**Section 814.302 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), (d), (e) and (f);

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

3) 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.

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

5) The hydrogeological site investigation requirements of 35 Ill. Adm. Code 811.315, except that information shall be collected to implement a groundwater monitoring program in accordance with 35 Ill. Adm. Code 811.318 and 811.319 and establish background concentrations for the purpose of establishing water quality standards pursuant to 35 Ill. Adm. Code 811.320; and

b) Units regulated under this Subpart shall be subject to the following standards:

1) The unit must be equipped with a system which will effectively drain and collect leachate and transport it to a leachate management system.

2) The owner or operator shall provide a long-term static safety factor of at least 1.5 to protect a completed unit against slope failure.

3) 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 the operating life of the landfill plus fifteen years of postclosure care;

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 expected operating lives of three, seven or 12 years after the effective date of this Part would be required to provide financial assurance during operation and for a postclosure care period of either 15 years since 3 x 3 = 9 years is less than the 15 year minimum specified in subsection (b)(3)(A); 21 years since 3 x 7 = 21 years; or 30 years since 3 x 13 = 39 years is greater than the 30 years specified in Section 811.303(a), respectively); and

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 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 (a), 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

f) Existing MSWLF units that are unable to meet the location restrictions pertaining to floodplains and airports specified at Sections 814.302(a) and 814.302(c), 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 (c) is derived from 40 CFR 258.10 (1992. Subsections (f) and (g) are derived form 40 CFR 258.16 (1992).

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