

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE J: CLEAN CONSTRUCTION OR DEMOLITION DEBRIS
CHAPTER I: POLLUTION CONTROL BOARD

PART 1100

CLEAN CONSTRUCTION OR DEMOLITION DEBRIS FILL OPERATIONS AND
UNCONTAMINATED SOIL FILL OPERATIONS

SUBPART A: GENERAL

Section	
1100.101	Scope and Applicability
1100.102	Severability
1100.103	Definitions
1100.104	Incorporations by Reference

SUBPART B: OPERATING STANDARDS FOR CCDD FILL OPERATIONS

Section	
1100.201	Prohibitions
1100.202	Surface Water Drainage
1100.203	Annual Facility Map
1100.204	Operating Standards
1100.205	Load Checking <u>and Documentation</u>
1100.206	Salvaging
1100.207	Boundary Control
1100.208	Closure
1100.209	Postclosure Maintenance
1100.210	Recordkeeping Requirements
1100.211	Annual Reports

SUBPART C: PERMIT APPLICATION INFORMATION FOR CCDD FILL OPERATIONS

Section	
1100.301	Scope and Applicability
1100.302	Notification
1100.303	Required Signatures
1100.304	Site Location Map
1100.305	Facility Plan Maps
1100.306	Narrative Description of the Facility
1100.307	Proof of Property Ownership and Certifications
1100.308	Surface Water Control
1100.309	Closure Plan
1100.310	Postclosure Maintenance Plan

SUBPART D: PROCEDURAL REQUIREMENTS FOR PERMITTING
CCDD FILL OPERATIONS

Section	
1100.401	Purpose of Subpart
1100.402	Delivery of Permit Application
1100.403	Agency Decision Deadlines
1100.404	Standards for Issuance of a Permit
1100.405	Standards for Denial of a Permit
1100.406	Permit Appeals
1100.407	Permit No Defense
1100.408	Term of Permit
1100.409	Transfer of Permits
1100.410	Procedures for the Modification of Permits
1100.411	Procedures for the Renewal of Permits
1100.412	Procedures for Closure and Postclosure Maintenance

SUBPART E: UNCONTAMINATED SOIL FILL OPERATIONS

<u>Section</u>	
<u>1100.501</u>	<u>Prohibitions</u>
<u>1100.502</u>	<u>Operating Standards</u>
<u>1100.503</u>	<u>Recordkeeping Requirements</u>
<u>1100.504</u>	<u>Registration</u>
<u>1100.505</u>	<u>Required Signatures</u>
<u>1100.506</u>	<u>Procedures for Closure</u>
<u>1100.507</u>	<u>Termination of Postclosure Maintenance</u>

SUBPART F: STANDARDS FOR UNCONTAMINATED SOIL USED AS FILL MATERIAL
AT FILL OPERATIONS REGULATED BY THIS PART

<u>Section</u>	
<u>1100.601</u>	<u>Purpose and Applicability</u>
<u>1100.602</u>	<u>Maximum Allowable Concentrations for Chemical Constituents in Uncontaminated Soils</u>
<u>1100.603</u>	<u>Compliance Evaluation; Performance and Documentation of Soil Sampling and Chemical Analysis</u>
<u>1100.604</u>	<u>Waste and Materials Other Than Chemical Constituents in Soils</u>

SUBPART G: GROUNDWATER MONITORING

<u>Section</u>	
<u>1100.700</u>	<u>Purpose and Applicability</u>
<u>1100.705</u>	<u>Recordkeeping</u>

- 1100.710 Professional Engineer Supervision
- 1100.715 Compliance Period
- 1100.720 Compliance with Groundwater Quality Standards
- 1100.725 Groundwater Monitoring System
- 1100.730 Groundwater Monitoring Program
- 1100.735 Monitoring Parameters
- 1100.740 Sampling Frequency
- 1100.745 Non-Compliance Response Program
- 1100.750 Alternate Non-Compliance Response Program
- 1100.755 Corrective Action Program

AUTHORITY: Implementing Sections 5 ~~and 22.51~~, 22.51 and 22.51a and authorized by Sections 22.51, 22.51a and 27 of the Environmental Protection Act [415 ILCS 5/5, 22.51, 22.51a, and 27].

SOURCE: Adopted in R06-19 at 30 Ill. Reg.14534, effective August 24, 2006, amended at Ill. Reg. _____, effective _____.

SUBPART A: GENERAL

Section 1100.101 Scope and Applicability

- a) This Part applies to all clean construction or demolition debris (CCDD) fill operations that are required to be permitted pursuant to Section 22.51 of the Act, other than CCDD fill operations permitted pursuant to 35 Ill. Adm. Code 807 or 811 through 814, and to all uncontaminated soil fill operations that are required to be registered pursuant to Section 22.51a of the Act.
- b) This Part does not apply to:
 - 1) CCDD or uncontaminated soil that is not ~~other than CCDD~~ used as fill material in a current or former quarry, mine, or other excavation;
 - 2) The use of CCDD or uncontaminated soil as fill material in a current or former quarry, mine, or other excavation located on the site where the CCDD or uncontaminated soil was generated. *The use of CCDD as fill material in a current or former quarry, mine, or other excavation located on the site where the CCDD was generated* [415 ILCS 5/22.51(b)(4)(A)];
 - 3) The use of CCDD or uncontaminated soil as fill material in an excavation other than a current or former quarry or mine if the use complies with Illinois Department of Transportation specifications. *The use of CCDD as fill material in an excavation other than a current or former quarry or*

~~mine if the use complies with Illinois Department of Transportation specifications [415 ILCS 5/22.51(b)(4)(B)];~~

BOARD NOTE: The Illinois Department of Transportation (IDOT) specifications applicable to the use of CCDD as fill can be found at Articles 107.22 and 202.03 of IDOT's "Standard Specifications for Road and Bridge Construction." According to IDOT specifications, this exemption applies to IDOT, a county, a municipality, or a township.

- 4) Current or former quarries, mines, and other excavations that do not use CCDD or uncontaminated soil as fill material. ~~Current or former quarries, mines, and other excavations that do not use clean construction or demolition debris as fill material [415 ILCS 5/22.51(b)(4)(C)];~~
- 5) The use of the following types of material as fill material:
 - A) CCDD or soil that is considered "waste" under the Act or rules adopted pursuant to the Act; or
 - B) Any material other than CCDD or uncontaminated soil, including, but not limited to, material generated on site as part of a mining process; and
- 6) The portions of a site not used for a CCDD fill operation or for an uncontaminated soil fill operation.

Section 1100.102 Severability

If any provision of this Part or its application to any person or under any circumstances is adjudged invalid, such adjudication must not affect the validity of this Part as a whole or of any portion not adjudged invalid.

Section 1100.103 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 [415 ILCS 5]:

"10-year, 24-hour precipitation event" means a precipitation event of 24-hour duration with a probable recurrence interval of once in 10 years.

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

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

DRAFT 4-29-11

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

“Applicant” means the person submitting an application to the Agency for a permit for a CCDD fill operation.

“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].

“Board” is the Pollution Control Board established by the Act. [415 ILCS 5/3.105]

“CCDD” means clean construction or demolition debris.

“CCDD fill operation” means a current or former quarry, mine, or other excavation where clean construction or demolition debris is used as fill material [415 ILCS 5/22.51(e)(3)]-the use of CCDD as fill material in a current or former quarry, mine, or other excavation. For purposes of this Part, the term “other excavation” does not include holes, trenches, or similar earth removal created as part of normal construction, removal, or maintenance of a structure, utility, or transportation infrastructure.

“Carcinogen” means a contaminant that is classified as a category A1 or A2 carcinogen by the American Conference of Governmental Industrial Hygienists; a category 1 or 2A/2B carcinogen by the World Health Organization's International Agency for Research on Cancer; a “human carcinogen” or “anticipated human carcinogen” by the United States Department of Health and Human Service National Toxicological Program; or a category A or B1/B2 carcinogen or as “carcinogenic to humans” or “likely to be carcinogenic to humans” by the United States Environmental Protection Agency in the integrated risk information system, the provisional peer-reviewed toxicity values for Superfund electronic library, or a final rule issued in a Federal Register notice by the USEPA. [415 ILCS 5/58.2]

“Clean construction or demolition debris” means uncontaminated broken concrete without protruding metal bars, bricks, rock, stone, reclaimed or other asphalt pavement, or soil generated from construction or demolition activities.

Clean construction or demolition debris does not include uncontaminated soil generated during construction, remodeling, repair, and demolition of utilities, structures, and roads provided the uncontaminated soil is not commingled with any clean construction or demolition debris or other waste. For purposes of this Part, uncontaminated soil may include incidental amounts of stone, clay, rock,

sand, gravel, roots, and other vegetation.

