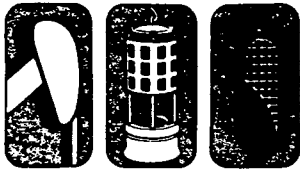


# ILLINOIS DEPARTMENT OF MINES AND MINERALS

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Director



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## LAND RECLAMATION DIVISION MEMORANDUM 90-5

TO: All Coal Operators

FROM: Paul J. Ehret, Supervisor  
Land Reclamation Division *Paul J. Ehret*

DATE: April 16, 1990

RE: Coal Combustion Ash Disposal

As of September 1, 1989, coal mine operators who wish to dispose of fly ash, bottom ash or any such ash from flue gas desulfurization by-products generated by fluid bed combustion units must either obtain a permit from the IEPA; or, make a demonstration for approval to IEPA Mine Pollution Control Program, prior to the proposal being approved by IDMM-LRD. Proposals may be submitted to IEPA, then forwarded to IDMM-LRD, or submitted simultaneously. In any case, IEPA approval of the demonstration is necessary before disposal can proceed on coal mines. Ash disposal proposals may be submitted as either significant or insignificant revisions as determined by the IDMM-LRD. The determination whether the revision is significant or insignificant will be dependent on site location, disposal method, ash toxicity and volumes, and area hydrology.

Guidelines for approval by IEPA for disposal will be issued in a separate memorandum by the Mine Waste Program. The guidelines that will be required for review and approval by LRD will be as follows:

## Characterization of Ash

1. EP Toxicity Test - A chemical analyses of the leachate or extract produced from a mixture of 200 grams of ash mixed with 3200 milliliters of deionized water over a 24 hour period. The analysis is performed for the following suite of constituents:

- ✓Arsenic     ✓Lead
- ✓Barium     ✓Mercury
- ✓Cadmium    ✓Selenium
- ✓Chromium   ✓Silver
- ✓(pH may be included)

2. Shake Test - A chemical analyses of the leachate or extract produced from a slurry composed of distilled water at a ratio of four liquid to one solid which is shaken for a period of 48 hours. The leachate should be analyzed for:

- ✓pH            ✓Iron            ✓Sulfate
- ✓Boron        ✓Manganese      ✓TDS
- ✓Chlorides    ✓Molybdenum    ✓Total Organic Carbon
- ✓Flouride     ✓Sodium         ✓Zinc

3. Acid/Base Accounting - The following should be measured:

- ✓Paste pH
- ✓Potential acidity
- ✓Neutralization potential
- Net neutralization potential

4. Additional testing - Tests either to be run on the dry ash, or which cannot be derived from the above testing measures:

- pH
- ✓Cyanide (reactive)
- ✓Phenols (total)

- ✓5. Each ash source shall be identified, and analyzed.
6. If more than one ash source is used, the above analyses should be conducted on the ash combination(s) if the ashes are to be mixed in disposal. Equal ratios should be used.

7. If ash is to be disposed with coal refuse, the above analyses should be conducted on the ash(es)/refuse combination(s). Equal ratios should be used.
8. Sampling and testing should be done quarterly on each source which was approved, to establish chemical variability. Sampling frequency may later be reduced, based on the consistency of the analyses.
9. Any new source of ash, must be identified and approved, and is subject to the guidelines as stated above, and below.

#### Characterization of Site and Specific Plans for Disposal

The disposal of ash should be designed to minimize any adverse impacts to the environment. Information to be submitted for that determination should include:

1. Description of area hydrology and geology, including the presence of aquifers, permeability of natural materials and whether natural buffers or liners exist. Previous information may be referenced. Also include, maps, plans and cross sections which show the extent of the disposal area, including the expected rate and direction of groundwater movement in the vicinity of the disposal area.
2. Volume in cubic yards of ash to be disposed over the operation and ratio to total waste disposed.
3. Disposal methods should be described, specifically addressing compaction for stability and reduction of infiltration, and plans for dust control.
4. If any disposal precautions or special conditions are to be employed, the operator should describe such activities, including the proposed use of liners and/or caps to prevent or reduce infiltration with more toxic refuse (ie., refuse with toxic constituents 10 times greater than the drinking water standard), or plans to dispose of ash and refuse in alternating lifts to achieve neutrality, or plans for underground disposal in abandoned workings.

### Water Monitoring

Water monitoring programs will be dependent on site specific conditions. Ground water should be monitored at both upgradient and downgradient locations with at least one monitoring well in the expected path of leachate migration. In addition to the permitted monitoring requirements, sampling for Boron and other trace constituents, which may include Arsenic, Barium, Cadmium, Chlorides, Chromium, Sodium, Mercury, Lead, Selenium, and other constituents as necessary. Sampling for ash constituents will be made annually, or with more frequency depending on site conditions, as determined by the Department.



