

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities
- 2) Code Citation: 35 Ill. Adm. Code 724
- 3) 

<u>Section Numbers</u> :	<u>Proposed Actions</u> :
724.101	Amendment
724.171	Amendment
- 4) Statutory Authority: 415 ILCS 5/7.2, 22.4, and 27
- 5) A Complete Description of the Subjects and Issues Involved: The amendment to Part 724 are a single segment of consolidated docket R20-3/R20-11 rulemaking that also affects 35 Ill. Adm. Code 702, 705, 720 through 723, 725, 726, 728, 733, 810, and 811. The consolidated R20-3/R20-11 rulemaking updates the Illinois hazardous waste rules to incorporate amendments adopted by the United States Environmental Protection Agency (USEPA) during 2019. A comprehensive description is contained in the Board's opinion and order of May 21, 2020, proposing amendments in consolidated docket R20-3/R20-11, which opinion and order is available from the address below.

The Notice of Proposed Amendments for 35 Ill. Adm. Code 702, which also appears in this issue of the *Illinois Register* summarizes the broader rulemaking that is consolidated docket R20-3/R20-11. The Board directs attention to that Notice for elaboration.

Specifically, the amendments to Part 724 incorporate segments of USEPA's Hazardous Waste Pharmaceuticals Rule and Universal Waste Aerosol Cans Rule into the Illinois hazardous waste regulations. The amendments include needed corrections in rule not directly related to USEPA amendments, including a correction to prior amendments requested by the Joint Committee on Administrative Rules (JCAR).

Tables appear in a document entitled "Identical-in-Substance Rulemaking Addendum (Proposed)" that the Board added to consolidated docket R20-3/R20-11. The tables list the deviations from the literal text of the federal amendments and the several necessary corrections and stylistic revisions not directly derived from USEPA actions. Persons interested in the details of those deviations from the literal text should refer to the Identical-in-Substance Rulemaking Addendum (Proposed) in consolidated docket R20-3/R20-11.

Sections 22.4 of the Environmental Protection Act [415 ILCS 5/22.4] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to

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this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by JCAR.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Does this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference consolidated docket R20-3/R20-11 and be addressed to:

Don A. Brown, Clerk  
Illinois Pollution Control Board  
State of Illinois Center, Suite 11-500  
100 W. Randolph St.  
Chicago IL 60601

Please direct inquiries to the following person and reference consolidated docket R20-3/R20-11:

Michael J. McCambridge  
Staff Attorney  
Illinois Pollution Control Board  
100 W. Randolph, 11-500  
Chicago IL 60601

312/814-6924  
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Request copies of the Board's opinion and order at 312/814-3620, or download a copy from the Board's Website at [pcb.illinois.gov](http://pcb.illinois.gov).

- 13) Initial regulatory flexibility analysis:
- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking may affect those small businesses, small municipalities, and not-for-profit corporations disposing of industrial wastewaters into the sewage collection system of a publicly owned treatment works. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
  - B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
  - C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist and registered professional engineer. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 14) Small Business Impact Analysis: Sections 1-5(c) and 5-30 of the Administrative Procedure Act [5 ILCS 100/1-5(c) and 5-30] provide that small business impact analysis and related requirements under Section 5-30 do not apply to this type of identical-in-substance rulemaking.
- 15) Regulatory Agenda on which this rulemaking was summarized: January 2020

The full text of the Proposed Amendments begins on the next page:

1 TITLE 35: ENVIRONMENTAL PROTECTION  
2 SUBTITLE G: WASTE DISPOSAL  
3 CHAPTER I: POLLUTION CONTROL BOARD  
4 SUBCHAPTER c: HAZARDOUS WASTE OPERATING REQUIREMENTS  
5

6 PART 724  
7 STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE  
8 TREATMENT, STORAGE, AND DISPOSAL FACILITIES  
9

10 SUBPART A: GENERAL PROVISIONS  
11

12	Section	
13	724.101	Purpose, Scope, and Applicability
14	724.103	Relationship to Interim Status Standards
15	724.104	Electronic Reporting

16  
17 SUBPART B: GENERAL FACILITY STANDARDS  
18

19	Section	
20	724.110	Applicability
21	724.111	USEPA Identification Number
22	724.112	Required Notices
23	724.113	General Waste Analysis
24	724.114	Security
25	724.115	General Inspection Requirements
26	724.116	Personnel Training
27	724.117	General Requirements for Ignitable, Reactive, or Incompatible Wastes
28	724.118	Location Standards
29	724.119	Construction Quality Assurance Program

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31 SUBPART C: PREPAREDNESS AND PREVENTION  
32

33	Section	
34	724.130	Applicability
35	724.131	Design and Operation of Facility
36	724.132	Required Equipment
37	724.133	Testing and Maintenance of Equipment
38	724.134	Access to Communications or Alarm System
39	724.135	Required Aisle Space
40	724.137	Arrangements with Local Authorities

41  
42 SUBPART D: CONTINGENCY PLAN AND EMERGENCY PROCEDURES  
43

44	Section	
45	724.150	Applicability
46	724.151	Purpose and Implementation of Contingency Plan
47	724.152	Content of Contingency Plan
48	724.153	Copies of Contingency Plan
49	724.154	Amendment of Contingency Plan
50	724.155	Emergency Coordinator
51	724.156	Emergency Procedures

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53           SUBPART E: MANIFEST SYSTEM, RECORDKEEPING AND REPORTING