~~To the extent allowed by federal law, clean construction or demolition debris shall not be considered "waste" if it is:~~

~~used as fill material outside of a setback zone if the fill is placed no higher than the highest point of elevation existing prior to the filling immediately adjacent to the fill area, and if covered by sufficient uncontaminated soil to support vegetation within 30 days of the completion of filling or if covered by a road or structure; or~~

~~separated or processed and returned to the economic mainstream in the form of raw materials or products, if it is not speculatively accumulated and, if used as a fill material, it is used in accordance with the first identical paragraph immediately above within 30 days of its generation; or~~

~~solely broken concrete without protruding metal bars used for erosion control; or~~

~~generated from the construction or demolition of a building, road, or other structure and used to construct, on the site where the construction or demolition has taken place, a manmade functional structure not to exceed 20 feet above the highest point of elevation of the property immediately adjacent to the new manmade functional structure as that elevation existed prior to the creation of that new structure, provided that the structure shall be covered with sufficient soil materials to sustain vegetation or by a road or structure, and further provided that no such structure shall be constructed within a home-rule municipality with a population over 500,000 without the consent of the municipality. [415 ILCS 5/3.160(b)]~~

“Compliance boundary” means a plane that surrounds a CCDD fill operation or uncontaminated soil fill operation and that extends vertically from the ground surface to the bottom of the uppermost aquifer. The distance between the compliance boundary and the edge of the fill operation can be no more than 100 feet or the distance between the property boundary and the edge of the fill operation, whichever is less.

“Compliance point” means a point within the compliance boundary at which the concentration of constituents from the fill operation may not cause the groundwater to exceed the Class I groundwater quality standards at 35 Ill. Adm. Code 620.410.

“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.

“Facility” means the areas of a site and all equipment and fixtures on a site used for a CCDD fill operation or uncontaminated soil fill operation. A facility consists of an entire ~~CCDD~~ fill operation. All structures used in connection with or to facilitate the ~~CCDD~~ fill operation will be considered a part of the facility.

“Filled area” means areas within a unit where CCDD or uncontaminated soil has been placed as fill material.

~~“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]~~

“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.

“Operator” means a person responsible for the operation and maintenance of a ~~CCDD~~ fill operation. [415 ILCS 5/22.51(e)(1)]

“Other excavation” means a pit created primarily for the purpose of extracting resources (e.g. soil, sand, gravel, clay) and does not include holes, trenches, or similar earth removal created as part of normal construction, removal, or maintenance of a structure, utility, or transportation infrastructure.

“Owner” means a person who has any direct or indirect interest in a ~~CCDD~~ fill operation or in land on which a person operates and maintains a ~~CCDD~~ fill operation. A “direct or indirect interest” does not include the ownership of publicly traded stock. The “owner” is the “operator” if there is no other person who is operating and maintaining a ~~CCDD~~ fill operation. [415 ILCS 5/22.51(e)(2)]

“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 5/3.115]

“Potentially impacted property” means property on which historical or current use increases the presence or potential presence of contamination.

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

“Professional Geologist (PG)” means a person licensed to practice as a professional geologist pursuant to the Professional Geologist Licensing Act [225 ILCS 745].

“Representative groundwater conditions” means when the groundwater reaches a condition where it can be sampled upgradient and downgradient from the fill operation to obtain representative samples of groundwater that is potentially affected by the fill operation.

“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 CCDD to use other than use as fill at a CCDD fill operation.

“Setback zone” means a geographic area, designated pursuant to the Act, containing a potable water supply well or a potential source or potential route, having a continuous boundary, and within which certain prohibitions or regulations are applicable in order to protect groundwaters. [415 ILCS 5/3.450]

“Site of origin” means the location where the CCDD or uncontaminated soil was generated from construction or demolition activities.

“Source site operator” means a person responsible for the operation of the site of origin of the CCDD or uncontaminated soil.

“Source site owner” means a person having an ownership interest in the site of origin of the CCDD or uncontaminated soil.

“Uncontaminated soil” means soil generated during construction, remodeling, repair or demolition of utilities, structures and roads that does not contain contaminants in concentrations that pose a threat to human health and safety and the environment. [415 ILCS 5/3.160(c)] Subpart F of this Part establishes standards for soil that is considered uncontaminated for purposes of this Part.

“Uncontaminated soil fill operation” means a current or former quarry, mine, or other excavation where uncontaminated soil is used as fill material but does not include a clean construction or demolition debris fill operation. [415 ILCS 5/22.51a(a)(2)].

“Unit” means a contiguous area within a facility ~~that is permitted for the placement of CCDD~~ where CCDD or uncontaminated soil is placed as fill material.

“Uppermost aquifer” means the first geologic formation above or below the bottom elevation of CCDD or uncontaminated soil used as fill in a CCDD fill operation or an uncontaminated soil fill operation that is an aquifer, and includes any lower aquifer that is hydraulically connected with this aquifer in the immediate vicinity of the CCDD fill operation or uncontaminated soil fill operation.

“Working face” means any part of a unit where CCDD or uncontaminated soil is being placed as fill.

Section 1100.104 Incorporations by Reference

- a) The Board incorporates the following material by reference:

NTIS. National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161, (800) 553-6847 U.S. Government Printing Office, Washington, D.C. 20402, Ph: 202-783-3238:

Test Methods for Evaluating Solid Waste, Physical/Chemical methods, EPA Publication SW-846 (Third Edition, 1986 as amended by Updates I, II, IIA, IIB, III, IIIA, ~~and~~ IIIB, and IV).

United States Environmental Protection Agency, Office of Solid Waste and Emergency Response (2003). “Human Health Toxicity Values in Superfund Risk Assessments,” OSWER Directive 9285.7-53. (Available online at <http://www.epa.gov/oswer/riskassessment/pdf/hhmemo.pdf>).

IRIS. Integrated Risk Information System, National Center for Environmental Assessment, United States Environmental Protection Agency, 26 West Martin Luther King Drive, MS-190, Cincinnati, OH 45268, (513) 569-7254.

“Reference Dose (RfD): Description and Use in Health Risk Assessments,” Background Document IA (March 15, 1993).

“Guidelines for Carcinogen Risk Assessment (2005)”. U. S. Environmental Protection Agency, Washington, DC, EPA Publication No. EPA/630/P-03/001F, 2005. (Available online at http://www.epa.gov/ttn/atw/cancer_guidelines_final_3-25-05.pdf).

- b) This incorporation includes no later amendments or editions.

SUBPART B: OPERATING STANDARDS FOR CCDD FILL OPERATIONS

Section 1100.201 Prohibitions

- a) *No person shall conduct any CCDD fill operation in violation of the Act or any regulations or standards adopted by the Board. [415 ILCS 5/22.51(a)].*
- b) CCDD fill operations must not accept waste for use as fill.
- c) CCDD fill operations must not be located inside a setback zone of a potable water supply well. (See Section 3.160(b)(i) of the Act.)
- d) *No person shall use soil other than uncontaminated soil as fill material at a CCDD fill operation. [415 ILCS 5/22.51(g)(1)]*
- e) *No person shall use construction or demolition debris other than CCDD as fill material at a CCDD fill operation. [415 ILCS 5/22.51(g)(2)]*

Section 1100.202 Surface Water Drainage

- a) Runoff from Filled Areas
- 1) All discharges of runoff from filled areas to waters of the State must be permitted by the Agency to the extent required under 35 Ill. Adm. Code 309.
 - 2) All surface water control structures must be operated until the final cover is placed and the vegetative or other cover meeting the requirements of Section 1100.208 of this Part provides erosional stability.
- b) Diversion of Runoff from Unfilled Areas
- 1) Runoff from unfilled areas must be diverted around filled areas to the greatest extent practical.
 - 2) Diversion facilities must be constructed to prevent runoff from the 10-year, 24-hour precipitation event from entering filled areas.

- 3) Runoff from unfilled areas which becomes commingled with runoff from filled areas must be handled as runoff from filled areas in accordance with subsection (a) of this Section.
- 4) All diversion structures must be designed to have flow velocities that will not cause erosion and scouring of the natural or constructed lining (i.e., the bottom and sides) of the diversion channel and downstream channels.
- 5) All diversion structures must be operated until the final cover is placed and the vegetative or other cover meeting the requirements of Section 1100.208 of this Part provides erosional stability.

Section 1100.203 Annual Facility Map

The owner or operator must submit an annual facility map with the annual report required under Section 1100.211 to the Agency each calendar year by the date specified in the Agency permit. The map must have a scale no smaller than one inch equals 200 feet, show the horizontal extent of filled areas as of the date of the map, and show the same information as required for facility plan maps under Sections 1100.305(a) through (d) of this Part.

Section 1100.204 Operating Standards

- a) Placement of Fill Material
Fill material must be placed in a safe manner that protects human health and the environment in conformance with the provisions of the Act and the regulations adopted under the Act.
- b) Size and Slope of Working Face
The working face of the fill operation must be no larger than is necessary, based on the terrain and equipment used in material placement, to conduct operations in a safe and efficient manner in conformance with the provisions of the Act and the regulations adopted under the Act.
- c) Equipment
Equipment must be maintained and available for use at the facility during all hours of operation, so as to achieve and maintain compliance with the requirements of this Part.
- d) Utilities
All utilities, including but not limited to heat, lights, power, and communications equipment, necessary for safe operation in compliance with the requirements of this Part must be available at the facility at all times.
- e) Maintenance
The owner or operator must maintain and operate all systems and related

appurtenances and structures in a manner that facilitates proper operations in compliance with this Part.