MEMORANDUM

RECEIVED  
SPRINGFIELD

APR 13 1990

DATE: April 13, 1990  
TO: Illinois Coal Companies and Consultants  
FROM: Illinois EPA - Mine Pollution Control Program  
SUBJECT: Disposal of coal combustion waste at coal mines under Section 21(s) of The Environmental Protection Act

DEPT. OF MINES AND MINERALS  
LAND RECLAMATION DIV.

The recent change to the Environmental Protection Act (Act) under House Bill 2713 has raised questions regarding Illinois Environmental Protection Agency (IEPA) permit requirements for disposal of waste, from the combustion of coal, at coal mines which are permitted under NPDES and Subtitle D Permits. Section 21(s) of the Act allows the storage or disposal of coal combustion waste under specified circumstances. Section 3.76 of the Act defines the processes which produce the waste allowed under 21(s). (This Section 3.76 defines coal combustion waste as the waste material generated from the combustion of coal alone and does not provide for waste from the combustion of coal with any other fuel material.)

Section 21(s)(1) of the Act merely states that coal combustion waste may be disposed of at an approved landfill in accordance with the solid waste disposal provisions. Section 21(s)(2) provides that coal combustion waste may be disposed of at sites which are reclaimed through the Abandoned Mined Lands program administered by the Abandoned Mined Lands Reclamation Council.

Section 21(s)(3) of the Act specifies the options available for obtaining approval from the IEPA to dispose of coal combustion waste at active coal mines subject to the Federal Surface Mining Control and Reclamation Act of 1977 (P.L. 95-87). Section 21(s)(3)(i) allows the storage or disposal of coal combustion waste at an active coal mine if the disposal of coal combustion waste is provided for in the approved refuse disposal plan under the NPDES and Subtitle D permit. Alternatively, disposal of coal combustion waste can be approved by the IEPA for disposal at active coal mines also subject to approval by the Illinois Department of Mines and Minerals (IDMM), separately from the IEPA permit process, if the permittee demonstrates that the four conditions set forth in Section 21(s)(3)(ii) of the Act are met.

The existing Pollution Control Board regulations, under 35 IAC 405.106, specify the general requirements for securing a permit for a revised refuse disposal plan. These same requirements, in 35 IAC 405.106, would apply for a revision of the refuse disposal plan for disposing of coal combustion waste. Alternatively, the demonstration under Section 21(s)(3)(ii) should be laid out as follows:

1. Describe in the reclamation plan how the area will be covered or any proposed soil amendments which are to be utilized to support continuous vegetation. Normally, the approved reclamation plan in the IDMM permit will suffice.



2. Discuss measures to be taken to prevent wind erosion. This should specifically address how wind erosion will be prevented during the operation of placing the ash in the disposal area, and techniques to be utilized after the material is in place to prevent wind erosion. Also discuss measures which will be used to prevent surface runoff from coming in contact with the ash and measures to prevent water erosion.
3. The ash material must be tested to show that excessive metals will not leach from the material. To accomplish this, a lab analysis must be conducted to determine the concentrations of the following parameters, for the coal combustion waste itself or for the waste combined with any other refuse that would be placed within the same refuse disposal area:

Cyanide (reactive)	
Phenol (total)	
pH	
Arsenic	(EP Toxicity and total)
Barium	(EP Toxicity and total)
Cadmium	(EP Toxicity and total)
Chromium	(EP Toxicity and total)
Lead	(EP Toxicity and total)
Mercury	(EP Toxicity and total)
Selenium	(EP Toxicity and total)
Silver	(EP Toxicity and total)

Also a leachate extraction test should be done, with analysis for the following materials, for the coal combustion waste itself or the combined waste if it is co-disposed. This test can be a 48 hour shake test or another approved leachate test.

Boron	Manganese	Zinc
Chlorides	Sodium	Molybdenum
Fluoride	Sulfate	TOC
Iron	TDS	

4. Discuss measures which provide protection of groundwater and surface water. This discussion should include the groundwater sources in the area and monitoring plan or reference to a previous permit application and approved groundwater monitoring plan. The groundwater monitoring results, as prescribed by IDMM, must be submitted to this Agency and additional parameters may be required as determined from the ash analyses. The discussion of surface water should include how the operation to place coal combustion waste in the mine refuse area will be conducted to prevent runoff from leaving the area or which discharge points are affected by the runoff.