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55	Section	
56	724.170	Applicability
57	724.171	Use of Manifest System
58	724.172	Manifest Discrepancies
59	724.173	Operating Record
60	724.174	Availability, Retention, and Disposition of Records
61	724.175	Annual Facility Activities Report
62	724.176	Unmanifested Waste Report
63	724.177	Additional Reports

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65           SUBPART F: RELEASES FROM SOLID WASTE MANAGEMENT UNITS

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67	Section	
68	724.190	Applicability
69	724.191	Required Programs
70	724.192	Groundwater Protection Standard
71	724.193	Hazardous Constituents
72	724.194	Concentration Limits
73	724.195	Point of Compliance
74	724.196	Compliance Period
75	724.197	General Groundwater Monitoring Requirements
76	724.198	Detection Monitoring Program
77	724.199	Compliance Monitoring Program
78	724.200	Corrective Action Program
79	724.201	Corrective Action for Solid Waste Management Units

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81           SUBPART G: CLOSURE AND POST-CLOSURE CARE

82

83	Section	
84	724.210	Applicability
85	724.211	Closure Performance Standard
86	724.212	Closure Plan; Amendment of Plan

87	724.213	Closure; Time Allowed for Closure
88	724.214	Disposal or Decontamination of Equipment, Structures, and Soils
89	724.215	Certification of Closure
90	724.216	Survey Plat
91	724.217	Post-Closure Care and Use of Property
92	724.218	Post-Closure Care Plan; Amendment of Plan
93	724.219	Post-Closure Notices
94	724.220	Certification of Completion of Post-Closure Care
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96		SUBPART H: FINANCIAL REQUIREMENTS
97		
98	Section	
99	724.240	Applicability
100	724.241	Definitions of Terms as Used in This Subpart
101	724.242	Cost Estimate for Closure
102	724.243	Financial Assurance for Closure
103	724.244	Cost Estimate for Post-Closure Care
104	724.245	Financial Assurance for Post-Closure Care
105	724.246	Use of a Mechanism for Financial Assurance of Both Closure and Post-Closure
106		Care
107	724.247	Liability Requirements
108	724.248	Incapacity of Owners or Operators, Guarantors, or Financial Institutions
109	724.251	Wording of the Instruments
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111		SUBPART I: USE AND MANAGEMENT OF CONTAINERS
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113	Section	
114	724.270	Applicability
115	724.271	Condition of Containers
116	724.272	Compatibility of Waste with Container
117	724.273	Management of Containers
118	724.274	Inspections
119	724.275	Containment
120	724.276	Special Requirements for Ignitable or Reactive Waste
121	724.277	Special Requirements for Incompatible Wastes
122	724.278	Closure
123	724.279	Air Emission Standards
124		
125		SUBPART J: TANK SYSTEMS
126		
127	Section	
128	724.290	Applicability
129	724.291	Assessment of Existing Tank System Integrity

- 130 724.292 Design and Installation of New Tank Systems or Components
- 131 724.293 Containment and Detection of Releases
- 132 724.294 General Operating Requirements
- 133 724.295 Inspections
- 134 724.296 Response to Leaks or Spills and Disposition of Leaking or Unfit-for-Use Tank
- 135 Systems
- 136 724.297 Closure and Post-Closure Care
- 137 724.298 Special Requirements for Ignitable or Reactive Waste
- 138 724.299 Special Requirements for Incompatible Wastes
- 139 724.300 Air Emission Standards

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SUBPART K: SURFACE IMPOUNDMENTS

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143 Section

- 144 724.320 Applicability
- 145 724.321 Design and Operating Requirements
- 146 724.322 Action Leakage Rate
- 147 724.323 Response Actions
- 148 724.326 Monitoring and Inspection
- 149 724.327 Emergency Repairs; Contingency Plans
- 150 724.328 Closure and Post-Closure Care
- 151 724.329 Special Requirements for Ignitable or Reactive Waste
- 152 724.330 Special Requirements for Incompatible Wastes
- 153 724.331 Special Requirements for Hazardous Wastes F020, F021, F022, F023, F026, and
- 154 F027
- 155 724.332 Air Emission Standards

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SUBPART L: WASTE PILES

158

159 Section

- 160 724.350 Applicability
- 161 724.351 Design and Operating Requirements
- 162 724.352 Action Leakage Rate
- 163 724.353 Response Action Plan
- 164 724.354 Monitoring and Inspection
- 165 724.356 Special Requirements for Ignitable or Reactive Waste
- 166 724.357 Special Requirements for Incompatible Wastes
- 167 724.358 Closure and Post-Closure Care
- 168 724.359 Special Requirements for Hazardous Wastes F020, F021, F022, F023, F026, and
- 169 F027

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SUBPART M: LAND TREATMENT

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173	Section	
174	724.370	Applicability
175	724.371	Treatment Program
176	724.372	Treatment Demonstration
177	724.373	Design and Operating Requirements
178	724.376	Food-Chain Crops
179	724.378	Unsaturated Zone Monitoring
180	724.379	Recordkeeping
181	724.380	Closure and Post-Closure Care
182	724.381	Special Requirements for Ignitable or Reactive Waste
183	724.382	Special Requirements for Incompatible Wastes
184	724.383	Special Requirements for Hazardous Wastes F020, F021, F022, F023, F026, and F027
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SUBPART N: LANDFILLS

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188		
189	Section	
190	724.400	Applicability
191	724.401	Design and Operating Requirements
192	724.402	Action Leakage Rate
193	724.403	Monitoring and Inspection
194	724.404	Response Actions
195	724.409	Surveying and Recordkeeping
196	724.410	Closure and Post-Closure Care
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198	724.413	Special Requirements for Incompatible Wastes
199	724.414	Special Requirements for Bulk and Containerized Liquids
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201	724.416	Disposal of Small Containers of Hazardous Waste in Overpacked Drums (Lab Packs)
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203	724.417	Special Requirements for Hazardous Wastes F020, F021, F022, F023, F026, and F027
204		
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SUBPART O: INCINERATORS

