ILLINOIS DEPARTMENT OF MINES AND MINERALS
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LAND RECLAMATION DIVISION MEMORANDUM 90-5

TO: All Coal Operators

FROM: Paul J. Ehret, Supervisor
Land Reclamation Division

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
   Barium
   Cadmium
   Chromium
   Lead
   Mercury
   Selenium
   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
   Boron
   Chlorides
   Flouride
   Iron
   Manganese
   Molybdenum
   Sodium
   Sulfate
   TDS
   Total Organic Carbon
   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 be 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 contituents will be made annually, or with more frequency depending on site conditions, as determined by the Department.

Illinois Environmental Protection Agency · P. O. Box 19276, Springfield, IL 62794-9276

MEMORANDUM

RECEIVED
SPRINGFIELD
APR 1 3 1990
DEPT OF MINES AND MINERALS
LAND RECLAMATION DIV.

DATE: April 13, 1990

TO: Illinois Coal Companies and Consultants

FROM: Illinois EPA - Mine Pollution Control Program JM

SUBJECT: Disposal of coal combustion waste at coal mines under Section 21(s) of The Environmental Protection Act

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	Molvbdenum
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

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

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

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

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

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

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

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

A new regional pollution control facility is:

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

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

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

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

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

actions at the location of the release as storage, confinement, perimeter protection using dikes, trenches, or ditches, clay cover, neutralization, cleanup of released hazardous substances or contaminated materials, recycling or reuse, diversion destruction, segregation of reactive wastes, dredging or excavations, repair or replacement of leaking containers, collection of leachate and runoff, onsite treatment or incineration, provision of alternative water supplies, and any monitoring reasonably required to assure that such actions protect the public health and welfare and the environment. The term includes the costs of permanent relocation of residents and businesses and community facilities where the Governor and the Director determine that, alone or in combination with other measures, such relocation is more cost-effective than and environmentally preferable to the transportation, storage, treatment, destruction, or secure disposition offsite of hazardous substances, or may otherwise be necessary to protect the public health or welfare. The term <u>includes</u> ~~does not include~~ offsite transport of hazardous substances, or the storage, treatment, destruction, or secure disposition offsite of such hazardous substances or contaminated materials ~~unless the Governor and the Director determine that such actions are more cost-effective than other remedial actions, will create new capacity to manage hazardous substances in addition to those located at the affected facility, or are necessary to protect public health or welfare or the environment from a present or potential risk which may be created by further exposure to the continued presence of such substances or materials.~~

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

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

material resulting from industrial, commercial, mining and agricultural operations, and from community activities, but does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act, as now or hereafter amended, ~~Clean Water Act~~ or source, special nuclear, or by-product materials as defined by the Atomic Energy Act of 1954, as amended (68 Stat. 921) or any solid or dissolved material from any facility subject to the Federal Surface Mining Control and Reclamation Act of 1977 (P.L. 95-87) or the rules and regulations thereunder or any law or rule or regulation adopted by the State of Illinois pursuant thereto.

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

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

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

Sec. 3.77. "Agrichemical facility" means a site used for commercial purposes, where bulk pesticides are stored in a single container in excess of 300 gallons of liquid pesticide or 300 pounds of dry pesticide for more than 30 days per year or where more than 300 gallons of liquid pesticide or 300 pounds of dry pesticide are being mixed, repackaged or transferred from one container to another within a 30 day period or a site where bulk fertilizers are stored, mixed, repackaged or transferred from one container to another.

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

Sec. 4. (a) There is established in the Executive Branch of the State Government an agency to be known as the Environmental Protection Agency. This Agency shall be under the supervision and direction of a Director who shall be appointed by the Governor with the advice and consent of the

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

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

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

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

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

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

appropriations and payments of interest and principal;

(2) To make direct loans at or below market interest rates to any eligible local government unit to finance the construction of wastewater treatments works;

(3) To make direct loans at or below market interest rates to any eligible local government unit to buy or refinance debt obligations for treatment work incurred after March 7, 1985;

(4) To guarantee or purchase insurance for local obligations where such action would improve credit market access or reduce interest rates;

(5) As a source of revenue or security for the payment of principal and interest on revenue or general obligation bonds issued by the State, if the proceeds of such bonds will be deposited in the Fund; and

(6) To finance the reasonable costs incurred by the Agency in the administration of the Fund.

(b) The Agency is designated as the administering agency of the Fund. The Agency shall submit to the Regional Administrator of the United States Environmental Protection Agency an intended use plan which outlines the proposed use of funds available to the State. The Agency shall take all actions necessary to secure to the State the benefits of the Federal Water Pollution Control Act, as now or hereafter amended ~~federal Water Quality Act of 1987~~.

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

Sec. 21. No person shall:

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

(b) Abandon, dump, or deposit any waste upon the public highways or other public property, except in a sanitary landfill approved by the Agency pursuant to regulations adopted by the Board.

(c) Abandon any vehicle in violation of the "Abandoned Vehicles Amendment to the Illinois Vehicle Code", as enacted by the 76th General Assembly.

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

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

(2) in violation of any regulations or standards adopted by the Board under this Act; or~~,~~

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

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

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

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

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

(f) Conduct any hazardous waste-storage, hazardous waste-treatment or hazardous waste-disposal operation:

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

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

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

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

Notwithstanding the above, no RCRA permit shall be required under this subsection or subsection (d) of Section 39 of this Act for any person engaged in agricultural activity who is disposing of a substance which has been identified as a hazardous waste, and which has been designated by Board regulations as being subject to this exception, if the substance was acquired for use by that person on his own property and the substance is disposed of

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

(g) Conduct any hazardous waste-transportation operation:

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

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

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

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

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

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

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

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

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

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

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

(p) Conduct a sanitary landfill operation which is

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

(1) refuse in standing or flowing waters;

(2) leachate flows entering waters of the State;

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

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

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

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

(7) acceptance of wastes without necessary permits;

(8) scavenging as defined by Board regulations;

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

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

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

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

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

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

(1) litter;

(2) scavenging;

(3) open burning;

(4) deposition of waste in standing or flowing waters;

(5) proliferation of disease vectors;

(6) standing or flowing liquid discharge from the dump site.

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

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

(s) Cause or allow the storage or ~~Notwithstanding--any other--provision--of--this--Section,--the~~ disposal of coal combustion waste unless:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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