- f) Dust Control
The owner or operator must implement methods for controlling dust so as to minimize off-site wind dispersal of particulate matter.
- g) Noise Control
The facility must be designed, constructed, and maintained to minimize the level of equipment noise audible outside the site. The facility must not cause or contribute to a violation of the Board's noise regulations or Section 24 of the Act.
- h) Fill Elevation
The owner or operator must not place CCDD used as fill *higher than the highest point of elevation existing prior to the filling immediately adjacent to the fill area.* [415 ILCS 5/3.160(b)]

BOARD NOTE: This does not prohibit non-CCDD materials, such as uncontaminated soil and other non-waste material, from being placed above grade in accordance with the Act and regulations adopted thereunder to increase elevations at the fill site.

- i) Mud Tracking
The owner or operator must implement methods to minimize tracking of mud by hauling vehicles onto public roadways.
- j) Odor and Nuisance
The fill operation must not cause foul odors or other nuisance.

Section 1100.205 Certifications and Load Checking

- a) The owner or operator must do all of the following activities and document all the activities for all CCDD and uncontaminated soil accepted for use as fill material:
 - 1) For all soil, including soil mixed with CCDD, obtain:
 - A) a certification from the source site owner or source site operator from which the soil was removed that the site is not a potentially impacted property and is presumed to be uncontaminated soil; or,
 - B) a certification from a licensed Professional Engineer or licensed Professional Geologist that the soil is uncontaminated soil.

Certifications required under this subsection must be on forms and in a format prescribed by the Agency.

- 2) Confirm and document that the CCDD or uncontaminated soil was not removed from a site as part of a cleanup or removal of contaminants, including, but not limited to, activities conducted under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended; as part of a Closure or Corrective Action under the Resource Conservation and Recovery Act, as amended, or under an Agency remediation program, such as the Leaking Underground Storage Tank Program or Site Remediation Program, but excluding sites subject to Section 58.16 of this Act where there is no presence or likely presence of a release or a substantial threat of a release of a regulated substance at, on, or from the real property.
 - 3) For all testing conducted to determine that the soil is uncontaminated, test in accordance with the requirements of Subpart F of this Part.
- a) b) The owner or operator must institute and conduct a load checking program designed to detect attempts to dispose of waste at the facility. At a minimum, the load checking program must consist of the following components:
- a) 1) Routine Inspections
 - 1A) An inspector designated by the facility must inspect every load before its acceptance at the facility utilizing an elevated structure, a designated ground level inspection area, or another acceptable method as specified in the Agency permit. In addition to a visual inspection, the inspector must use an instrument with a photo ionization detector utilizing a lamp of 10.6 eV or greater or an instrument with a flame ionization detector, or other monitoring devices approved by the Agency, to inspect each load. All instruments shall be interpreted based on the manufacturer's margin of error. Any reading in excess of background levels using any of these instruments must result in the rejection of the inspected load. In addition, any reading in excess of background levels on any monitoring device used by the Agency during an Agency inspection must result in the rejection of the inspected load.
 - 2B) Cameras or other devices may be used to record the visible contents of shipments. Where such devices are employed, their use should be designated on a sign posted near the entrance to the facility.
 - a) 2) Random Inspections

DRAFT 4-29-11

- ~~1A~~) In addition to the inspections required under subsection ~~(a)(b)(1)~~ of this Section, an inspector designated by the facility must conduct a discharge inspection of at least one randomly selected load delivered to the facility each day. The driver of the randomly selected load must be directed to discharge the load at a separate, designated location within the facility. The inspector must conduct an inspection of the discharged material that includes, but is not limited to, additional visual inspection and additional instrument testing using the instruments required under subsection ~~(a)(1)(b)(1)(A)~~ of this Section. All instruments shall be interpreted based on the manufacturer's margin of error. Any reading in excess of background levels using any of these instruments must result in the rejection of the inspected load. In addition, any reading in excess of background levels on any monitoring device used by the Agency during an Agency inspection must result in the rejection of the inspected load.
- ~~2B~~) Cameras or other devices may be used to record the visible contents of shipments. Where such devices are employed, their use should be designated on a sign posted near the entrance to the facility.

- e3) Documentation of Inspection Results
The documentation for each inspection must include, at a minimum, the following:
- 1A) The date and time of the inspection, the date the CCDD or uncontaminated soil was received, the weight or volume of the CCDD or uncontaminated soil, the name of the hauler, the name of the hauling firm, the vehicle identification number or license plate number, the source site owner and source site operator, and the ~~source of the CCDD~~location of the site of origin of the CCDD or uncontaminated soil;
 - 2B) The results of the routine inspection required under subsection ~~(a)(b)(1)~~ of this Section, including, but not limited to, the monitoring instruments used, whether the load was accepted or rejected, and for rejected loads the reason for the rejection;
 - 3C) The results of any random inspection required under subsection (b)(2) of this Section, including, but not limited to, the monitoring instruments used, whether the load was accepted or rejected, and for rejected loads the reason for the rejection; and
 - 4D) The name of the inspector.
- d4) Rejection of Loads
- 1A) If material other than CCDD or uncontaminated soil is found or suspected, the owner or operator must reject the load and present the driver of the rejected load with written notice of the following:
 - Ai) That only CCDD or uncontaminated soil is accepted for use as fill at the facility;
 - Bii) That the rejected load contains or is suspected to contain material other than CCDD or uncontaminated soil, ~~and that~~ the material is suspected to be a waste or that the material causes foul odors, that the material must not be taken to another ~~CCDD~~-fill operation and that the material must be ~~managed appropriately~~properly recycled or disposed of at a permitted landfill;
 - Eiii) That for all inspected loads the owner or operator is required to record, at a minimum, the date and time of the inspection, the weight or volume of the CCDD or uncontaminated soil, the name of the hauler, the name of the hauling firm, the vehicle identification number or

DRAFT 4-29-11

license plate number, the source site owner and source site operator, and the location of the site of origin of the fill source-of-the-fill and is required to make this information available to the Agency for inspection.

- ~~2~~B) The owner or operator must ensure the cleanup, transportation, and proper disposal of any material other than CCDD or uncontaminated soil that remains at the facility after the rejection of a load.
- e5) The owner or operator must take special precautionary measures as specified in the Agency permit prior to accepting loads from persons or sources found or suspected to be responsible for sending or transporting material other than CCDD or uncontaminated soil to the facility. The special precautionary measures may include, but are not limited to, communication with the source site owner or source site operator of the CCDD or uncontaminated soil, communication with the PE certifying pursuant to subsection (a)(1)(B) of this Section, questioning the driver about the load prior to its discharge and increased visual inspection and instrument testing of the load.
- ~~f~~6) If material other than CCDD or uncontaminated soil is discovered to be improperly accepted or deposited at the facility, the owner or operator must remove and properly dispose of the material.
- ~~g~~7) The owner or operator must ensure that all appropriate facility personnel are properly trained in the identification of material that is not CCDD or uncontaminated soil.
- ~~h~~8) All field measurement activities relative to equipment and instrument operation, calibration and maintenance and data handling shall be conducted in accordance with the following:
 - ~~1~~A) "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods" (SW-846), Vol. One, Ch. One (Quality Control), incorporated by reference at Section 1100.104 of this Part;
 - ~~2~~B) The equipment or instrument manufacturer's or vendor's published standard operating procedures; or
 - ~~3~~C) Other operating procedures specified in the Agency permit or other written Agency approval.
- i)c) Documentation required under this Section must be kept for a minimum of 3 years at the facility or in some alternative location specified in the Agency permit

or other written Agency approval. Documentation relating to an appeal, litigation or other disputed claim must be maintained until at least 3 years after the date of the final disposition of the appeal, litigation, or other disputed claim. The documentation must be available for inspection and copying by the Agency and by units of local government upon request during normal business hours.

Section 1100.206 Salvaging

- a) All salvaging operations must in no way interfere with the ~~CCDD~~-fill operation, result in a violation of this Part, or delay the construction of final cover.
- b) All salvaging operations must be performed in a safe manner in compliance with the requirements of this Part.
- c) Salvageable materials:
 - 1) May be accumulated onsite by an owner or operator, provided they are managed so as not to create a nuisance, harbor vectors, cause foul odors ~~malodors~~, or create an unsightly appearance; and
 - 2) May not be accumulated at the facility for longer than one year unless a longer period of time is allowed under the Act or is specified in the Agency permit.

Section 1100.207 Boundary Control

- a) Unauthorized vehicular access to the working face of all units and to all other areas within the boundaries of the facility must be restricted.
- b) A permanent sign must be posted at the entrance to the facility or each unit stating that only CCDD or uncontaminated soil is accepted for use as fill.