IEPA approval for disposal of coal combustion waste in a mine refuse disposal area will be specific to the waste which was proposed to be disposed. The waste from each combustion unit must be analyzed and approved for a specific



Page 3

location. Sampling and testing should be done quarterly on each source which was approved, to establish chemical variability. Sampling frequency may later be reduced, based on the consistency of the analyses. If the coal combustion waste is to be co-disposed with any other waste, the combined wastes must be analyzed and approved.

Approval must also be obtained from IDMM prior to disposal. This issue has been discussed with personnel of the IDMM and the above information can be used to secure approval from both IEPA and IDMM.

If you have any questions or comments please contact Joyce Munie or Bryan Johnsrud at 217/785-0748

JM:rmi/1050n/53-55

cc: IL Dept. of Mines and Minerals  
Mine Pollution Program Staff

1 AN ACT in relation to the Environmental Protection Act, 5  
2 and pertinent federal statutes. 5

3 Be it enacted by the People of the State of Illinois, 6  
4 represented in the General Assembly:

5 Section 1. The Environmental Protection Act, approved 6  
6 June 29, 1970, as amended, is amended by adding Sections 6  
7 3.76, 3.77 and 39.4 and changing Sections 3.32, 3.34, 3.53, 6  
8 4, 9.6, 11, 12, 13, 19.3, 21, 22.2, 35, 39, 45 and 46 as 6  
9 follows:

(Ch. 111 1/2, par. 1003.32)

10 Sec. 3.32. "Regional pollution control facility" is any 7  
11 waste storage site, sanitary landfill, waste disposal site, 7  
12 waste transfer station, waste treatment facility or waste 7  
13 incinerator that accepts waste from or that serves an area 7  
14 that exceeds or extends over the boundaries of any local 7  
15 general purpose unit of government. This includes sewers, 7  
16 sewage treatment plants, and any other facilities owned or 7  
17 operated by sanitary districts organized under "An Act to 7  
18 create sanitary districts and to remove obstructions in the 7  
19 Des Plaines and Illinois rivers", approved May 29, 1889, as 7  
20 now or hereafter amended. The following are not regional 8  
21 pollution control facilities: (1) sites or facilities located 8  
22 within the boundary of a local general purpose unit of 8  
23 government and intended to serve only that entity; (2) waste 8  
24 storage sites regulated under 40 CFR, Part 761.42; (3) sites 6  
25 or facilities used by any person conducting a waste storage, 8  
26 waste treatment, waste disposal, waste transfer or waste 8  
27 incineration operation, or a combination thereof, for wastes 8  
28 generated by such person's own activities, when such wastes 8  
29 are stored, treated, disposed of, transferred or incinerated 8  
30 within the site or facility owned, controlled or operated by 8  
31 such person, or when such wastes are transported within or 8  
32 between sites or facilities owned, controlled or operated by 9

Chief of the House

*John Quinn*

Originated in the House of Representatives

PUBLIC ACT 86-671

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1 such person; (4) sites or facilities at which the State is 91  
 2 performing removal or remedial action pursuant to Section 92  
 3 22.2; or (5) abandoned quarries used solely for the disposal  
 4 of concrete, earth materials, gravel, or aggregate debris 93  
 5 resulting from road construction activities conducted by a 95  
 6 unit of government or construction activities due to the 96  
 7 construction and installation of underground pipes, lines,  
 8 conduit or wires off of the premises of a public utility 97  
 9 company which are conducted by a public utility; (6) or--(5) 98  
 10 sites or facilities used by any person to specifically 10  
 11 conduct a landscape composting operation; (7) or--(5) regional 10  
 12 facilities as defined in the Central Midwest Interstate 10  
 13 Low-Level Radioactive Waste Compact; (8) the portion of a 10  
 14 site or facility where coal combustion wastes are stored or 10  
 15 disposed of in accordance with subdivision (s)(2) or (s)(3) 10  
 16 of Section 21.

17 A new regional pollution control facility is: 10

18 (1) a regional pollution control facility initially 10  
 19 permitted for development or construction after July 1, 1981; 10  
 20 or

21 (2) the area of expansion beyond the boundary of a 11  
 22 currently permitted regional pollution control facility; or 11

23 (3) a permitted regional pollution control facility 11  
 24 requesting approval to store, dispose of, transfer or 1.  
 25 incinerate, for the first time, any special or hazardous 1.  
 26 waste. 1

(Ch. 111 1/2, par. 1003.34) 11

27 Sec. 3.34. "Remedial action" means those actions 12  
 28 consistent with permanent remedy taken instead of or in 12  
 29 addition to removal actions in the event of a release or 12  
 30 threatened release of a hazardous substance into the 12  
 31 environment, to prevent or minimize the release of hazardous 12  
 32 substances so that they do not migrate to cause substantial 12  
 33 danger to present or future public health or welfare or the 12  
 34 environment. The term includes, but is not limited to, such 12