206		
207		
208	Section	
209	724.440	Applicability
210	724.441	Waste Analysis
211	724.442	Principal Organic Hazardous Constituents (POHCs)
212	724.443	Performance Standards
213	724.444	Hazardous Waste Incinerator Permits
214	724.445	Operating Requirements
215	724.447	Monitoring and Inspections

216	724.451	Closure
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218		SUBPART S: SPECIAL PROVISIONS FOR CLEANUP
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220	Section	
221	724.650	Applicability of Corrective Action Management Unit Regulations
222	724.651	Grandfathered Corrective Action Management Units
223	724.652	Corrective Action Management Units
224	724.653	Temporary Units
225	724.654	Staging Piles
226	724.655	Disposal of CAMU-Eligible Wastes in Permitted Hazardous Waste Landfills
227		
228		SUBPART W: DRIP PADS
229		
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231	724.670	Applicability
232	724.671	Assessment of Existing Drip Pad Integrity
233	724.672	Design and Installation of New Drip Pads
234	724.673	Design and Operating Requirements
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238		SUBPART X: MISCELLANEOUS UNITS
239		
240	Section	
241	724.700	Applicability
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243	724.702	Monitoring, Analysis, Inspection, Response, Reporting, and Corrective Action
244	724.703	Post-Closure Care
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246		SUBPART AA: AIR EMISSION STANDARDS FOR PROCESS VENTS
247		
248	Section	
249	724.930	Applicability
250	724.931	Definitions
251	724.932	Standards: Process Vents
252	724.933	Standards: Closed-Vent Systems and Control Devices
253	724.934	Test Methods and Procedures
254	724.935	Recordkeeping Requirements
255	724.936	Reporting Requirements
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259	Section	
260	724.950	Applicability
261	724.951	Definitions
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263	724.953	Standards: Compressors
264	724.954	Standards: Pressure Relief Devices in Gas/Vapor Service
265	724.955	Standards: Sampling Connecting Systems
266	724.956	Standards: Open-ended Valves or Lines
267	724.957	Standards: Valves in Gas/Vapor or Light Liquid Service
268	724.958	Standards: Pumps, Valves, Pressure Relief Devices, and Other Connectors
269	724.959	Standards: Delay of Repair
270	724.960	Standards: Closed-Vent Systems and Control Devices
271	724.961	Alternative Percentage Standard for Valves
272	724.962	Skip Period Alternative for Valves
273	724.963	Test Methods and Procedures
274	724.964	Recordkeeping Requirements
275	724.965	Reporting Requirements

SUBPART CC: AIR EMISSION STANDARDS FOR TANKS,  
SURFACE IMPOUNDMENTS, AND CONTAINERS

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280	724.980	Applicability
281	724.981	Definitions
282	724.982	Standards: General
283	724.983	Waste Determination Procedures
284	724.984	Standards: Tanks
285	724.985	Standards: Surface Impoundments
286	724.986	Standards: Containers
287	724.987	Standards: Closed-Vent Systems and Control Devices
288	724.988	Inspection and Monitoring Requirements
289	724.989	Recordkeeping Requirements
290	724.990	Reporting Requirements
291	724.991	Alternative Control Requirements for Tanks (Repealed)

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295	Section	
296	724.1100	Applicability
297	724.1101	Design and Operating Standards
298	724.1102	Closure and Post-Closure Care

SUBPART EE: HAZARDOUS WASTE MUNITIONS AND EXPLOSIVES STORAGE

301

302	Section	
303	724.1200	Applicability
304	724.1201	Design and Operating Standards
305	724.1202	Closure and Post-Closure Care
306		
307	724.APPENDIX A	Recordkeeping Instructions
308	724.APPENDIX B	EPA Report Form and Instructions (Repealed)
309	724.APPENDIX D	Cochran's Approximation to the Behrens-Fisher Student's T-Test
310	724.APPENDIX E	Examples of Potentially Incompatible Waste
311	724.APPENDIX I	Groundwater Monitoring List

312  
 313 AUTHORITY: Implementing Sections 7.2 and 22.4 and authorized by Section 27 of the  
 314 Environmental Protection Act [415 ILCS 5/7.2, 22.4, and 27].  
 315