Section 1100.208 Closure

- a) Completion of Filling
 - 1) The owner or operator is deemed to have completed ~~CCDD~~-filling with CCDD or uncontaminated soil:
 - A) 30 days after the date on which the facility receives the final load of CCDD or uncontaminated soil for use as fill; or
 - B) If the facility has remaining capacity and there is a reasonable likelihood that the facility will receive additional CCDD or uncontaminated soil for use as fill, no later than one year after the most recent receipt of CCDD or uncontaminated soil for use as fill.

- 2) The Agency must grant extensions beyond the one year deadline in subsection (a)(1)(B) of this Section if the owner or operator demonstrates that:
 - A) The facility has the capacity to receive additional CCDD or uncontaminated soil for use as fill; and
 - B) The owner or operator has taken and will continue to take all steps necessary to prevent threats to human health and the environment from the facility.

b) Closure

1) Final Cover

All filled areas must be *covered by sufficient uncontaminated soil to support vegetation within 30 days of the completion of filling or must be covered by a road or structure.* [415 ILCS 5/3.160] The minimum amount of soil to support vegetation is one foot. The final surface must prevent or minimize erosion.

2) Final Slope and Stabilization

- A) The final slopes and contours must be constructed to complement and blend with the surrounding topography of the proposed final land use of the area.
- B) All drainage ways and swales must be constructed to safely pass the runoff from the 100-year, 24-hour precipitation event without scouring or erosion.
- C) The final configuration of the facility must be constructed in a manner that minimizes erosion.
- D) Standards for Vegetation
 - i) Vegetation must minimize wind and water erosion;
 - ii) Vegetation must be compatible with (i.e., grow and survive under) the local climatic conditions;
 - iii) Temporary erosion control measures, including, but not limited to, the application, alone or in combination, of mulch, straw, netting, or chemical soil stabilizers, must be undertaken while vegetation is being established.

Section 1100.209 Postclosure Maintenance

The owner or operator must conduct postclosure maintenance in accordance with this Section and the Agency permit for a minimum of one year after the Agency issues a certificate of closure in accordance with Section 1100.412 of this Part unless a shorter period of time for postclosure maintenance is specified in the Agency permit or other written Agency approval. Reasons for which the Agency may specify a shorter period of time for postclosure maintenance include, but are not limited to, conformance with existing reclamation plan requirements, zoning requirements, local ordinances, private contracts, or development plans.

- a) The owner or operator must remove all equipment or structures not necessary for the postclosure land use, unless otherwise authorized by the Agency permit or other written Agency approval.
- b) Maintenance and Inspection of the Final Cover
 - 1) Frequency of Inspections. The owner or operator must conduct a quarterly inspection of all surfaces during closure and for a minimum of one year after closure.
 - 2) All rills, gullies, and crevices 6 inches or deeper identified in the inspection must be filled. Areas identified by the owner or operator or the Agency as particularly susceptible to erosion must be recontoured.
 - 3) All eroded and scoured drainage channels must be repaired and lining material must be replaced if necessary.
 - 4) All holes and depressions created by settling must be filled and recontoured so as to prevent standing water.
 - 5) All reworked surfaces, and areas with failed or eroded vegetation in excess of 100 square feet cumulatively, must be revegetated in accordance with the approved closure plan for the facility.
- c) The Agency must approve postclosure use of the property if the owner or operator demonstrates that the disturbance of the final cover will not increase the potential threat to human health or the environment.

Section 1100.210 Recordkeeping Requirements

The owner or operator must maintain an operating record at the facility or in some alternative location specified in the Agency permit. The owner or operator must make the operating record available for inspection and copying by the Agency upon request during normal business hours. Information maintained in the operating record must include, but is not limited to, the following:

- a) Any information submitted to the Agency pursuant to this Part, including, but not limited to, copies of all permits, permit applications, and annual reports;
- b) Written procedures for load checking, load rejection notifications, and training required under Section 1100.205 of this Part.

Section 1100.211 Annual Reports

The owner or operator must submit an annual report to the Agency each calendar year by the date specified in the Agency permit. The annual report must include, at a minimum, the following information:

- a) A summary of the number of loads accepted and the number of loads rejected during the calendar year.
- b) Amount of CCDD and uncontaminated soil expected in the next year.
- c) Any modification affecting the operation of the facility.
- d) The signature of the owner or operator, or the owner or operator's duly authorized agent as specified in Section 1100.303 of this Part.
- e) Annual facility map required pursuant to Section 1100.203 of this Part.

SUBPART C: PERMIT APPLICATION INFORMATION FOR CCDD FILL OPERATIONS

Section 1100.301 Scope and Applicability

All persons seeking a permit for a CCDD fill operation must submit to the Agency an application for the permit in accordance with the Act and this Part.

Section 1100.302 Notification

The applicant must provide notification of the request for a permit to the State's Attorney and the Chairman of the County Board of the county in which the facility is located, each member of the General Assembly from legislative districts in which that facility is located, and the clerk of each municipality located within 3 miles of the facility. Proof of providing the notifications required under this Section must be included in the permit application.

Section 1100.303 Required Signatures

- a) All permit applications must contain the name, address, and telephone number of the owner and operator, and any duly authorized agents of the owner or operator to whom inquiries and correspondence should be addressed.

- b) All permit applications must be signed by the owner and operator, or by their duly authorized agents with an accompanying oath or affidavit attesting to the agent's authority to sign the application on behalf of the owner or operator. All signatures must be notarized. The following persons are considered duly authorized agents of the owner and operator:
- 1) For corporations, a principal executive officer of at least the level of vice president;
 - 2) For a sole proprietorship, the sole proprietor;
 - 3) For a partnership, a general partner;
 - 4) For a municipality, state, federal or other public agency, by the head of the agency or a ranking elected official; and
 - 5) For a member-managed limited liability company, by a member and for a manager-managed limited liability company, by a manager or member.

Section 1100.304 Site Location Map

All permit applications must contain a site location map on the most recent United States Geological Survey (USGS) quadrangle of the area from the 7½ minute series (topographic) that clearly shows the following information:

- a) The site boundaries, the facility boundaries, and all adjacent property extending at least 1000 meters (3300 feet) beyond the facility boundaries;
- b) All surface waters;
- c) All potable water supply wells within 1000 meters (3300 feet) of the facility boundaries;
- d) All potable water supply well setback zones established pursuant to Section 14.2 or 14.3 of the Act;
- e) Any wellhead protection areas pursuant to Section 1428 of the ~~Safe Drinking Water Act~~ Safe Drinking Water Act (SDWA) (42 USC 300f) and any sole source aquifer designated by the United States Environmental Protection Agency pursuant to Section 1424(e) of SDWA; and
- f) All main service corridors, transportation routes, and access roads to the site and facility.

Section 1100.305 Facility Plan Maps

The application must contain maps showing the details of the facility. The maps must have a scale no smaller than one inch equals 200 feet, have appropriate contour intervals as needed to delineate all physical features of the facility, and show the following:

- a) The entire facility, including, but not limited, to all permanent structures and roads within the facility;
- b) The boundaries, both above and below ground level, of the facility and all units included in the facility;
- c) All roads entering and exiting the facility; and
- d) Devices for controlling access to the facility.

Section 1100.306 Narrative Description of the Facility

The permit application must contain a written description of the facility with supporting documentation describing the procedures and plans that will be used at the facility to comply with the requirements of this Part. Such descriptions must include, but are not limited to, the following information:

- a) A description of the CCDD and the uncontaminated soil being used as fill and a load checking plan describing how the owner or operator will comply with Section 1100.205 of this Part;
- b) The types of CCDD and uncontaminated soil expected in each unit, an estimate of the maximum capacity of each unit, and the rate at which ~~CCDD~~ fill is to be placed in each unit;
- c) The estimated density of the CCDD and the uncontaminated soil;
- d) The length of time each unit will receive CCDD and uncontaminated soil;
- e) A description of all equipment to be used at the facility for complying with the facility permit, the Act, and Board regulations;
- f) A description of any salvaging to be conducted at the facility, including, but not limited to, a description of all salvage facilities and a description of how the owner or operator will comply with Section 1100.206 of this Part;
- g) A description of how the owner or operator will comply with the requirements of Section 1100.207 of this Part;
- h) A description of how the owner or operator will comply with Sections 1100.204(c) and (e) of this Part;

- i) A description of the methods to be used for controlling dust in compliance with Section 1100.204(f) of this Part;
- j) A description of how the owner or operator will control noise in compliance with Section 1100.204(g) of this Part; and
- k) A description of all existing and planned roads in the facility that will be used during the operation of the facility, the size and type of such roads, and the frequency with which they will be used.

Section 1100.307 Proof of Property Ownership and Certifications

The permit application must contain a certificate of ownership of the facility property and certifications regarding the provisions of Sections 39(i) and 39(i-5) of the Act. The owner and operator must ~~provide written notification to the Agency certify that the Agency will be notified~~ within 7 days after any changes in ownership.