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1 actions at the location of the release as storage, 12  
2 confinement, perimeter protection using dikes, trenches, or  
3 ditches, clay cover, neutralization, cleanup of released 12  
4 hazardous substances or contaminated materials, recycling or 13  
5 reuse, diversion destruction, segregation of reactive wastes, 13  
6 dredging or excavations, repair or replacement of leaking 13  
7 containers, collection of leachate and runoff, onsite 13  
8 treatment or incineration, provision of alternative water 13  
9 supplies, and any monitoring reasonably required to assure 13  
10 that such actions protect the public health and welfare and 13  
11 the environment. The term includes the costs of permanent 13  
12 relocation of residents and businesses and community 13  
13 facilities where the Governor and the Director determine 13  
14 that, alone or in combination with other measures, such  
15 relocation is more cost-effective than and environmentally 1  
16 preferable to the transportation, storage, treatment, 1  
17 destruction, or secure disposition offsite of hazardous 1  
18 substances, or may otherwise be necessary to protect the  
19 public health or welfare. The term includes ~~does not include~~ 1  
20 offsite transport of hazardous substances, or the storage, 1  
21 treatment, destruction, or secure disposition offsite of such 1  
22 hazardous substances or contaminated materials unless--the  
23 ~~Governor--and--the--Director--determine--that--such--actions--are~~ 1  
24 ~~more--cost--effective--than--other--remedial--actions,--will--create~~ 1  
25 ~~new--capacity--to--manage--hazardous--substances--in--addition--to~~ 1  
26 ~~those--located--at--the--affected--facility,--or--are--necessary--to~~ 1  
27 ~~protect--public--health--or--welfare--or--the--environment--from--a~~ 1  
28 ~~present--or--potential--risk--which--may--be--created--by--further~~ 1  
29 ~~exposure--to--the--continued--presence--of--such--substances--or~~ 1  
30 ~~materials.~~

(Ch. 111 1/2, par. 1003.53)

31 Sec. 3.53. "Waste" means any garbage, sludge from a 1  
32 waste treatment plant, water supply treatment plant, or air 1  
33 pollution control facility or other discarded material, 1  
34 including solid, liquid, semi-solid, or contained gaseous 1

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1 material resulting from industrial, commercial, mining and  
 2 agricultural operations, and from community activities, but  
 3 does not include solid or dissolved material in domestic 160  
 4 sewage, or solid or dissolved materials in irrigation return 161  
 5 flows or industrial discharges which are point sources 162  
 6 subject to permits under Section 402 of the Federal Water 163  
 7 Pollution Control Act, as now or hereafter amended, Clean 164  
 8 Water-Act or source, special nuclear, or by-product materials 165  
 9 as defined by the Atomic Energy Act of 1954, as amended (68 166  
 10 Stat. 921) or any solid or dissolved material from any 167  
 11 facility subject to the Federal Surface Mining Control and 168  
 12 Reclamation Act of 1977 (P.L. 95-87) or the rules and 169  
 13 regulations thereunder or any law or rule or regulation 170  
 14 adopted by the State of Illinois pursuant thereto. 171

(Ch. 111 1/2, new par. 1003.76) 172

15 Sec. 3.76. "Coal combustion waste" means any of the 175  
 16 following materials generated as a result of the combustion 176  
 17 of coal: (1) fly ash; (2) bottom ash; (3) flue gas 177  
 18 desulfurization byproducts. 178

(Ch. 111 1/2, new par. 1003.77) 179

19 Sec. 3.77. "Agrichemical facility" means a site used for 181  
 20 commercial purposes, where bulk pesticides are stored in a 182  
 21 single container in excess of 300 gallons of liquid pesticide 183  
 22 or 300 pounds of dry pesticide for more than 30 days per year 184  
 23 or where more than 300 gallons of liquid pesticide or 300 185  
 24 pounds of dry pesticide are being mixed, repackaged or 186  
 25 transferred from one container to another within a 30 day 187  
 26 period or a site where bulk fertilizers are stored, mixed, 188  
 27 repackaged or transferred from one container to another. 189

(Ch. 111 1/2, par. 1004) 190

28 Sec. 4. (a) There is established in the Executive Branch 192  
 29 of the State Government an agency to be known as the 193  
 30 Environmental Protection Agency. This Agency shall be under 194  
 31 the supervision and direction of a Director who shall be 195  
 32 appointed by the Governor with the advice and consent of the 196

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1 consistent with the Federal Water Pollution Control Act, as 74  
2 now or hereafter amended, Amendments-of-1972-(P.B.-92-500) or 74  
3 regulations pursuant thereto, or is necessary to avoid an 74  
4 arbitrary or unreasonable hardship to such category or 75  
5 categories of persons or sources.

