**Section 811.323 Load Checking Program**

a) The operator must implement a load checking program that meets the requirements of this Section, for detecting and discouraging attempts to dispose regulated hazardous wastes at the facility. For purposes of this Section and Section 811.406, "regulated hazardous waste" means a solid waste that is a hazardous waste, as defined in 35 Ill. Adm. Code 721.103, that is not excluded from regulation as hazardous waste under 35 Ill. Adm. Code 721.104(b) or which was not generated by a VSQG, as defined in 35 Ill. Adm. Code 720.110.

b) In addition to checking for hazardous waste in accordance with subsection (a), the load checking program at a MSWLF unit must include waste load inspection for detecting and discouraging attempts to dispose of polychlorinated biphenyl wastes, as defined in 40 CFR 761.3 (2017).

c) The load checking program must consist of, at a minimum, the following components:

1) Random Inspections

A) An inspector designated by the facility must examine at least three random loads of solid waste delivered to the landfill on a random day each week. The drivers randomly selected by the inspector must be directed to discharge their loads at a separate, designated location within the facility. The facility must conduct a detailed inspection of the discharged material for any regulated hazardous or other unacceptable wastes that may be present. Cameras or other devices may be used to record the visible contents of solid waste shipments. If these devices are employed, their use should be designated on a sign posted near the entrance to the facility.

B) If regulated hazardous wastes or other unacceptable wastes are suspected, the facility must communicate with the generator, hauler or other party responsible for shipping the waste to the facility to determine the identity of the waste.

2) Recording Inspection Results. Information and observations derived from each random inspection must be recorded in writing and retained at the facility for at least three years. The recorded information must include, at a minimum, the date and time of the inspection; the names of the hauling firm and the driver of the vehicle; the vehicle license plate number; the source of the waste, as stated by the driver; and observations made by the inspector during the detailed inspection. The written record must be signed by both the inspector and the driver.

3) Training. The solid waste management facility must train designated inspectors, equipment operators, weigh station attendants, spotters at large facilities, and all other appropriate facility personnel in the identification of potential sources of regulated hazardous wastes and other unacceptable wastes, including but not limited to PCBs. The training program must emphasize familiarity with containers typically used for regulated hazardous wastes and with labels for regulated hazardous wastes, under RCRA, and for hazardous materials under the Hazardous Materials Transportation Act (49 USC 1801 et seq.).

d) Handling Regulated Hazardous Wastes

1) If any regulated hazardous wastes are identified by random load checking, or are otherwise discovered to be improperly deposited at the facility, the facility must promptly notify the Agency, the person responsible for shipping the wastes to the landfill, and the generator of the wastes, if known. Waste loads identical to the regulated hazardous waste identified through the random load checking which have not yet been deposited in the landfill must not be accepted. The area where the wastes are deposited must immediately be cordoned off from public access. The solid waste management facility must assure the cleanup, transportation and disposal of the waste at a permitted hazardous waste management facility.

2) The party responsible for transporting the waste to the solid waste management facility must be responsible for the costs of proper cleanup, transportation and disposal.

3) Subsequent shipments by persons or sources found or suspected to be previously responsible for shipping regulated hazardous waste must be subject to the following special precautionary measures prior to the solid waste management facility accepting wastes. The operator must use precautionary measures such as questioning the driver concerning the waste contents prior to discharge and visual inspection during the discharge of the load at the working face or elsewhere.

BOARD NOTE: Subsections (a) through (c) are derived from 40 CFR 258.20 (2017).

(Source: Amended at 42 Ill. Reg. 21330, effective November 19, 2018)