Section 1100.308 Surface Water Control

The permit application must contain a plan for controlling surface water that demonstrates compliance with Section 1100.202 of this Part, and that includes at least the following:

- a) A copy of any approved National Pollutant Discharge Elimination System (NPDES) permit issued pursuant to 35 Ill. Adm. Code 309 to discharge runoff from all filled areas of the facility, or a copy of any such NPDES permit application if an NPDES permit is pending; and
- b) A map showing the location of all surface water control structures at the facility.

Section 1100.309 Closure Plan

The permit application must contain a written closure plan that contains, at a minimum, the following:

- a) Maps showing the configuration of the facility after closure of all units, including, but not limited to, appropriate contours as needed to show the proposed final topography after placement of the final cover for all filled areas. All maps must have a scale no smaller than one inch equals 200 feet;
- b) Steps necessary for the temporary suspension of ~~CCDD filling the fill operation~~ in accordance with Sections 1100.208(a)(1)(B) or (a)(2) of this Part;
- c) Steps necessary for closure of the facility at the end of its intended operating life;
- d) An estimate of the expected year of closure;

- e) Schedules for temporary suspension of ~~CCDD filling the fill operation~~ and closure, which must include, at a minimum, the total time required to close the facility and the time required for closure activities that will allow tracking of the progress of closure;
- f) A description of how the applicant will comply with Section 1100.208 of this Part; and
- g) A description of the final cover, including, but not limited to, the material to be used as the final cover, application and spreading techniques, the types of vegetation to be planted, and the types of roads or structures to be built pursuant to Section 1100.208 of this Part.

Section 1100.310 Postclosure Maintenance Plan

The permit application must contain a postclosure maintenance plan that includes a description of the planned uses of the property during the postclosure maintenance period and a description of the measures to be taken during the postclosure maintenance period in compliance with the requirements of Section 1100.209 of this Part.

SUBPART D: PROCEDURAL REQUIREMENTS FOR PERMITTING
CCDD FILL OPERATIONS

Section 1100.401 Purpose of Subpart

This Subpart contains the procedures to be followed by all applicants and the Agency for applications for permits for CCDD fill operations.

Section 1100.402 Delivery of Permit Application

All permit applications must be submitted on forms prescribed by the Agency, and must be mailed or delivered to the address designated by the Agency on the forms. The Agency must provide a dated, signed receipt upon request. The Agency's record of the date of filing must be deemed conclusive unless a contrary date is proved by a dated, signed receipt.

Section 1100.403 Agency Decision Deadlines

- a) *If there is no final action by the Agency within 90 days after the filing of the application for permit, the applicant may deem the permit issued. [415 ILCS 5/39]*
- b) An application for permit pursuant to this Subpart must not be deemed filed until the Agency has received all information and documentation in the form and with the content required by this Part. However, if, the Agency fails to notify the applicant within 30 days after the filing of a purported application that the application is incomplete and the reason the Agency deems it incomplete, the

application must be deemed to have been filed as of the date of such purported filing as calculated pursuant to Section 1100.402 of this Part. The applicant may treat the Agency's notification that an application is incomplete as a denial of the application for the purposes of review pursuant to Section 1100.406 of this Part.

- c) The applicant may waive the right to a final decision in writing prior to the applicable deadline in subsection (a) of this Section.
- d) The applicant may modify a permit application at any time prior to the Agency decision deadline date. Any modification of a permit application must constitute a new application for the purposes of calculating the Agency decision deadline date.
- e) The Agency must mail all notices of final action by registered or certified mail, postmarked with a date stamp and accompanied by a return receipt request. Final action must be deemed to have taken place on the date that such final action is signed.

Section 1100.404 Standards for Issuance of a Permit

- a) *The Agency must issue a permit upon proof that the facility, unit, or equipment will not cause a violation of the Act or of Board regulations set forth in 35 Ill. Adm. Code: Chapter I. [415 ILCS 5/39]*
- b) *In granting permits, the Agency must impose such conditions as may be necessary to accomplish the purposes of the Act, and as are not inconsistent with Board regulations set forth in 35 Ill. Adm. Code: Chapter I. [415 ILCS 5/39]*

Section 1100.405 Standards for Denial of a Permit

If the Agency denies any permit under this Part, the Agency must transmit to the applicant within the time limitations of this Part specific, detailed statements as to the reasons the permit application was denied. Such a statement must include, but not be limited to, the following:

- a) *the Sections of the Act which may be violated if the permit were granted;*
- b) *the provisions of the regulations, promulgated under the Act, which may be violated if the permit were granted;*
- c) *the specific type of information, if any, which the Agency deems the applicant did not provide the Agency; and*
- d) *a statement of specific reasons why the Act and the regulations might not be met if the permit were granted. [415 ILCS 5/39].*

Section 1100.406 Permit Appeals

If the Agency refuses to grant or grants with conditions a permit under Section 39 of this Act, the applicant may, within 35 days after the date on which the Agency served its decision on the applicant, petition for a hearing before the Board to contest the decision of the Agency [415 ILCS 5/40(a)(1)]. The petition must be filed, and the proceeding conducted, pursuant to the procedures of Section 40 of the Act and Board rules at 35 Ill. Adm. Code 101 and 105.

Section 1100.407 Permit No Defense

The issuance and possession of a permit does not constitute a defense to a violation of the Act or any Board rules, except for the use of CCDD as fill material in a current or former quarry, mine, or other excavation without a permit.

Section 1100.408 Term of Permit

- a) Permits issued under this Part must not have a term of more than 10 years.
- b) All permits are valid until postclosure maintenance is completed or until the permit expires or is revoked, as provided in this Part.
- c) The violation of any permit condition or the failure to comply with any provision of this Part is grounds for sanctions as provided in the Act, including, but not limited to, permit revocation. Such sanctions must be sought by filing a complaint with the Board pursuant to Title VIII of the Act (415 ILCS 5/Title VIII).

Section 1100.409 Transfer of Permits

No permit is transferable from one person to another except as approved by the Agency. Approval must be granted only if a new owner or operator who is seeking transfer of a permit can demonstrate the ability to comply with all applicable requirements of this Part.

Section 1100.410 Procedures for the Modification of Permits

- a) Owner or Operator Initiated Modification.

A modification to an approved permit may be initiated at the request of an owner or operator at any time after the permit is approved. The owner or operator initiates a modification by application to the Agency.
- b) Agency Initiated Modification.
 - 1) The Agency may modify a permit under the following conditions:
 - A) Discovery of a typographical or calculation error;

- B) Discovery that a determination or condition was based upon false or misleading information;
 - C) An order of the Board issued in an action brought pursuant to Title VIII, IX or X of the Act; or
 - D) Promulgation of new statutes or regulations affecting the permit.
- 2) Modifications initiated by the Agency will not become effective until 45 days after receipt by the owner or operator, unless stayed during the pendency of an appeal to the Board. All other time periods and procedures in Section 1100.403 of this Part apply. The owner or operator may request the Agency to reconsider the modification, or may file a petition with the Board pursuant to Section 1100.406 of this Part. All other time periods and procedures in Section 1100.403 of this Part apply.

Section 1100.411 Procedures for the Renewal of Permits

a) Time of Filing

An application for the renewal of a permit must be filed with the Agency at least 90 days prior to the expiration date of the existing permit.

b) Effect of Timely Filing

When a permittee has made timely and sufficient application for the renewal of a permit, the existing permit must continue in full force and effect until the final Agency decision on the application has been made and any final Board decision on any appeal pursuant to Section 40 has been made unless a later date is fixed by order of a reviewing court. (See Section 10-65 of the Illinois Administrative Procedure Act [5 ILCS 100/10-65].)

c) Information Required for Permit Renewal

The owner or operator must submit only the information required under Subpart C of this Part that has changed since the last permit review by the Agency. The application for renewal must be signed in accordance with the signature requirements of Section 1100.303 of this Part.

d) Procedures for Permit Renewal

Applications for permit renewal are subject to all requirements and time schedules in Sections 1100.402 through 1100.409 of this Part.

