**Section 845.230 Operating Permits**

The operating permit applications must contain the following information and documents:

a) Initial operating permit for a new CCR surface impoundment and any lateral expansion of a CCR surface impoundment.

1) A demonstration that the CCR surface impoundment, as built, meets the location standards in the following Sections:

A) Section 845.300 (Placement Above the Uppermost Aquifer);

B) Section 845.310 (Wetlands);

C) Section 845.320 (Fault Areas);

D) Section 845.330 (Seismic Impact Zones); and

E) Section 845.340 (Unstable Areas and Floodplains);

2) Certification from a qualified professional engineer that the composite liner, or if applicable, the alternative composite liner, has been constructed in accordance with the requirements of Section 845.400(b) or (c);

3) Certification from a qualified professional engineer that the leachate collection system has been constructed in accordance with the requirements of Section 845.420, if applicable;

4) Evidence that the permanent markers required by Section 845.130 have been installed;

5) Documentation that the CCR surface impoundment, if not incised, will be operated and maintained with one of the forms of slope protection specified in Section 845.430;

6) Initial hazard potential classification assessment and accompanying certification (see Section 845.440(a)(2));

7) Initial Emergency Action Plan and accompanying certification (see Section 845.520(e));

8) Initial structural stability assessment and accompanying certification (see Section 845.450(c));

9) Initial safety factor assessment and accompanying certification (see Section 845.460(b));

10) Fugitive dust control plan and accompanying certification (see Section 845.500(b)(7));

11) Initial inflow design flood control system plan and accompanying certification (see Section 845.510(c)(3));

12) Proposed groundwater monitoring program, including a minimum of eight independent samples for each background and downgradient well (see Section 840.650(b));

13) Preliminary written closure plan (see Section 845.720(a));

14) Initial written post-closure care plan, if applicable (see Section 845.780(d));

15) An analysis of the chemical constituents found within the CCR to be placed in the CCR surface impoundment;

16) An analysis of the chemical constituents of all waste streams, chemical additives, and sorbent materials entering or contained in the CCR surface impoundment; and

17) A certification that the owner or operator meets the financial assurance requirements of Subpart I.

b) Renewal Operating Permit

1) Documentation that the CCR surface impoundment, if not incised, is being operated and maintained with one of the forms of slope protection specified in Section 845.430;

2) Emergency Action Plan certification if the plan was amended (see Section 845.520);

3) Fugitive dust control plan certification if the plan was amended (see Section 845.500(b)(7));

4) Any significant changes to the design and construction plans compiled under subsection (d)(2)(A) or Section 845.220(a)(1);

5) A statement that the groundwater monitoring has been conducted under an Agency approved groundwater monitoring program;

6) Written preliminary closure plan, if amended (see Section 845.720(a)); and

7) Written post-closure care plan, if amended (see Section 845.780(d)).

c) Post-Closure Care Operating Permit

The owner or operator of a CCR surface impoundment conducting post-closure care under Section 845.780 must maintain an operating permit until the completion of post-closure care. Any changes to the post-closure care plan, groundwater monitoring system, groundwater sampling and analysis program, and groundwater monitoring program must be submitted to the Agency in an operating permit application.

d) Initial Operating Permit for Existing, Inactive and Inactive Closed CCR Surface Impoundments

1) The owner or operator of an existing, inactive or inactive closed CCR surface impoundment who has not completed post-closure care must submit an initial operating permit application to the Agency by October 31, 2021;

2) The initial operating permit application for existing or inactive CCR surface impoundments that have not completed an Agency approved closure before July 30, 2021, must contain the following information and documents on forms prescribed by the Agency:

A) The history of construction specified in Section 845.220(a)(1);

B) An analysis of the chemical constituents found within the CCR to be placed in the CCR surface impoundment;

C) An analysis of the chemical constituents of all waste streams, chemical additives and sorbent materials entering or contained in the CCR surface impoundment;

