**Section 814.402 Applicable Standards**

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

1) The location standards in 35 Ill. Adm. Code 811.302(a), (c), (d), (e), and (f);

2) The foundation and mass stability analysis standards in 35 Ill. Adm. Code 811.304 and 811.305;

3) The liner and leachate drainage and collection requirements of 35 Ill. Adm. Code 811.306, 811.307, and 811.308;

4) The final cover requirements of 35 Ill. Adm. Code 811.314 shall not apply to units or parts of units closed, covered and vegetated prior to the effective date of this Part;

5) The hydrogeological site investigation requirements of 35 Ill. Adm. Code 811.315;

6) The groundwater impact assessment standards of 35 Ill. Adm. Code 811.317;

7) The groundwater monitoring program requirements of 35 Ill. Adm. Code 811.318(c); and

8) The groundwater quality standards of 35 Ill. Adm. Code 811.320(a), (b) and (c).

b) The following standards shall apply to units regulated under this Subpart:

1) No new units shall be opened and an existing unit may not expand beyond the area included in a permit prior to the effective date of this Part or, in the case of permit exempt facilities, beyond the area needed for landfilling to continue until closure is initiated;

2) After the effective date of this Part, the unit may not apply for supplemental wastestream permits to accept new special wastes. However, the unit may continue to accept special waste under permits existing prior to the effective date of this Part and may renew those permits as necessary.

3) Groundwater Standards

 A unit shall not contaminate a source of drinking water at the compliance boundary, defined as any point on the edge of the unit at or below the ground surface. At any point on the compliance boundary, the concentration of constituents shall not exceed the water quality standards specified in 35 Ill. Adm. Code 302.301, 302.303, 302.304, and 302.305. The Board may provide for a zone of attenuation and adjust the compliance boundary in accordance with Section 28.1 of the Act and the procedures of 35 Ill. Adm. Code 106.Subpart G upon petition demonstration by the owner or operator that the alternative compliance boundary will not result in contamination of groundwater which may be needed or used for human consumption. In reviewing such petitions, the Board will consider the following factors:

A) The hydrogeological characteristics of the unit and surrounding land, including any natural attenuation and dilution characteristics of the aquifer;

B) The volume and physical and chemical characteristics of the leachate;

C) The quantity, quality, and direction of flow of groundwater underlying the facility;

D) The proximity and withdrawal rates of groundwater users;

E) The availability of alternative drinking water supplies;

F) The existing quality of the groundwater, including other sources of contamination and their cumulative impacts on the groundwater;

G) Public health, safety, and welfare effects; and

H) In no case shall the zone of compliance extend beyond the facility property line or beyond the annual high water mark of any navigable surface water.

I) Notwithstanding the limitations of subsection 814.402(b)(3)(H), in no case shall the zone of compliance at an existing MSWLF unit extend beyond 150 meters from the edge of the unit.

4) Calculation of the Design Period

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

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

B) The postclosure care period shall be extended by three years for each year the unit is expected to be in operation up to the applicable design period required by 35 Ill. Adm. Code 811. (For example, an existing unit with an expected life of three years after the effective date of this Part would be required to provide financial assurance for nine years of postclosure care, 9 = 3 x 3.)

C) The design period may not be reduced as allowed by 35 Ill. Adm. Code 811.303(b) and (c).

c) Airport Safety Requirements for existing MSWLF units and lateral expansions.

1) An owner or operator of an existing MSWLF unit or a lateral expansion that is located within 10,000 feet (3,048 meters) of any airport runway end used by turbojet aircraft or within 5,000 feet (1,524 meters) of any airport runway end used by only piston-type aircraft shall:

A) Demonstrate that the unit is designed and operated so that the MSWLF unit does not pose a bird hazard to aircraft; and

B) Place the demonstration required by subsection (c)(1)(A) of this Section in the operating record and submit a copy of the demonstration to the Agency.

2) An owner or operator of an existing MSWLF unit seeking a lateral expansion within a five-mile radius of any airport runway end used by turbojet or piston-type aircraft shall notify the affected airport and the Federal Aviation Administration (FAA).

3) For purposes of this Section:

A) "Airport" means public-use airport open to the public without prior permission and without restrictions within the physical capacities of available facilities.

B) "Bird hazard" means an increase in the likelihood of bird/aircraft collisions that may cause damage to the aircraft or injury to its occupants.

d) Notwithstanding any exemptions under subsection (b), existing MSWLF units shall be subject to the foundation and mass stability standards at 35 Ill. Adm. Code 811.304, 811.305, and 811.306(b).

e) Notwithstanding any exemptions under subsection (a) or any requirements under subsection (b), lateral expansions at existing MSWLF units shall be subject to the following requirements:

1) The foundation and mass stability standards at 35 Ill. Adm. Code 811.304 and 811.305;

2) The liner and leachate drainage and collection requirements at 35 Ill. Adm. Code 811.306, 811.307, and 811.308; and

3) The groundwater impact assessment requirements at 35 Ill. Adm. Code 811.317, if the unit is equipped with a compacted earth liner in accordance with Section 811.306(d).

4) The groundwater monitoring systems requirements at 35 Ill. Adm. Code 811.318;

5) The groundwater quality standards at 35 Ill. Adm. 811.320.

f) Existing MSWLF units that are unable to meet the location restrictions pertaining to floodplains and airports specified at Sections 814.302(a) and 302(c) following or the foundation and mass stability standards specified at Section 814.302(d) shall close by October 9, 1996. Such units shall comply with all of the applicable standards of this Part including closure and postclosure care activities.

g) The deadline for closure of required by subsection (f) of this section may be extended up to two years if the owner or operator of an existing MSWLF unit demonstrates to the Agency that:

1) There is no available alternative disposal capacity; and

2) There is no immediate threat to human health and the environment.

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

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