6 (c) In accordance with Section 7.2, and notwithstanding 75  
7 any other provisions of this Act, for purposes of 75  
8 implementing a State UIC program, the Board shall adopt 75  
9 regulations which are identical in substance to federal  
10 regulations or amendments thereto promulgated by the 75  
11 Administrator of the United States Environmental Protection 75  
12 Agency in accordance with Section 1421 of the Safe Drinking 75  
13 Water Act (P.L. 93-523), as amended. The Board may  
14 consolidate into a single rulemaking under this Section all 75  
15 such federal regulations adopted within a period of time not 76  
16 to exceed 6 months. The provisions and requirements of Title 76  
17 VII of this Act shall not apply to regulations adopted under 76  
18 this subsection. Section 5 of the Illinois Administrative 76  
19 Procedure Act relating to procedures for rulemaking shall not  
20 apply to regulations adopted under this subsection. 76

21 (d) The Board may adopt regulations relating to a State 76  
22 UIC program that are not inconsistent with and are at least 76  
23 as stringent as the Safe Drinking Water Act (P.L. 93-523), as 76  
24 amended, or regulations adopted thereunder. Regulations 76  
25 adopted pursuant to this subsection shall be adopted in 77  
26 accordance with the provisions and requirements of Title VII 7  
27 of this Act and the procedures for rulemaking in Section 5 of 7  
28 the Illinois Administrative Procedure Act. 7

(Ch. 111 1/2, par. 1019.3) 7

29 Sec. 19.3. (a) There is hereby created within the State 7  
30 Treasury an interest-bearing special fund to be known as the 7  
31 Water Pollution Control Revolving Fund, which shall be used 7  
32 and administered by the Agency to provide assistance to local 7  
33 government units for the following public purposes:

34 (1) To accept and retain funds from grant awards, 7

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1 appropriations and payments of interest and principal; 783

2 (2) To make direct loans at or below market interest 785

3 rates to any eligible local government unit to finance the 786

4 construction of wastewater treatments works;

5 (3) To make direct loans at or below market interest 788

6 rates to any eligible local government unit to buy or 789

7 refinance debt obligations for treatment work incurred after 790

8 March 7, 1985;

9 (4) To guarantee or purchase insurance for local 792

10 obligations where such action would improve credit market 793

11 access or reduce interest rates;

12 (5) As a source of revenue or security for the payment 795

13 of principal and interest on revenue or general obligation 796

14 bonds issued by the State, if the proceeds of such bonds will 797

15 be deposited in the Fund; and

16 (6) To finance the reasonable costs incurred by the 799

17 Agency in the administration of the Fund. 00

18 (b) The Agency is designated as the administering agency 802

19 of the Fund. The Agency shall submit to the Regional 803

20 Administrator of the United States Environmental Protection 804

21 Agency an intended use plan which outlines the proposed use 805

22 of funds available to the State. The Agency shall take all

23 actions necessary to secure to the State the benefits of the 806

24 Federal Water Pollution Control Act, as now or hereafter 807

25 amended federal-Water-Quality-Act-of-1967. 808

(Ch. 111 1/2, par. 1021) 81

26 Sec. 21. No person shall: 811

27 (a) Cause or allow the open dumping of any waste. 815

28 (b) Abandon, dump, or deposit any waste upon the public 817

29 highways or other public property, except in a sanitary 818

30 landfill approved by the Agency pursuant to regulations 819

31 adopted by the Board.

32 (c) Abandon any vehicle in violation of the "Abandoned 821

33 Vehicles Amendment to the Illinois Vehicle Code", as enacted 822

34 by the 76th General Assembly. 823

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1 (d) Conduct any waste-storage, waste-treatment, or 8  
2 waste-disposal operation:

3 (1) without a permit granted by the Agency or in 8  
4 violation of any conditions imposed by such permit, including 8  
5 periodic reports and full access to adequate records and the 8  
6 inspection of facilities, as may be necessary to assure 8  
7 compliance with this Act and with regulations and standards 8  
8 adopted thereunder; provided, however, that no permit shall 8  
9 be required for any person conducting a waste-storage, 8  
10 waste-treatment, or waste-disposal operation for wastes 8  
11 generated by such person's own activities which are stored, 8  
12 treated, or disposed within the site where such wastes are 8  
13 generated; or

14 (2) in violation of any regulations or standards adopted 8  
15 by the Board under this Act; or