316 SOURCE: Adopted in R82-19 at 7 Ill. Reg. 14059, effective October 12, 1983; amended in  
 317 R84-9 at 9 Ill. Reg. 11964, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1136,  
 318 effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14119, effective August 12, 1986;  
 319 amended in R86-28 at 11 Ill. Reg. 6138, effective March 24, 1987; amended in R86-28 at 11 Ill.  
 320 Reg. 8684, effective April 21, 1987; amended in R86-46 at 11 Ill. Reg. 13577, effective August  
 321 4, 1987; amended in R87-5 at 11 Ill. Reg. 19397, effective November 12, 1987; amended in  
 322 R87-39 at 12 Ill. Reg. 13135, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 458,  
 323 effective December 28, 1988; amended in R89-1 at 13 Ill. Reg. 18527, effective November 13,  
 324 1989; amended in R90-2 at 14 Ill. Reg. 14511, effective August 22, 1990; amended in R90-10 at  
 325 14 Ill. Reg. 16658, effective September 25, 1990; amended in R90-11 at 15 Ill. Reg. 9654,  
 326 effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14572, effective October 1, 1991;  
 327 amended in R91-13 at 16 Ill. Reg. 9833, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg.  
 328 17702, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5806, effective March 26,  
 329 1993; amended in R93-4 at 17 Ill. Reg. 20830, effective November 22, 1993; amended in R93-  
 330 16 at 18 Ill. Reg. 6973, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12487,  
 331 effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17601, effective November 23, 1994;  
 332 amended in R95-6 at 19 Ill. Reg. 9951, effective June 27, 1995; amended in R95-20 at 20 Ill.  
 333 Reg. 11244, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 636,  
 334 effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7638, effective April 15, 1998;  
 335 amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17972, effective September 28, 1998; amended  
 336 in R98-21/R99-2/R99-7 at 23 Ill. Reg. 2186, effective January 19, 1999; amended in R99-15 at  
 337 23 Ill. Reg. 9437, effective July 26, 1999; amended in R00-5 at 24 Ill. Reg. 1146, effective  
 338 January 6, 2000; amended in R00-13 at 24 Ill. Reg. 9833, effective June 20, 2000; expedited  
 339 correction at 25 Ill. Reg. 5115, effective June 20, 2000; amended in R02-1/R02-12/R02-17 at 26  
 340 Ill. Reg. 6635, effective April 22, 2002; amended in R03-7 at 27 Ill. Reg. 3725, effective  
 341 February 14, 2003; amended in R05-8 at 29 Ill. Reg. 6009, effective April 13, 2005; amended in  
 342 R05-2 at 29 Ill. Reg. 6365, effective April 22, 2005; amended in R06-5/R06-6/R06-7 at 30 Ill.  
 343 Reg. 3196, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 893,  
 344 effective December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 12365, effective July 14,

345 2008; amended in R09-3 at 33 Ill. Reg. 1106, effective December 30, 2008; amended in R09-  
346 16/R10-4 at 34 Ill. Reg. 18873, effective November 12, 2010; amended in R11-2/R11-16 at 35  
347 Ill. Reg. 17965, effective October 14, 2011; amended in R13-15 at 37 Ill. Reg. 17773, effective  
348 October 24, 2013; amended in R15-1 at 39 Ill. Reg. 1724, effective January 12, 2015; amended  
349 in R16-7 at 40 Ill. Reg. 11726, effective August 9, 2016; amended in R17-14/R17-15/R18-  
350 12/R18-31 at 42 Ill. Reg. 22614, effective November 19, 2018; amended in R19-3 at 43 Ill. Reg.  
351 601, effective December 6, 2018; amended in R19-11 at 43 Ill. Reg. 5999, effective May 2,  
352 2019; amended in R20-3/R20-11 at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

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354 SUBPART A: GENERAL PROVISIONS

355  
356 **Section 724.101 Purpose, Scope, and Applicability**

- 357
- 358 a) The purpose of this Part is to establish minimum standards that define the  
359 acceptable management of hazardous waste.
  - 360
  - 361 b) The standards in this Part apply to owners and operators of all facilities that treat,  
362 store, or dispose of hazardous waste, except as specifically provided otherwise in  
363 this Part or 35 Ill. Adm. Code 721.
  - 364
  - 365 c) This Part applies to a person disposing of hazardous waste by means of ocean  
366 disposal subject to a permit issued pursuant to the federal Marine Protection,  
367 Research and Sanctuaries Act (33 USC 1401 et seq.) only to the extent they are  
368 included in a RCRA permit by rule granted to such a person pursuant to 35 Ill.  
369 Adm. Code 703.141. A "RCRA permit" is a permit required by Section 21(f) of  
370 the Environmental Protection Act and 35 Ill. Adm. Code 703.121.

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372 BOARD NOTE: This Part does apply to the treatment or storage of hazardous  
373 waste before it is loaded onto an ocean vessel for incineration or disposal at sea.

- 374
- 375 d) This Part applies to a person disposing of hazardous waste by means of  
376 underground injection subject to a permit issued by the Agency pursuant to  
377 Section 12(g) of the Environmental Protection Act only to the extent they are  
378 required by Subpart F of 35 Ill. Adm. Code 704.

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380 BOARD NOTE: This Part does apply to the above-ground treatment or storage  
381 of hazardous waste before it is injected underground.

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- 383 e) This Part applies to the owner or operator of a POTW (publicly owned treatment  
384 works) that treats, stores, or disposes of hazardous waste only to the extent  
385 included in a RCRA permit by rule granted to such a person pursuant to 35 Ill.  
386 Adm. Code 703.141.
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- f) This subsection (f) corresponds with 40 CFR 264.1(f), which provides that the federal regulations do not apply to T/S/D activities in authorized states, except under limited, enumerated circumstances. This statement maintains structural consistency with USEPA rules.
  
- g) This Part does not apply to the following:
  - 1) The owner or operator of a facility permitted by the Agency pursuant to Section 21 of the Environmental Protection Act to manage municipal or industrial solid waste, if the only hazardous waste the facility treats, stores, or disposes of is excluded from regulation pursuant to this Part by 35 Ill. Adm. Code 722.114.  
  
