**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 that the site is not a potentially impacted property and is presumed to be uncontaminated soil, and soil pH is within the range of 6.25 to 9.0. A certification under this subsection (a)(1)(A) must include soil pH testing results to show that the soil pH is within the range of 6.25 to 9.0. If soil is consolidated from more than one source site, a certification must be obtained from each source site owner or source site operator; or

B) a certification from a PE or PG that the soil is uncontaminated soil, and the soil pH is within the range of 6.25 to 9.0. A certification under this subsection (a)(1)(B) must include analytical soil testing results to show that soil chemical constituents comply with the maximum allowable concentrations established pursuant to Subpart F of this Part, and the soil pH is within the range of 6.25 to 9.0.

2) Certifications required under subsections (a)(1)(A) and (a)(1)(B) must be on forms and in a format prescribed by the Agency and must provide, at a minimum:

A) For source site owners or source site operators who certify under subsection (a)(1)(A), the form must provide, at a minimum:

i) Description of the current and past uses of the site where the soil originated, giving consideration to, but not limited to: use of the site for commercial or industrial purposes; presence of any storage tanks (aboveground or underground) being located on the site; use of the site for waste treatment or disposal; any governmental notification of environmental violations pertaining to the site; any contamination in any private wells on site that exceeds the Board's groundwater quality standards; any transformers or capacitors manufactured before 1979 being used, stored, or disposed of on the site; and any fill dirt used at the site from either an unknown source or a site;

ii) Soil pH testing results to show that the soil pH is within the range of 6.25 to 9.0;

iii) A certification using the following language: In accordance with the Environmental Protection Act [415 ILCS 5/22.51 or 22.51a] and 35 Ill. Adm. Code 1100.205(a), I \_\_\_\_\_\_\_\_\_\_ (owner or operator of source site) certify that this site is not a potentially impacted property and the soil is presumed to be uncontaminated soil. I also certify that the soil pH is within the range of 6.25 to 9.0. Additionally, I certify that I am either the site owner or site operator or a duly authorized representative of the site owner or site operator and am authorized to sign this form. Furthermore, I certify that all information submitted, including but not limited to all attachments and other information, is, to the best of my knowledge and belief, true, accurate and complete.

B) For PE or PG who certify under subsection (a)(1)(B), the following language: I \_\_\_\_\_\_\_\_ (name of licensed professional engineer or geologist) certify under penalty of law that the information submitted, including but not limited to all attachments and other information, is, to the best of my knowledge and belief, true, accurate and complete. In accordance with the Environmental Protection Act [415 ILCS 5/22.51 or 22.51a] and 35 Ill. Adm. Code 1100.205(a), I certify that the soil from this site is uncontaminated soil. I also certify that the soil pH is within the range of 6.25 to 9.0. All necessary documentation is attached.

3) 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 the Act when 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.

4) For all testing conducted to determine that the soil is uncontaminated, obtain documentation to show that the soil was tested in accordance with the requirements of Subpart F of this Part.

5) Obtain documentation on rejected loads.

A) For loads rejected from the same or another fill operation, the owner or operator may accept a rejected load if subsections (a)(1) through (a)(4) are satisfied and the owner or operator also obtains the following information:

i) Information identifying the rejected load and the reasons it was rejected, including, but not limited to, a copy of the written notice the driver received pursuant to subsection (b)(4)(A) of this Section when the load was rejected;

ii) Information demonstrating that the load proposed for acceptance is the rejected load identified in this subsection (a)(5);

iii) Information demonstrating that the reasons for rejection of the load have been addressed by measures that would include, but not be limited to, testing and retesting of soils or removal of nonconforming materials; and

iv) For all soil, including soil mixed with CCDD, a certification meeting the requirements of subsection (a)(1) of this Section that is executed after correction of the reasons for the load rejection. This subsection (a)(5)(A)(iv) does not apply if load rejection was due to the detection of non-CCDD or non-soil material, including, but not limited to, wood, glass, piping, vegetation, plastic, metal, electrical wiring, or concrete with protruding rebar.

B) Except as provided in subsection (a)(5)(A)(iv), the information required under this subsection (a)(5) must be on forms and in a format prescribed by the Agency, and must be certified by the source site owner, the source site operator, a PE or PG. Loads accepted pursuant to this subsection (a)(5) are subject to all other requirements of this Part, including, but not limited to, the load checking program in effect at the receiving fill operation (see subsection (b)).

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:

1) Routine Inspections

A) 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.

B) 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.

2) Random Inspections

A) In addition to the inspections required under subsection (b)(1), 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 (b). 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.

B) 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.

3) Documentation of Inspection Results: The documentation for each inspection must include, at a minimum, the following:

A) 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 location of the site of origin of the CCDD or uncontaminated soil;

B) The results of the routine inspection required under subsection (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;

C) 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

D) The name of the inspector.

4) Rejection of Loads

A) 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:

i) That only CCDD or uncontaminated soil is accepted for use as fill at the facility;

ii) The reasons for rejections of the load, that the material must not be taken to another fill operation, except as provided in subsection (b)(4)(A)(iv) or the material must be disposed of at a permitted landfill;

iii) That, for all inspected loads, the owner or operator is required to record and make available for Agency inspection, 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 license plate number, the source site owner and source site operator, and the location of the site of origin of the fill; and

iv) That a load rejected from a fill operation may be accepted by the same fill operation or another fill operation if the requirements of subsection (a)(5) are satisfied.

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.

5) The owner or operator must take special precautionary measures 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 or PG certifying pursuant to subsection (a)(1)(B), questioning the driver about the load prior to its discharge, and increased visual inspection and instrument testing of the load.

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.

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.

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:

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;

B) The equipment or instrument manufacturer's or vendor's published standard operating procedures; or

C) Other operating procedures specified in the Agency permit for CCDD facility or approved by the Agency in writing for an uncontaminated soil fill operation.

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 for CCDD facility, or approved by the Agency in writing for an uncontaminated soil fill operation. 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.

d) For painted CCDD to be accepted for use as fill material in accordance with Section 1100.212, the owner or operator of the CCDD fill operation must:

1) Obtain a certification from a PE or PG that the painted CCDD satisfies the requirements of Section 1100.212. The certification required under this subsection (d)(1) must be on forms and in a format prescribed by the Agency. Documentation required by Section 1100.212(c)(2)must be attached to the certification form.

2) Comply with the load checking requirements of subsection (b).

3) Comply with the document retention requirements of subsection (c) for the PE or PG certification and the attached documentation required under Section 1100.212(c)(2).

(Source: Amended at 36 Ill. Reg. 13892, effective August 27, 2012)