Section 1100.412 Procedures for Closure and Postclosure Maintenance

a) Notification of ~~Closure Receipt of Final Volume~~

~~The owner or operator must provide written notification of closure to the Agency within 30 days after the date the owner or operator is deemed to have completed filling under subsection (a) of Section 1100.208 of this Part. Within 30 days after the date the final volume of CCDD is received, the owner or operator must notify the Agency in writing of the receipt of the final volume of CCDD.~~

b) Certification of Closure

- 1) When the closure of the facility is complete, the owner or operator must submit to the Agency:
 - A) Documentation concerning closure of the facility, including, but not limited to, plans or diagrams of the facility as closed and the date closure was completed.
 - B) An affidavit by the owner or operator and the seal of a professional engineer that the facility has been closed in accordance with the closure plan and the closure requirements of this Part.
- 2) When the Agency determines, pursuant to the information received pursuant to subsection (b)(1) of this Section and any Agency site inspection, that the facility has been closed in accordance with the specifications of the closure plan and the closure requirements of this Part, the Agency must:
 - A) Issue a certificate of closure; and
 - B) Specify the date the postclosure maintenance period begins, based on the date closure was completed.

c) Termination of the Permit

- 1) At the end of the postclosure maintenance period, the owner or operator may submit to the Agency an application for termination of the permit. The application must be submitted in a format prescribed by the Agency and must include, at a minimum, the certification of a professional engineer and the affidavit of the owner or operator demonstrating that, due to compliance with the postclosure maintenance plan and the postclosure maintenance requirements of this Part, postclosure maintenance is no longer necessary because:
 - A) Vegetation has been established on all nonpaved areas;

- B) The surface has stabilized sufficiently with respect to settling and erosion so that further stabilization measures, pursuant to the postclosure maintenance plan, are no longer necessary;
- C) The owner or operator has completed all requirements of the postclosure maintenance plan; and

D) Based on the groundwater monitoring program required under Subpart G of this Part, the fill operation has not contributed to an exceedance of the Class I groundwater quality standards during the preceding three years under representative groundwater conditions.

BOARD NOTE: Subsection (c)(1)(D) is applicable one year from the effective date of amendments establishing a groundwater monitoring program under Subpart G of this Part.

- 2) Within 90 days after receiving the certification required by subsection (c)(1) of this Section, the Agency must notify the owner or operator in writing that the permit is terminated, unless the Agency determines, pursuant to the information received pursuant to subsection (c)(1) of this Section and any Agency site inspection, that continued postclosure maintenance is required pursuant to the postclosure maintenance plan and this Part.
- 3) For purposes of appeal pursuant to Section 40(d) of the Act and the appeal provisions of this Part, Agency action pursuant to subsection (c)(2) of this Section is deemed a denial or grant of permit with conditions.

SUBPART E: UNCONTAMINATED SOIL FILL OPERATIONS

Section 1100.501 Prohibitions

- a) No person shall conduct any uncontaminated soil fill operation in violation of the Act or any regulations or standards adopted by the Board.
- b) No person shall use soil other than uncontaminated soil as fill material at an uncontaminated soil fill operation. [415 ILCS 5/22.51a(b)].
- c) Uncontaminated soil fill operations must not accept waste for use as fill.
- d) Uncontaminated soil fill operations must not accept CCDD for use as fill.
- e) Uncontaminated soil fill operations must not be located inside a setback zone of a potable water supply well.

Section 1100.502 Operating Standards

Uncontaminated soil fill operations are subject to all of the standards and requirements of Sections 1100.202 through 1100.209 of Subpart B of this Part, excluding Section 1100.203.

Section 1100.503 Recordkeeping Requirements

The owner or operator must maintain an operating record at the facility or in some alternative location approved by the Agency. The owner or operator must make the operating record available for inspection and copying by the Agency upon request during normal business hours. Information maintained in the operating record must include, but is not limited to, the following:

- a) Any information submitted to the Agency pursuant to this Part;
- b) Written procedures for load checking, load rejection notifications, and training required under Section 1100.205 of this Part;
- c) A site location map as described under Section 1100.304 of Subpart C of this Part.
- d) A facility plan map as described under Section 1100.305 of Subpart C of this Part.
- e) A narrative description of the facility as described under Section 1100.306 of Subpart C of this Part.
- f) Proof of property ownership. The owner and operator must notify the Agency within 7 days after any changes in ownership.
- g) A surface water control plan as described under Section 1100.308 of Subpart C of this Part.
- h) A closure plan and postclosure maintenance plan as described under Sections 1100.309 and 1100.310 of Subpart C of this Part.

Section 1100.504 Registration

Owners and operators of uncontaminated soil fill operations must register the fill operations with the Agency.

- a) The uncontaminated soil fill operation must be registered with the Agency prior to receipt of any uncontaminated soil.*
- b) Registrations must be submitted on forms and in a format prescribed by the Agency. [415 ILCS 5/22.51a(c)]*

Section 1100.505 Required Signatures

- a) All registrations must contain the name, address, and telephone number of the owner and operator, and any duly authorized agents of the owner or operator to whom inquiries and correspondence should be addressed.
- b) All registration applications must be signed by the owner and operator or by their duly authorized agents with an accompanying oath or affidavit attesting to the agent's authority to sign the application on behalf of the owner or operator. The following persons are considered duly authorized agents of the owner and operator:
 - 1) For corporations, a principal executive officer of at least the level of vice president;
 - 2) For a sole proprietorship, the sole proprietor;
 - 3) For a partnership, a general partner;
 - 4) For a municipality, state, federal or other public agency, by the head of the agency or a ranking elected official; and
 - 5) For a member-managed limited liability company, by a member and for a manager-managed limited liability company, by a manager or member.

Section 1100.506 Procedures for Closure

- a) The owner or operator must provide written notification to the Agency within 30 days after the owner or operator begins closure in accordance with the closure plan and the closure requirements of this Part.
- b) When the closure of the facility is complete, the owner or operator must submit to the Agency:
 - 1) Documentation concerning closure of the facility, including, but not limited to, plans or diagrams of the facility as closed and the date closure was completed.
 - 2) An affidavit by the owner or operator and the seal of a professional engineer that the facility has been closed in accordance with the closure plan and the closure requirements of this Part.

Section 1100.507 Termination of Postclosure Maintenance

At the end of the postclosure maintenance period, the owner or operator must submit a certification by a professional engineer and an affidavit by the owner or operator demonstrating that, due to compliance with the postclosure maintenance plan and the postclosure maintenance requirements of this Part, postclosure maintenance is no longer necessary because:

- a) Vegetation has been established on all nonpaved areas;
- b) The surface has stabilized sufficiently with respect to settling and erosion so that further stabilization measures, pursuant to the postclosure maintenance plan, are no longer necessary;
- c) The owner or operator has completed all requirements of the postclosure maintenance plan; and
- d) Based on the groundwater monitoring program required under Subpart G of this Part, the fill operation has not contributed to an exceedance of the Class I groundwater quality standards during the preceding three years under representative groundwater conditions.

BOARD NOTE: Subsection (d) is applicable one year from the effective date of amendments establishing a groundwater monitoring program under Subpart G of this Part.

SUBPART F: STANDARDS FOR UNCONTAMINATED SOIL USED AS FILL MATERIAL
AT FILL OPERATIONS REGULATED BY THIS PART

Section 1100.601 Purpose and Applicability

- a) The purpose of this Subpart F is to establish standards for soils that are uncontaminated for purposes of this Part.
- b) This Subpart F applies only to soil that is:
 - 1) Generated during construction, remodeling, repair, or demolition of utilities, structures and roads as provided in Section 3.160 of the Act (415 ILCS 5/3.160); and
 - 2) Used as fill material at Clean Construction or Demolition Debris Fill Operations or Uncontaminated Soil Fill Operations as provided at Sections 22.51 and 22.51a of the Act (415 ILCS 5/22.51, 22.51a) and in this Part 1100.
- c) Soil that is generated during construction, remodeling, repair, or demolition of utilities, structures and roads and commingled with CCDD must satisfy the standards for maximum allowable concentrations of chemical constituents in

uncontaminated soil as set forth in this Subpart F if used as fill material at CCDD Fill Operations pursuant to Section 22.51 of the Act.

d) Soil or materials to which this Subpart F does not apply include, but are not limited to:

1) Soil that must be managed as hazardous waste;

2) Soil that has at any time been treated or diluted to reduce contaminant concentrations except for soil that has been physically separated from construction or demolition debris at the site where the soil was generated or at a site authorized by applicable law to perform such separation; and

3) Soil that has been removed from a site as part of cleanup or removal of contaminants, including, but not limited to, activities conducted under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended; as part of a closure of corrective action under the Resource Conservation and Recovery Act, as amended; or under an Agency remediation program, such as the leaking Underground Storage Tank Program or Site Remediation Program, but excluding sites subject to Section 58.16 of [the] Act (415 ILCS 5/58.16) where there is no presence or likely presence of a release or a substantial threat of a release of a regulated substance at, on or from the real property and excluding soil that is uncontaminated and does not require excavation or treatment as part of the cleanup or removal of contaminants. [415 ILCS 5/22.51(f)(2)(C)]

Section 1100.602 Maximum Allowable Concentrations for Chemical Constituents in Uncontaminated Soils

a) Except as provided in subsection (b) of this Section, the maximum allowable concentrations for chemical constituents in uncontaminated soil must be determined pursuant to subsections (a)(1) through (a)(5) of this Section.

1) The maximum allowable concentration for a chemical constituent in uncontaminated soil will be the lowest Tier 1 chemical-specific soil value of the exposure routes for residential and construction worker receptors set forth in 35 Ill. Adm. Code 742.Appendix B, Tables A and B (e.g., soil ingestion exposure route, outdoor inhalation exposure route, soil component of the groundwater ingestion exposure route). Before making the comparison among exposure routes to determine the lowest value for ionizing organic chemical constituents and inorganic chemical constituents, the requirements of subsections (a)(2) and (a)(3) of this Section must be satisfied, as applicable.