BOARD NOTE: The owner or operator may be subject to 35 Ill. Adm. Code 807 and may have to have a supplemental permit pursuant to 35 Ill. Adm. Code 807.210.
  - 2) The owner or operator of a facility managing recyclable materials described in 35 Ill. Adm. Code 721.106(a)(2) through (a)(4) (except to the extent that requirements of this Part are referred to in Subpart C, F, G, or H of 35 Ill. Adm. Code 726 or 35 Ill. Adm. Code 739).
  - 3) A generator accumulating waste on-site in compliance with 35 Ill. Adm. Code 722.114, 722.115, 722.116, or 722.117.
  - 4) A farmer disposing of waste pesticides from the farmer's own use in compliance with 35 Ill. Adm. Code 722.170.
  - 5) The owner or operator of a totally enclosed treatment facility, as defined in 35 Ill. Adm. Code 720.110.
  - 6) The owner or operator of an elementary neutralization unit or a wastewater treatment unit, as defined in 35 Ill. Adm. Code 720.110, provided that if the owner or operator is diluting hazardous ignitable (D001) wastes (other than the D001 High TOC Subcategory defined in Table T to 35 Ill. Adm. Code 728) or reactive (D003) waste to remove the characteristic before land disposal, the owner or operator must comply with the requirements set out in Section 724.117(b).
  - 7) This subsection (g)(7) corresponds with 40 CFR 264.1(g)(7), reserved by USEPA. This statement maintains structural consistency with USEPA rules.

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- 8) Immediate Response
  - A) Except as provided in subsection (g)(8)(B), a person engaged in treatment or containment activities during immediate response to any of the following situations:
    - i) A discharge of a hazardous waste;
    - ii) An imminent and substantial threat of a discharge of hazardous waste;
    - iii) A discharge of a material that becomes a hazardous waste when discharged; or
    - iv) An immediate threat to human health, public safety, property, or the environment from the known or suspected presence of military munitions, other explosive material, or an explosive device, as determined by an explosives or munitions emergency response specialist as defined in 35 Ill. Adm. Code 720.110.
  - B) An owner or operator of a facility otherwise regulated by this Part must comply with all applicable requirements of Subparts C and D.
  - C) Any person that is covered by subsection (g)(8)(A) and that continues or initiates hazardous waste treatment or containment activities after the immediate response is over is subject to all applicable requirements of this Part and 35 Ill. Adm. Code 702, 703, and 705 for those activities.
  - D) In the case of an explosives or munitions emergency response, if a federal, State, or local official acting within the scope of his or her official responsibilities or an explosives or munitions emergency response specialist determines that immediate removal of the material or waste is necessary to adequately protect human health or the environment, that official or specialist may authorize the removal of the material or waste by transporters that do not have USEPA identification numbers and without the preparation of a manifest. In the case of emergencies involving military munitions, the responding military emergency response specialist's organizational unit must retain records for three years identifying the dates of the response, the responsible persons responding, the type and description of material addressed, and its disposition.

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- 9) A transporter storing manifested shipments of hazardous waste in containers meeting 35 Ill. Adm. Code 722.130 at a transfer facility for a period of ten days or less.
- 10) The addition of absorbent materials to waste in a container (as defined in 35 Ill. Adm. Code 720) or the addition of waste to absorbent material in a container, provided these actions occur at the time waste is first placed in the container, and Sections 724.117(b), 724.271, and 724.272 are complied with.
- 11) A universal waste handler or universal waste transporter (as defined in 35 Ill. Adm. Code 720.110) that handles any of the wastes listed below is subject to regulation pursuant to 35 Ill. Adm. Code 733 when handling the following universal wastes:
  - A) Batteries, as described in 35 Ill. Adm. Code 733.102;
  - B) Pesticides, as described in 35 Ill. Adm. Code 733.103;
  - C) Mercury-containing equipment, as described in 35 Ill. Adm. Code 733.104;~~and~~
  - D) Lamps, as described in 35 Ill. Adm. Code 733.105; and.
  - E) Aerosol cans, as described in 35 Ill. Adm. Code 733.106.
- 12) This subsection (g)(12) corresponds with 40 CFR 264.1(g)(12), which applies only to a facility outside Illinois. This statement maintains structural consistency with the corresponding USEPA rule.
- 13) A reverse distributor accumulating potentially creditable hazardous waste pharmaceuticals and evaluated hazardous waste pharmaceuticals, as defined in 35 Ill. Adm. Code 726.600. A reverse distributor is subject to regulation under Subpart P of 35 Ill. Adm. Code 726 in lieu of this Part for the accumulation of potentially creditable hazardous waste pharmaceuticals and evaluated hazardous waste pharmaceuticals.
- h) This Part applies to owners and operators of facilities that treat, store, or dispose of hazardous wastes referred to in 35 Ill. Adm. Code 728.
- i) 35 Ill. Adm. Code 726.505 identifies when this Part applies to the storage of military munitions classified as solid waste pursuant to 35 Ill. Adm. Code

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726.302. The treatment and disposal of hazardous waste military munitions are subject to the applicable permitting, procedural, and technical standards in 35 Ill. Adm. Code 702, 703, 705, 720 through 728, and 738.

j) Subparts B, C, and D and Section 724.201 do not apply to remediation waste management sites. (However, some remediation waste management sites may be a part of a facility that is subject to a traditional RCRA permit because the facility is also treating, storing, or disposing of hazardous wastes that are not remediation wastes. In these cases, Subparts B, C, and D, and Section 724.201 do apply to the facility subject to the traditional RCRA permit.) Instead of Subparts B, C, and D, the owner or operator of a remediation waste management site must comply with the following requirements:

1) The owner or operator must obtain a USEPA identification number by applying to the Agency using Notification of RCRA Subtitle C Activities (Site Identification Form) (USEPA Form 8700-12), as described in Section 724.111;

BOARD NOTE: USEPA Form 8700-12 is available from the Agency, Bureau of Land (217-782-6762). It is also available on-line for download in PDF file format: [www.epa.gov/hwgenerators/instructions-and-form-hazardous-waste-generators-transporters-and-treatment-storage-and](http://www.epa.gov/hwgenerators/instructions-and-form-hazardous-waste-generators-transporters-and-treatment-storage-and).