16 (3) which receives waste after August 31, the--effective 8  
17 date--of--this-amendatory-Act-of 1988, does not have a permit 8  
18 issued by the Agency, and is (i) a landfill used exclusively 8  
19 for the disposal of waste generated at the site, (ii) a 8  
20 surface impoundment receiving special waste not listed in an 8  
21 NPDES permit, (iii) a waste pile in which the total volume of 8  
22 waste is greater than 100 cubic yards or the waste is stored 8  
23 for over one year, or (iv) a land treatment facility 8  
24 receiving special waste generated at the site; without giving 8  
25 notice of the operation to the Agency by January 1, 1989, or 8  
26 30 days after the date on which the operation commences, 8  
27 whichever is later, and every 3 years thereafter. The form 8  
28 for such notification shall be specified by the Agency, and 8  
29 shall be limited to information regarding: the name and 8  
30 address of the location of the operation; the type of 8  
31 operation; the types and amounts of waste stored, treated or 8  
32 disposed of on an annual basis; the remaining capacity of the 8  
33 operation; and the remaining expected life of the operation.

34 ~~Subsection-(d)-~~This Paragraph (3) of this subsection (d)  
35 shall not apply to any person engaged in agricultural

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1 activity who is disposing of a substance that constitutes 861  
 2 solid waste, if the substance was acquired for use by that  
 3 person on his own property, and the substance is disposed of 862  
 4 on his own property in accordance with regulations or 863  
 5 standards adopted by the Board.

6 This subsection (d) shall not apply to hazardous waste. 865

7 (e) Dispose, treat, store or abandon any waste, or 867  
 8 transport any waste into this State for disposal, treatment, 868  
 9 storage or abandonment, except at a site or facility which 869  
 10 meets the requirements of this Act and of regulations and 870  
 11 standards thereunder.

12 (f) Conduct any hazardous waste-storage, hazardous 871  
 13 waste-treatment or hazardous waste-disposal operation: 873

14 (1) without a RCRA permit for the site issued by the 875  
 15 Agency under subsection (d) of Section 39 of this Act, or in 876  
 16 violation of any condition imposed by such permit, including 877  
 17 periodic reports and full access to adequate records and the 878  
 18 inspection of facilities, as may be necessary to assure 879  
 19 compliance with this Act and with regulations and standards  
 20 adopted thereunder; or 880

21 (2) in violation of any regulations or standards adopted 881  
 22 by the Board under this Act; or 882

23 (3) in violation of any RCRA permit filing requirement 883  
 24 established under standards adopted by the Board under this 884  
 25 Act; or

26 (4) in violation of any order adopted by the Board under 885  
 27 this Act.

28 Notwithstanding the above, no RCRA permit shall be 890  
 29 required under this subsection or subsection (d) of Section 891  
 30 39 of this Act for any person engaged in agricultural 892  
 31 activity who is disposing of a substance which has been 893  
 32 identified as a hazardous waste, and which has been 894  
 33 designated by Board regulations as being subject to this 895  
 34 exception, if the substance was acquired for use by that 896  
 35 person on his own property and the substance is disposed of 897

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1 on his own property in accordance with regulations or  
2 standards adopted by the Board.

3 (g) Conduct any hazardous waste-transportation  
4 operation:

5 (1) without a permit issued by the Agency or in  
6 violation of any conditions imposed by such permit, including  
7 periodic reports and full access to adequate records and the  
8 inspection of facilities, as may be necessary to assure  
9 compliance with this Act and with regulations or standards  
10 adopted thereunder; or

11 (2) in violation of any regulations or standards adopted  
12 by the Board under this Act.

13 (h) Conduct any hazardous waste-recycling or hazardous  
14 waste-reclamation or hazardous waste-reuse operation in  
15 violation of any regulations, standards or permit  
16 requirements adopted by the Board under this Act.

17 (i) Conduct any process or engage in any act which  
18 produces hazardous waste in violation of any regulations or  
19 standards adopted by the Board under subsections (a) and (c)  
20 of Section 22.4 of this Act.

21 (j) Conduct any special waste transportation operation  
22 in violation of any regulations, standards or permit  
23 requirements adopted by the Board under this Act. However,  
24 sludge from a water or sewage treatment plant owned and  
25 operated by a unit of local government which (1) is subject  
26 to a sludge management plan approved by the Agency or a  
27 permit granted by the Agency, and (2) has been tested and  
28 determined not to be a hazardous waste as required by  
29 applicable State and federal laws and regulations, may be  
30 transported in this State without a special waste hauling  
31 permit, and the preparation and carrying of a manifest shall  
32 not be required for such sludge under the rules of the  
33 Pollution Control Board. The unit of local government which  
34 operates the treatment plant producing such sludge shall file  
35 a semiannual report with the Agency identifying the volume of

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1 such sludge transported during the reporting period, the  
 2 hauler of the sludge, and the disposal sites to which it was  
 3 transported. This subsection (j) shall not apply to hazardous  
 4 waste.