D) A demonstration that the CCR surface impoundment, as built, meets, or an explanation of how the CCR surface impoundments fails to meet, the location standards in the following Sections:

i) Section 845.300 (Placement Above the Uppermost Aquifer);

ii) Section 845.310 (Wetlands);

iii) Section 845.320 (Fault Areas);

iv) Section 845.330 (Seismic Impact Zones); and

v) Section 845.340 (Unstable Areas);

E) Evidence that the permanent markers required by Section 845.130 have been installed;

F) Documentation that the CCR surface impoundment, if not incised, will be operated and maintained with one of the forms of slope protection specified in Section 845.430;

G) Initial Emergency Action Plan and accompanying certification (see Section 845.520(e));

H) Fugitive dust control plan and accompanying certification (see Section 845.500(b)(7));

I) Groundwater Monitoring Information:

i) A hydrogeologic site characterization (see Section 845.620);

ii) Design and construction plans of a groundwater monitoring system (see Section 845.630);

iii) A groundwater sampling and analysis program that includes selection of the statistical procedures to be used for evaluating groundwater monitoring data (see Section 845.640); and

iv) Proposed groundwater monitoring program that includes a minimum of eight independent samples for each background and downgradient well (see Section 845.650(b));

J) Preliminary written closure plan (see Section 845.720(a));

K) Initial written post-closure care plan, if applicable (see Section 845.780(d));

L) The certification required by Section 845.400(h), or a statement that the CCR surface impoundment does not have a liner that meets the requirements of Section 845.400(b) or (c);

M) History of known exceedances of the groundwater protection standards in Section 845.600, and any corrective action taken to remediate the groundwater;

N) A certification that the owner or operator meets the financial assurance requirements of Subpart I;

O) Hazard potential classification assessment and accompanying certification (see Section 845.440(a)(2));

P) Structural stability assessment and accompanying certification (see Section 845.450(c));

Q) Safety factor assessment and accompanying certification (see Section 845.460(b));

R) Inflow design flood control system plan and accompanying certification (see Section 845.510(c)(3));

S) Safety and health plan (see Section 845.530); and

T) For CCR surface impoundments required to close under 845.700, the proposed closure priority categorization required by Section 845.700(g).

3) The initial operating permit application for an existing or inactive CCR surface impoundment where an Agency approved closure has been completed before July 30, 2021, and where the impoundment is not an inactive closed CCR surface impoundment, must contain the following information and documents on forms prescribed by the Agency:

A) The history of construction specified in Section 845.220(a)(1);

B) Evidence that the permanent markers required by Section 845.130 have been installed;

C) Documentation that the CCR surface impoundment, if not incised, will be operated and maintained with one of the forms of slope protection specified in Section 845.430;

D) Emergency Action Plan certification (see Section 845.520(e));

E) Groundwater monitoring information:

i) A hydrogeologic site characterization meeting the requirements of Section 845.620;

ii) Design and construction plans of a groundwater monitoring system meeting the requirements of Section 845.630;

iii) A groundwater sampling and analysis program that includes selection of the statistical procedures to be used for evaluating groundwater monitoring data (see Section 845.640); and

iv) Proposed groundwater monitoring program that includes a minimum of eight independent samples for each background and downgradient well (see Section 845.650(b));

F) Written post-closure care plan, if applicable (see Section 845.780(d));

G) History of known exceedances of the groundwater protection standards in Section 845.600, and any corrective action plan taken to remediate the groundwater.

4) The initial operating permit application for inactive closed CCR surface impoundments must contain the following information:

A) Evidence that the permanent markers required by Section 845.130 have been installed;

B) Groundwater monitoring program;

C) Written post-closure care plan (see Section 845.780(d)); and

D) History of known exceedances of the groundwater quality standards in 35 Ill. Adm. Code 620, whether the owner or operator has obtained a groundwater management zone, and any corrective action taken to remediate the groundwater.

e) Operating permits must be issued for fixed terms not to exceed five years.