2) The owner or operator must obtain a detailed chemical and physical analysis of a representative sample of the hazardous remediation wastes to be managed at the site. At a minimum, the analysis must contain all of the information that must be known to treat, store, or dispose of the waste according to this Part and 35 Ill. Adm. Code 728, and the owner or operator must keep the analysis accurate and up to date;

3) The owner or operator must prevent people who are unaware of the danger from entering the site, and the owner or operator must minimize the possibility for unauthorized people or livestock entering onto the active portion of the remediation waste management site, unless the owner or operator can demonstrate the following to the Agency:

A) That physical contact with the waste, structures, or equipment within the active portion of the remediation waste management site will not injure people or livestock that may enter the active portion of the remediation waste management site; and

B) That disturbance of the waste or equipment by people or livestock that enter onto the active portion of the remediation waste

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management site will not cause a violation of the requirements of this Part;

- 4) The owner or operator must inspect the remediation waste management site for malfunctions, deterioration, operator errors, and discharges that may be causing or may lead to a release of hazardous waste constituents to the environment or a threat to human health. The owner or operator must conduct these inspections often enough to identify problems in time to correct them before they harm human health or the environment, and the owner or operator must remedy the problem before it leads to a human health or environmental hazard. Where a hazard is imminent or has already occurred, the owner or operator must immediately take remedial action;
- 5) The owner or operator must provide personnel with classroom or on-the-job training on how to perform their duties in a way that ensures the remediation waste management site complies with this Part, and on how to respond effectively to emergencies;
- 6) The owner or operator must take precautions to prevent accidental ignition or reaction of ignitable or reactive waste, and the owner or operator must prevent threats to human health and the environment from ignitable, reactive, and incompatible waste;
- 7) For remediation waste management sites subject to regulation under Subparts I through O and Subpart X, the owner or operator must design, construct, operate, and maintain a unit within a 100-year floodplain to prevent washout of any hazardous waste by a 100-year flood, unless the owner or operator can meet the requirements of Section 724.118(b);
- 8) The owner or operator must not place any non-containerized or bulk liquid hazardous waste in any salt dome formation, salt bed formation, underground mine, or cave;
- 9) The owner or operator must develop and maintain a construction quality assurance program for all surface impoundments, waste piles, and landfill units that are required to comply with Sections 724.321(c) and (d), 724.351(c) and (d), and 724.401(c) and (d) at the remediation waste management site, according to Section 724.119;
- 10) The owner or operator must develop and maintain procedures to prevent accidents and a contingency and emergency plan to control accidents that occur. These procedures must address proper design, construction,

603 maintenance, and operation of remediation waste management units at the  
604 site. The goal of the plan must be to minimize the possibility of, and the  
605 hazards from, a fire, explosion, or any unplanned sudden or non-sudden  
606 release of hazardous waste or hazardous waste constituents to air, soil, or  
607 surface water that could threaten human health or the environment. The  
608 plan must explain specifically how to treat, store, and dispose of the  
609 hazardous remediation waste in question, and must be implemented  
610 immediately whenever a fire, explosion, or release of hazardous waste or  
611 hazardous waste constituents occurs that could threaten human health or  
612 the environment;

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614 11) The owner or operator must designate at least one employee, either on the  
615 facility premises or on call (that is, available to respond to an emergency  
616 by reaching the facility quickly), to coordinate all emergency response  
617 measures. This emergency coordinator must be thoroughly familiar with  
618 all aspects of the facility's contingency plan, all operations and activities at  
619 the facility, the location and characteristics of waste handled, the location  
620 of all records within the facility, and the facility layout. In addition, this  
621 person must have the authority to commit the resources needed to carry  
622 out the contingency plan;

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624 12) The owner or operator must develop, maintain, and implement a plan to  
625 meet the requirements in subsections (j)(2) through (j)(6) and (j)(9)  
626 through (j)(10); and

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628 13) The owner or operator must maintain records documenting compliance  
629 with subsections (j)(1) through (j)(12).

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631 (Source: Amended at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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633 **SUBPART E: MANIFEST SYSTEM, RECORDKEEPING AND REPORTING**

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635 **Section 724.171 Use of Manifest System**

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637 a) **Receipt of Manifested Hazardous Waste**

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639 1) If a facility receives hazardous waste accompanied by a manifest, the  
640 owner, operator, or its agent must sign and date the manifest, as indicated  
641 in subsection (a)(2), to certify that the hazardous waste covered by the  
642 manifest was received, that the hazardous waste was received except as  
643 noted in the discrepancy space of the manifest, or that the hazardous waste  
644 was rejected as noted in the manifest discrepancy space.  
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- 2) If a facility receives a hazardous waste shipment accompanied by a manifest, the owner, operator, or its agent must do the following:
  - A) The owner, operator, or agent must sign and date each copy of the manifest;
  - B) The owner, operator, or agent must note any discrepancies (as defined in Section 724.172) on each copy of the manifest;
  - C) The owner, operator, or agent must immediately give the transporter at least one copy of the manifest;
  - D) The owner, operator, or agent must send a copy (Page 3) of the manifest to the generator within 30 days after delivery;
  - E) Paper manifest submission requirements are the following:
    - i) The owner, operator, or agent must send the top copy (Page 1) of any paper manifest and any paper continuation sheet to the e-Manifest System for purposes of data entry and processing, or in lieu of submitting the paper copy to the e-Manifest System operator, the owner or operator may transmit to the e-Manifest System operator an image file of Page 1 of the manifest and any continuation sheet, or both a data string file and the image file corresponding to Page 1 of the manifest and any continuation sheet, within 30 days after the date of delivery. Submissions of copies to the e-Manifest System must be made at the mailing address or electronic mail/submission address specified at the e-Manifest program website's directory of services. Beginning on June 30, 2021, USEPA will not accept mailed paper manifests from facilities for processing in the e-Manifest System; and
    - ii) Options for Compliance on June 30, 2021. Beginning on June 30, 2021, the requirement to submit the top copy (Page 1) of the paper manifest and any paper continuation sheet to the e-Manifest System for purposes of data entry and processing may be met by the owner or operator only by transmitting to the e-Manifest System an image file of Page 1 of the manifest and any continuation sheet, or by transmitting to the e-Manifest System both a data file and the image file corresponding to Page 1 of the manifest and