- 2) For ionizing organic constituents, the lowest pH-dependent value for the soil component of the Class I groundwater ingestion exposure route in 35 Ill. Adm. Code 742.Appendix B, Table C must be substituted for the pH-neutral value provided for the soil component of the Class I groundwater ingestion exposure route in Appendix B, Table A before determining the lowest Tier 1 chemical-specific soil value pursuant to subsection (a)(1) of this Section.
 - 3) For inorganic constituents, the remediation objectives for the soil component of the Class I groundwater ingestion exposure route in Appendix B, Tables A and B are based on the contaminant concentration resulting from an extraction test and are not directly comparable to the remediation objectives provided for the ingestion and inhalation exposure routes, which are based on total concentrations. The following values, based on total concentrations, must be substituted for the extraction test values in Table A before determining the lowest Tier 1 chemical-specific soil value pursuant to subsection (a)(1) of this Section:
 - A) The lowest chemical-specific, pH-dependent values in Appendix B, Table C; or
 - B) For inorganic constituents that are listed in Appendix B, Table A but not in Appendix B, Table C, the extraction test values for the soil component of the groundwater ingestion exposure route in Appendix B, Table A may be multiplied by twenty (i.e., 20 liters/kilogram, the liquid to solid ratio in the extraction test assuming complete constituent leaching) to enable direct comparison with the ingestion and inhalation exposure route values. The resulting value must be substituted for the extraction test value before determining the lowest Tier 1 chemical-specific soil value pursuant to subsection (a)(1) of this Section.
 - 4) If the lowest Tier 1 soil value for a chemical is less than the Acceptable Detection Limit (ADL), the ADL will serve as the lowest soil value.
 - 5) The total concentration of organic contaminants may not exceed the attenuation capacity of the soil as determined in accordance with 35 Ill. Adm. Code 742.215.
- b) Background concentrations as maximum allowable concentrations:
- 1) Except as provided in subsection (b)(2) below, the most stringent chemical-specific background concentrations from 35 Ill. Adm. Code 742.Appendix A, Tables G and H may be used as the maximum allowable concentrations if the most stringent exposure route value for the chemical constituent as determined pursuant to subsection (a) of this Section is

lower than the chemical's most stringent background value listed in Tables G or H.

- 2) Except for benzo(a)pyrene, background concentrations may not be used as the maximum allowable concentration for carcinogenic chemical constituents if exposure to the background concentration exceeds an excess upper-bound lifetime risk of 1 in 1,000,000. For benzo(a)pyrene, the applicable location-based background concentration set forth in Table H may be used as the maximum allowable concentration based on the location of the fill operation where the soil is placed.
- c) For chemicals not listed in 35 Ill. Adm. Code 742.Appendix B, Tables A, B, or C, the values may be obtained from the Agency by making a request for chemical-specific values.
 - 1) The Agency will develop these objectives based upon the United States Environmental Protection Agency's (USEPA) toxicity value hierarchy as specified in OSWER Directive 9285.7-53, incorporated by reference at Section 1105.115 of this Part. USEPA's Integrated Risk Management System (IRIS), incorporated by reference at Section 1100.104 of this Part, is the first tier of this hierarchy.
 - 2) Calculation of the maximum allowable concentrations must use the applicable risk-based soil screening level equations from 35 Ill. Adm. Code 742.Appendix C, Table A. Default exposure durations and contact rates from 35 Ill. Adm. Code 742.Appendix C, Table B must be used in making these calculations.
- d) Other provisions of 35 Ill. Adm. Code 742 (e.g., institutional controls, engineered barriers, exposure route exclusions, site-specific evaluations, local area background calculations) may not be used to exclude or otherwise alter exposure routes or exposure route values for the purpose of determining the maximum allowable concentrations.

Section 1100.603 Compliance Evaluation; Performance and Documentation of Soil Sampling and Chemical Analysis

- a) For purposes of this Subpart F, the chemical constituents to be evaluated, if any, and the soil sample points must be determined on a site-specific basis by the professional engineer or professional geologist.
- b) If soil sampling and analysis are used to evaluate compliance with the maximum allowable concentrations for chemical constituents in uncontaminated soils, compliance generally must be determined by comparing total soil concentrations from the laboratory reports with the maximum allowable concentrations as determined pursuant to Section 1100.602 of this Part. The following procedures

will be required, as applicable, when making the comparisons for ionizing organic constituents and inorganic constituents:

- 1) If the background value from 35 Ill. Adm. Code 742.Appendix A, Tables G or H was determined to be the maximum allowable concentration for an ionizing organic constituent or an inorganic constituent, a direct comparison of that value with the total soil concentration from the laboratory report must be used to evaluate compliance.
 - 2) For ionizing organic constituents, if, as determined pursuant to Section 1100.602 of this Part, the lowest Tier 1 chemical-specific soil value is for the soil component of the Class I groundwater ingestion exposure route, the total soil concentration from the laboratory report must be compared with the lowest corresponding pH-dependent value in 35 Ill. Adm. Code 742.Appendix B, Table C.
 - 3) For inorganic constituents, if, as determined pursuant to Section 1100.602 of this Part, the lowest Tier 1 chemical-specific soil value is for the soil component of the Class I groundwater ingestion exposure route, compliance must be evaluated by comparing the total soil concentration from the laboratory report using the following methods:
 - A) Total soil concentrations from the laboratory report must be compared with the lowest chemical-specific, pH-dependent value for the soil component of the Class I groundwater ingestion exposure route in Appendix B, Table C; or
 - B) For inorganic chemical constituents that are listed in Appendix B, Table A but not in Appendix B, Table C, the total soil concentrations from the laboratory report must be compared with the product of the extraction test values for the soil component of the Class I groundwater ingestion exposure route in Appendix B, Table A multiplied by twenty (20) to convert to total soil concentration values; or
 - C) As an alternative to subsections (a)(3)(A) and (a)(3)(B) of this Section, concentrations in the extract from the TCLP or SPLP analytical extraction test in accordance with Methods 1311 and 1312, respectively, in SW-846 may be compared with the chemical-specific extraction test values for the Class I soil component of the groundwater ingestion exposure route in Appendix B, Table A.
- c) Chemical analysis of soil samples conducted under this Subpart F must be conducted in accordance with the requirements of 35 Ill. Adm. Code 742 . . . and

"Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods," USEPA Publication No. SW-846, incorporated by reference at Section 1100.104 of this Part (SW-846). [415 ILCS 5/22.51(f)(3)] All quantitative analyses of samples utilizing any of the approved test methods identified in 35 Ill. Adm. Code 186.180 shall be completed by an accredited laboratory in accordance with the requirements of 35 Ill. Adm. Code 186.

d) Documentation of any chemical analysis must include, but is not limited to:

- 1) Chain of custody control;
- 2) A copy of the lab analysis;
- 3) Accreditation status of the laboratory performing the analysis; and
- 4) Certification by an authorized agent of the laboratory that the analysis has been performed in accordance with the Agency's rules for the accreditation of environmental laboratories and the scope of the accreditation. [415 ILCS 5/22.51(f)(2)(D)]

Section 1100.604 Waste and Materials Other Than Chemical Constituents in Soils

For purposes of this Part:

- a) Uncontaminated soil may include incidental amounts of stone, clay, rock, sand, gravel, roots, and other vegetation.
- b) Except as provided in subsection (a) of this Section, soil containing waste or other materials or exceeding the standards for chemical constituents in uncontaminated soil is not uncontaminated soil and must be managed in accordance with applicable provisions of the Act and implementing rules.
 - 1) Soil satisfying the standards for chemical constituents in uncontaminated soil but that is commingled with general construction or demolition debris is general construction or demolition debris and must be managed as such in accordance with applicable provisions of the Act and implementing rules. [415 ILCS 5/3.160(a)]
 - 2) Soil satisfying the standards for chemical constituents in uncontaminated soil but that is commingled with clean construction or demolition debris is clean construction or demolition debris and must be managed as such in accordance with applicable provisions of the Act and implementing rules. [415 ILCS 5/3.160(b)]

SUBPART G: GROUNDWATER MONITORING

Section 1100.700 Purpose and Applicability

This Subpart contains the procedures of groundwater monitoring to be followed by all owners and operators of CCDD fill operations required to be permitted by Section 22.51 of the Act and by all owners and operators of uncontaminated soil fill operations required to be registered by Section 22.51a of the Act.

Section 1100.705 Recordkeeping

Documentation required by this Subpart must be kept at the facility or in some alternative location approved by the Agency until postclosure care is terminated in accordance with Section 1100.412 or Section 1100.507 of this Part. Documentation relating to an appeal, litigation or other disputed claim must be maintained until at least 3 years after the date of the final disposition of the appeal, litigation, or other disputed claim. The owner or operator must make the documents available for inspection and copying by the Agency and by units of local government upon request during normal business hours.