5 (k) Fail or refuse to pay any fee imposed under this  
 6 Act.

7 (l) Locate a hazardous waste disposal site above an  
 8 active or inactive shaft or tunneled mine or within 2 miles  
 9 of an active fault in the earth's crust. In counties of  
 10 population less than 225,000 no hazardous waste disposal site  
 11 shall be located (1) within 1 1/2 miles of the corporate  
 12 limits as defined on June 30, 1978, of any municipality  
 13 without the approval of the governing body of the  
 14 municipality in an official action; or (2) within 1000 feet  
 15 of an existing private well or the existing source of a  
 16 public water supply measured from the boundary of the actual  
 17 active permitted site and excluding existing private wells on  
 18 the property of the permit applicant. The provisions of this  
 19 subsection do not apply to publicly-owned sewage works or the  
 20 disposal or utilization of sludge from publicly-owned sewage  
 21 works.

22 (m) Deposit any hazardous hospital wastes in any  
 23 landfill on or after January 1, 1981. All such waste shall  
 24 be properly incinerated or processed by an alternative method  
 25 pursuant to regulations adopted by the board. This  
 26 requirement shall take effect January 1, 1981.

27 (n) Transfer interest in any land which has been used as  
 28 a hazardous waste disposal site without written notification  
 29 to the Agency of the transfer and to the transferee of the  
 30 conditions imposed by the Agency upon its use under  
 31 subsection (g) of Section 39.

32 (o) Use any land which has been used as a hazardous  
 33 waste disposal site except in compliance with conditions  
 34 imposed by the Agency under subsection (g) of Section 39.

35 (p) Conduct a sanitary landfill operation which is

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1 required to have a permit under subsection (d) of this 96  
2 Section, in a manner which results in any of the following 96  
3 conditions:

4 (1) refuse in standing or flowing waters; 96

5 (2) leachate flows entering waters of the State; 96

6 (3) leachate flows exiting the landfill confines (as 96  
7 determined by the boundaries established for the landfill by 96  
8 a permit issued by the Agency);

9 (4) open burning of refuse in violation of Section 9 of 96  
10 this Act;

11 (5) uncovered refuse remaining from any previous 96  
12 operating day or at the conclusion of any operating day, 96  
13 unless authorized by permit;

14 (6) failure to provide final cover within time limits 96  
15 established by Board regulations;

16 (7) acceptance of wastes without necessary permits; 96

17 (8) scavenging as defined by Board regulations; 96

18 (9) deposition of refuse in any unpermitted portion of 96  
19 the landfill;

20 (10) acceptance of a special waste without a required 96  
21 manifest;

22 (11) failure to submit reports required by permits or 96  
23 Board regulations;

24 (12) failure to collect and contain litter from the site 96  
25 by the end of each operating day.

26 The prohibitions specified in this subsection (p) shall 96  
27 be enforceable by the Agency either by administrative 96  
28 citation under Section 31.1 of this Act or as otherwise 96  
29 provided by this Act. The specific prohibitions in this 96  
30 subsection do not limit the power of the Board to establish  
31 regulations or standards applicable to sanitary landfills.

32 (q) In violation of subdivision (a) of this Section 21,  
33 cause or allow the open dumping of any waste in a manner  
34 which results in any of the following occurrences at the dump  
35 site:

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- 1 (1) litter; 100
- 2 (2) scavenging; 100
- 3 (3) open burning; 101
- 4 (4) deposition of waste in standing or flowing waters; 101
- 5 (5) proliferation of disease vectors; 101
- 6 (6) standing or flowing liquid discharge from the dump 101
- 7 site.

8 The prohibitions specified in this subsection (q) shall 101  
 9 be enforceable by the Agency either by administrative 102  
 10 citation under Section 31.1 of this Act or as otherwise 102  
 11 provided by this Act. The specific prohibitions in this 102  
 12 subsection do not limit the power of the Board to establish 102  
 13 regulations or standards applicable to open dumping.

14 (r) Conduct a landscape waste composting operation 102  
 15 without an Agency permit, provided, however, that no permit 102  
 16 shall be required for any person (1) conducting a landscape 102  
 17 waste composting operation for landscape wastes generated by 102  
 18 such person's own activities which are stored, treated or 102  
 19 disposed of within the site where such wastes are generated  
 20 or (2) applying landscape waste or composted landscape waste 103  
 21 at agronomic rates.