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any continuation sheet, within 30 days after the date of delivery. Submissions of copies to the e-Manifest System ~~must~~ shall be made to the electronic mail/submission address specified at the e-Manifest program website's directory of services. Beginning on June 30, 2021, USEPA will not accept mailed paper manifests from facilities for processing in the e-Manifest System; and

- F) The owner, operator, or agent must retain at the facility a copy of each manifest for at least three years after the date of delivery.
- 3) The owner or operator of a facility receiving hazardous waste subject to Subpart H of 35 Ill. Adm. Code 722 from a foreign source must do the following:
- A) List the relevant consent number from consent documentation supplied by USEPA to the facility for each waste listed on the manifest, matched to the relevant list number for the waste from block 9b. If additional space is needed, the owner or operator should use Continuation Sheets (USEPA Form 8700-22A); and
  - B) Send a copy of the manifest within 30 days of delivery to USEPA using the addresses listed in 35 Ill. Adm. Code 722.182(e) until the facility can submit such a copy to the e-Manifest system per subsection (a)(2)(E).
- b) If a facility receives, from a rail or water (bulk shipment) transporter, hazardous waste that is accompanied by a shipping paper containing all the information required on the manifest (excluding the USEPA identification numbers, generator's certification, and signatures), the owner or operator, or the owner or operator's agent, must do the following:
- 1) It must sign and date each copy of the manifest or shipping paper (if the manifest has not been received) to certify that the hazardous waste covered by the manifest or shipping paper was received;
  - 2) It must note any significant discrepancies (as defined in Section 724.172(a)) in the manifest or shipping paper (if the manifest has not been received) on each copy of the manifest or shipping paper;
- BOARD NOTE: The Board does not intend that the owner or operator of a facility whose procedures under Section 724.113(c) include waste analysis must perform that analysis before signing the shipping paper and

732 giving it to the transporter. Section 724.172(b), however, requires  
 733 reporting an unreconciled discrepancy discovered during later analysis.

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 735 3) It must immediately give the rail or water (bulk shipment) transporter at  
 736 least one copy of the manifest or shipping paper (if the manifest has not  
 737 been received);

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 739 4) The owner or operator must send a copy of the signed and dated manifest  
 740 or a signed and dated copy of the shipping paper (if the manifest has not  
 741 been received within 30 days after delivery) to the generator within 30  
 742 days after the delivery; and

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 744 BOARD NOTE: Section 722.123(c) requires the generator to send three  
 745 copies of the manifest to the facility when hazardous waste is sent by rail  
 746 or water (bulk shipment).

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 748 5) Retain at the facility a copy of the manifest and shipping paper (if signed  
 749 in lieu of the manifest at the time of delivery) for at least three years from  
 750 the date of delivery.

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 752 c) Whenever a shipment of hazardous waste is initiated from a facility, the owner or  
 753 operator of that facility must comply with the requirements of 35 Ill. Adm. Code  
 754 722. The provisions of 35 Ill. Adm. Code 722.115, 722.116, and 722.117 are  
 755 applicable to the on-site accumulation of hazardous wastes by generators.  
 756 Therefore, the provisions of 35 Ill. Adm. Code 722.115, 722.116, and 722.117  
 757 only apply to owners or operators that are shipping hazardous waste that they  
 758 generated at that facility or operating as a large quantity generator consolidating  
 759 hazardous waste from a VSQG~~very small quantity generators~~ under 35 Ill. Adm.  
 760 Code 722.117(f).

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 762 d) As required by 35 Ill. Adm. Code 722.184(d)(2)(O), within three working days  
 763 after the receipt of a shipment subject to Subpart H of 35 Ill. Adm. Code 722, the  
 764 owner or operator of a facility must provide a copy of the movement document  
 765 bearing all required signatures to the foreign exporter and competent authorities  
 766 of all the countries of export and transit that control the shipment as an export or  
 767 transit of hazardous waste. On or after the electronic import-export reporting  
 768 compliance date, to USEPA electronically using USEPA's WIETS. The original  
 769 copy of the movement document must be maintained at the facility for at least  
 770 three years from the date of signature. The owner or operator of a facility may  
 771 satisfy this recordkeeping requirement by retaining electronically submitted  
 772 documents in the facility's account on USEPA's WIETS, provided that copies are  
 773 readily available for viewing and production if requested by any USEPA or  
 774 authorized state inspector. No owner or operator of a facility may be held liable

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for the inability to produce the documents for inspection under this section if the owner or operator of a facility can demonstrate that the inability to produce the document is due exclusively to technical difficulty with USEPA's WIETS, for which the owner or operator of a facility bears no responsibility.