Section 1100.710 Professional Engineer Supervision

All systems, programs, plans and reports designed or prepared to comply with this Subpart must be designed or prepared under the supervision of a professional engineer. The professional engineer must affix to all designs, plans and reports the name of the engineer, date of preparation, registration number, professional seal, and a statement attesting to the accuracy of the information.

Section 1100.715 Compliance Period

The compliance period is the active life of the fill operation, including the closure and post-closure care periods specified in Subpart B and Subpart E of this Part.

- a) The active life begins when the fill operation first begins operation or one year after the effective date of this Subpart whichever occurs later.
- b) The active life ends when the post-closure care period ends or until compliance is achieved, whichever occurs later.

Section 1100.720 Compliance with Groundwater Quality Standards

The owner or operator must ensure that the fill operation does not cause an exceedence of the Class I groundwater quality standards at 35 Ill. Adm. Code 620.410. For purposes of the groundwater monitoring required under this Part, the Class I groundwater quality standards shall apply to all fill sites.

- a) The owner or operator must install a groundwater monitoring system in accordance with Section 1100.725 of this Part.
- b) During the compliance period as defined in Section 1100.715, the owner or operator must measure compliance with the Class I groundwater quality standards at the compliance point, or compliance points if more than one such point exists.
- c) The compliance point(s) for each fill operation must be situated within the compliance boundary, must be representative of conditions at the fill operation, and must be determined as part of the design and development of the groundwater monitoring system required pursuant to this Part.

Section 1100.725 Groundwater Monitoring System

- a) A groundwater monitoring system must be installed in order to monitor groundwater conditions at the fill operation. The groundwater monitoring system must consist of a sufficient number of wells, installed at appropriate locations and depths, to yield:
 - 1) Groundwater samples that represent the quality of background water that has not been affected by constituents from the fill operation or unit; and
 - 2) Groundwater samples that represent the quality of groundwater that is downgradient from the fill operation or unit with respect to groundwater flow, not excluding the downward direction, and that may be affected by constituents from the fill operation or unit.
- b) If the fill operation contains more than one unit, separate groundwater monitoring systems are not required for each unit, provided that provisions for sampling the groundwater will enable detection and measurement of constituents that have entered the groundwater from all units.
- c) At a minimum, all monitoring well construction must satisfy the following requirements:
 - 1) Construction must be done in a manner that will enable the collection of groundwater samples;
 - 2) Casings and screens must be made from durable material that is resistant to expected chemical or physical degradation and that does not interfere with the quality of groundwater samples being collected; and
 - 3) The annular space opposite the screened section of the well (i.e., the space between the bore hole and well screen) must be filled with gravel or sand if

necessary to collect groundwater samples. The annular space above and below the well screen must be sealed to prevent migration of water from overlying adjacent formations and the surface to the sampled depth.

- d) Monitoring wells designed and constructed as part of the monitoring program shall be maintained along with records that include, but are not limited to, exact well location, well size, type of well, the design and construction practice used in its installation and well and screen depths. Monitoring well construction diagrams must be completed and maintained for each monitoring well on forms prescribed and provided by the Agency.
- e) Monitoring wells that are no longer necessary to the operation of the site must be sealed in accordance with 77 Ill. Adm. Code 920.120.

Section 1100.730 Groundwater Monitoring Program

The owner or operator must develop a groundwater monitoring program that consists of:

- a) Sampling and analysis procedures to ensure monitoring results that provide a reliable indication of groundwater quality at the site. At a minimum the program must include procedures and techniques for:
 - 1) Sample collection;
 - 2) Sample preservation and shipment;
 - 3) Analytical procedures; and
 - 4) Chain of custody control.
- b) Sampling and analytical methods that are appropriate for groundwater monitoring and that allow for detection and quantification of monitoring parameters specified in Section 1100.735, and that are consistent with the sampling and analytical methods specified in 35 Ill. Adm. Code 620.
- c) A determination of the groundwater head elevation each time groundwater is sampled.
- d) A determination at least annually of the groundwater flow rate and direction.
- e) If the owner or operator determines that the groundwater monitoring program no longer satisfies the requirements of this Section, the owner or operator must, within 90 days, make appropriate changes to the program. Conditions under which a groundwater monitoring program no longer satisfies the requirements of this Section include, but are not limited to, a determination that groundwater flow

conditions, conducted pursuant to subsection (d), have changed a well(s) upgradient /downgradient status.

Section 1100.735 Monitoring Parameters

The owner or operator must monitor for all parameters for which there is a Class I groundwater quality standard at 35 Ill. Adm. Code 620.410.

Section 1100.740 Sampling Frequency

At least annually during the compliance period the owner or operator must collect samples from all wells, determine whether Class I groundwater quality standards have been exceeded, and maintain a report of the results.

Section 1100.745 Non-Compliance Response Program

If monitoring results collected pursuant to Sections 1100.735 and 1100.740 show that a Class I groundwater quality standard has been exceeded, the owner or operator must:

- a) Within 60 days of the date the groundwater sample was collected, notify the Agency in writing of the exceedance. The notification must indicate which Class I groundwater quality standards have been exceeded, include the analytical results showing the exceedance, and identify the groundwater monitoring well where the exceedance has occurred.
- b) Within 60 days of the date the groundwater sample was collected, resample the groundwater in all monitoring wells where a Class I groundwater quality standard has been exceeded and measure the concentration of each parameter required pursuant to Section 1100.735 unless the owner or operator makes a demonstration pursuant to Section 1100.750. A report of the results should be prepared and submitted to the Agency within 60 days of the date of the resampling.
- c) Prepare a corrective action program designed to achieve the requirements of Section 1100.755. This plan must be submitted to the Agency in writing within 120 days of the date on which the resampling results were submitted to the Agency pursuant to subsection (b), unless:
 - 1) None of the parameters identified under subsection (b) exceed the Class I groundwater quality standards; or
 - 2) The owner or operator makes a demonstration pursuant to Section 1100.750.

- d) Begin implementation of the corrective action program specified in subsection (c) within 120 days of the date on which the resampling results were submitted to the Agency pursuant to subsection (b), unless:
 - 1) None of the parameters identified under subsection (b) exceed the Class I groundwater quality standards; or
 - 2) The owner or operator makes a demonstration pursuant to Section 1100.750.

Section 1100.750 Alternate Non-Compliance Response Program

If the groundwater sampling required pursuant to Section 1100.740 shows that a Class I groundwater quality standard has been exceeded, it is presumed that contamination from the facility or unit that is being monitored is responsible for the standard being exceeded. The owner or operator may overcome that presumption by demonstrating that a source other than the facility or unit that is being monitored caused the exceedance or that the exceedance resulted from error in sampling, analysis or evaluation. In making such demonstration the owner or operator must:

- a) Notify the Agency in writing that the owner or operator intends to make a demonstration under this Section within 60 days of the date on which the Agency was notified in writing of the exceedance pursuant to Section 1100.745(a);
- b) Submit a report to the Agency that demonstrates that a source other than the facility or unit that is being monitored caused the Class I groundwater quality standard to be exceeded, or that the Class I groundwater quality standard was exceeded due to an error in sampling, analysis or evaluation. The report must be submitted to the Agency in writing within 180 days of the date on which the Agency was notified in writing of the exceedance pursuant to Section 1100.745(a); and
- c) Continue to monitor in accordance with the groundwater monitoring program established pursuant to Sections 1100.730, 1100.735 and 1100.740.

Section 1100.755 Corrective Action Program

Owners and operators required to conduct a corrective action program pursuant to this Subpart must:

- a) Begin corrective action pursuant to Section 1100.745(d) within 120 days of the date on which the resampling results were submitted to the Agency pursuant to Section 1100.745(b);
- b) Take corrective action that results in a demonstration that the fill operation does not contribute to an exceedance of the Class I groundwater quality standards at the compliance point(s).

- c) Establish and implement a groundwater monitoring program to demonstrate the effectiveness of the corrective action program, including, but not limited to, quarterly groundwater sampling and analysis;
- d) Take corrective action that achieves compliance with 35 Ill. Adm. Code 620 beyond the fill operation's property boundary unless the owner or operator is unable to obtain access to the off-site property to undertake such action. The inability to obtain access to take corrective action beyond the fill operation's property boundary does not relieve the owner or operator of liability for corrective action required beyond the fill operation's property boundary to achieve compliance with 35 Ill. Adm. Code 620;
- e) Continue corrective action measures until the owner or operator can demonstrate to the Agency, based on data from the groundwater monitoring program under subsection (b), that for a period of three consecutive years the fill operation has not caused an exceedance of the Class I groundwater quality standards;
- f) Report in writing to the Agency on the effectiveness of the corrective action program. The owner or operator must submit these reports semi-annually beginning 90 days after corrective action commences pursuant to Section 1100.745(d); and
- g) If the owner or operator of the fill operation determines that the corrective action program no longer satisfies the requirements of this Section, the owner or operator must, within 90 days, make appropriate changes to the program and report the changes to the Agency.