22 (s) Cause or allow the storage or Notwithstanding--any 103  
 23 other--provision--of--this--Section--the disposal of coal 10  
 24 combustion waste unless:

25 (1) such waste is stored or disposed of at a site or 10  
 26 facility for which a permit has been obtained or is not 10  
 27 otherwise required under subsection (d) of this Section; or 10

28 (2) such waste is stored or disposed of as a part of the 104  
 29 design and reclamation of a site or facility which is an 104  
 30 abandoned mine site in accordance with the Abandoned Mined 104  
 31 Lands and Water Reclamation Act; or

32 (3) such waste is stored or disposed of at a site or 104  
 33 facility which is operating under NPDES and Subtitle D 104  
 34 permits issued by the Agency pursuant to regulations adopted 104  
 35 by the Board for mine-related water pollution and permits 104

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1 ~~issued pursuant fly-ash, bottom-ash or any such ash in~~  
2 ~~mixture with flue gas desulfurization byproducts generated by~~  
3 ~~fluid-bed combustion units, shall be exempt from the~~  
4 ~~provisions of Titles V and X of this Act, if such material is~~  
5 ~~disposed of at a facility which is or was subject to the~~  
6 Federal Surface Mining Control and Reclamation Act of 1977  
7 (P.L. 95-87) or the rules and regulations thereunder or any  
8 law or rule or regulation adopted by the State of Illinois  
9 pursuant thereto; and either

10 (i) such waste is stored or disposed of in accordance  
11 with requirements applicable to refuse disposal under  
12 regulations adopted by the Board for mine-related water  
13 pollution and pursuant to NPDES and Subtitle D permits issued  
14 by the Agency under such regulations; or

15 (ii) the owner or operator of the facility demonstrates  
16 all of the following to the Agency, and the facility is  
17 operated in accordance with the demonstration as approved by  
18 the Agency: (1) the disposal area will be covered in a manner  
19 that will support continuous vegetation, (2) the facility  
20 will be adequately protected from wind and water erosion, (3)  
21 the pH will be maintained so as to prevent excessive leaching  
22 of metal ions; and (4) adequate containment or other measures  
23 will be provided to protect surface water and groundwater  
24 from contamination at levels prohibited by this Act, the  
25 Illinois Groundwater Protection Act, or regulations adopted  
26 pursuant thereto.

27 (t) (r) After April 1, 1989, offer for transportation,  
28 transport, deliver, receive or accept special waste for which  
29 a manifest is required, unless the manifest indicates that  
30 the fee required under Section 22.8 of this Act has been  
31 paid.

(Ch. 111 1/2, par. 1022.2)

32 Sec. 22.2. (a) There are hereby created within the State  
33 Treasury two special funds to be known respectively as the  
34 "Hazardous Waste Fund" and the "Hazardous Waste Research

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1 Fund", constituted from the fees collected pursuant to this  
2 Section.

3 (b) (1) On and after January 1, 1989, the Agency shall  
4 collect from the owner or operator of each of the following  
5 sites a fee in the amount of:

6 (A) 6 cents per gallon or \$12.12 per cubic yard of  
7 hazardous waste disposed for 1989, 7.5 cents per gallon or  
8 \$15.15 per cubic yard for 1990 and 9 cents per gallon or  
9 \$18.18 per cubic yard thereafter, if the hazardous waste  
10 disposal site is located off the site where such waste was  
11 produced. The maximum amount payable under this subdivision  
12 (A) with respect to the hazardous waste generated by a single  
13 generator and deposited in monofills is \$20,000 for 1989,  
14 \$25,000 for 1990, and \$30,000 per year thereafter. If, as a  
15 result of the use of multiple monofills, waste fees in excess  
16 of the maximum are assessed with respect to a single waste  
17 generator, the generator may apply to the Agency for a  
18 credit.

19 (B) 6 cents per gallon or \$12.12 per cubic yard of  
20 hazardous waste disposed for 1989, 7.5 cents per gallon or  
21 \$15.15 per cubic yard for 1990 and 9 cents or \$18.18 per  
22 cubic yard thereafter, if the hazardous waste disposal site  
23 is located on the site where such waste was produced,  
24 provided however the maximum amount of fees payable under  
25 this paragraph (B) is \$20,000 for 1989, \$25,000 for 1990 and  
26 \$30,000 per year thereafter for each such hazardous waste  
27 disposal site.

28 (C) If the hazardous waste disposal site is an  
29 underground injection well, \$6,000 per year if not more than  
30 10,000,000 gallons per year are injected, \$15,000 per year if  
31 more than 10,000,000 gallons but not more than 50,000,000  
32 gallons per year are injected, and \$27,000 per year if more  
33 than 50,000,000 gallons per year are injected.

34 (D) 2 cents per gallon or \$4.04 per cubic yard for 1989,  
35 2.5 cents per gallon or \$5.05 per cubic yard for 1990, and 3

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