40 CFR 258.73 (2019) (~~2017~~)-(Financial Assurance for Corrective Action), referenced in Appendix A to 35 Ill. Adm. Code 814.

40 CFR 258.74 (2019) (~~2017~~)-(Allowable Mechanisms (for Financial Assurance)), referenced in Appendix A to 35 Ill. Adm. Code 814.

Appendix I of 40 CFR 258 (2019) (~~2017~~)-(Constituents for Detection Monitoring), referenced in 35 Ill. Adm. Code 811.319.

Appendix II of 40 CFR 258 (2019) (~~2017~~)-(List of Hazardous Inorganic and Organic Constituents), referenced in 35 Ill. Adm. Code 811.319.

2) American Institute of Certified Public Accountants, 1211 Avenue of the Americas, New York, NY 10036:

Financial Accounting Standard Board (FASB) Accounting Standards - Current Text, 2008 Edition, referenced in 35 Ill. Adm. Code 811.715.

American Institute of Certified Public Accountants (AICPA) Professional Standards - Statements on Auditing Standards, June 1, 2008 Edition, referenced in 35 Ill. Adm. Code 811.715.

3) ASTM. American Society for Testing and Materials, 1976 Race Street, Philadelphia, PA 19103, 215-299-5585:

Method D2234-76, "Test Method for Collection of Gross Samples of Coal", approved 1976, referenced in 35 Ill. Adm. Code 817.103.

Method D3987-85, "Standard Test Method for Shake Extraction of Solid Waste with Water", approved 1985, referenced in 35 Ill. Adm. Code 814.601, 814.701, 814.901, 814.902, and 817.103.

4) GASB. Governmental Accounting Standards Board, 401 Merritt 7, P.O. Box 5116, Norwalk, CT 06856-5116:

Statement 18, Accounting for Municipal Solid Waste Landfill Closure and Post-Closure Care Costs, August 1993, referenced in 35 Ill. Adm. Code 811.716.

5) U.S. Army Corps of Engineers, Publication Department, 2803 52nd Ave., Hyattsville, MD 20781, 301-394-0081:

Engineering Manual 1110-2-1906 Appendix VII, Falling-Head Permeability Cylinder (1986), referenced in 35 Ill. Adm. Code 816.530.

6) U.S. Government Printing Office, Washington, DC 20402, 202-783-3238:

Method 9095B (Paint Filter Liquids Test) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods" (Third Edition, Update IIIB, November 2004) (document number EPA-SW-846-03-03B or EPA-530-R-04-037), referenced in 35 Ill. Adm. Code 811.107.

b) These incorporations include no later amendments or editions.

(Source: Amended at 44 Ill. Reg. , effective)

~~ILLINOIS REGISTER~~

~~POLLUTION CONTROL BOARD~~

~~NOTICE OF PROPOSED AMENDMENTS~~

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