- e) A facility must determine whether the consignment state for a shipment regulates any additional wastes (beyond those regulated federally) as hazardous wastes under its state hazardous waste program. A facility must also determine whether the consignment state or generator state requires the facility to submit any copies of the manifest to that state.
- f) Legal Equivalence to Paper Manifests. E-Manifests that are obtained, completed, transmitted in accordance with 35 Ill. Adm. Code 722.120(a)(3), and used in accordance with this Section in lieu of the paper manifest form are the legal equivalent of paper manifest forms bearing handwritten signatures, and satisfy for all purposes any requirement in 35 Ill. Adm. Code 720 through 728 to obtain, complete, sign, provide, use, or retain a manifest.
  - 1) Any requirement in 35 Ill. Adm. Code 720 through 728 for the owner or operator of a facility to sign a manifest or manifest certification by hand, or to obtain a handwritten signature, is satisfied by signing with or obtaining a valid and enforceable electronic signature within the meaning of 35 Ill. Adm. Code 722.125.
  - 2) Any requirement in 35 Ill. Adm. Code 720 through 728 to give, provide, send, forward, or to return to another person a copy of the manifest is satisfied when a copy of an e-Manifest is transmitted to the other person.
  - 3) Any requirement in 35 Ill. Adm. Code 720 through 728 for a manifest to accompany a hazardous waste shipment is satisfied when a copy of an e-Manifest is accessible during transportation and forwarded to the person or persons who are scheduled to receive delivery of the hazardous waste shipment.
  - 4) Any requirement in 35 Ill. Adm. Code 720 through 728 for an owner or operator to keep or retain a copy of each manifest is satisfied by the retention of the facility's e-Manifest copies in its account on the e-Manifest System, provided that such copies are readily available for viewing and production if requested by any USEPA or Agency inspector.
  - 5) No owner or operator may be held liable for the inability to produce an e-Manifest for inspection under this Section if the owner or operator can demonstrate that the inability to produce the e-Manifest is due exclusively

- 818 to a technical difficulty with the e-Manifest System for which the owner or  
 819 operator bears no responsibility.  
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- 821 g) An owner or operator may participate in the e-Manifest System either by  
 822 accessing the e-Manifest System from the owner's or operator's electronic  
 823 equipment, or by accessing the e-Manifest System from portable equipment  
 824 brought to the owner's or operator's site by the transporter that delivers the waste  
 825 shipment to the facility.  
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- 827 h) Special Procedures Applicable to Replacement Manifests. If a facility receives  
 828 hazardous waste that is accompanied by a paper replacement manifest for a  
 829 manifest that was originated electronically, the following procedures apply to the  
 830 delivery of the hazardous waste by the final transporter:  
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- 832 1) Upon delivery of the hazardous waste to the designated facility, the owner  
 833 or operator must sign and date each copy of the paper replacement  
 834 manifest by hand in Item 20 (Designated Facility Certification of Receipt)  
 835 and note any discrepancies in Item 18 (Discrepancy Indication Space) of  
 836 the paper replacement manifest;  
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  - 838 2) The owner or operator of the facility must give back to the final  
 839 transporter one copy of the paper replacement manifest;  
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  - 841 3) Within 30 days after delivery of the hazardous waste to the designated  
 842 facility, the owner or operator of the facility must send one signed and  
 843 dated copy of the paper replacement manifest to the generator and send an  
 844 additional signed and dated copy of the paper replacement manifest to the  
 845 e-Manifest System; and  
 846
  - 847 4) The owner or operator of the facility must retain at the facility one copy of  
 848 the paper replacement manifest for at least three years after the date of  
 849 delivery.  
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- 851 i) Special Procedures Applicable to Electronic Signature Methods Undergoing  
 852 Tests. If an owner or operator using an e-Manifest signs this manifest  
 853 electronically using an electronic signature method that is undergoing pilot or  
 854 demonstration tests aimed at demonstrating the practicality or legal dependability  
 855 of the signature method, the owner or operator must also sign with an ink  
 856 signature the facility's certification of receipt or discrepancies on the printed copy  
 857 of the manifest provided by the transporter. Upon executing its ink signature on  
 858 this printed copy, the owner or operator must retain this original copy among its  
 859 records for at least three years after the date of delivery of the waste.  
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- j) Imposition of User Fee for Electronic Manifest Submissions
  - 1) As prescribed in 40 CFR 264.1311, incorporated by reference in 35 Ill. Adm. Code 720.111, and determined in 40 CFR 264.1312, incorporated by reference in 35 Ill. Adm. Code 720.111, an owner or operator that is a user of the e-Manifest System must be assessed a user fee by USEPA for the submission and processing of each e-Manifest and paper manifest. USEPA has stated that it would update the schedule of user fees and publish them to the user community, as provided in 40 CFR 264.1313, incorporated by reference in 35 Ill. Adm. Code 720.111.
  - 2) An owner or operator subject to user fees under this Section must make user fee payments in accordance with the requirements of 40 CFR 264.1314, incorporated by reference in 35 Ill. Adm. Code 720.111, subject to the informal fee dispute resolution process of 40 CFR 264.1316, incorporated by reference in 35 Ill. Adm. Code 720.111, and subject to the sanctions for delinquent payments under 40 CFR 264.1315, incorporated by reference in 35 Ill. Adm. Code 720.111.
- k) E-Manifest Signatures. E-Manifest signatures must meet the criteria described in 35 Ill. Adm. Code 722.125.
- l) Post-Receipt Manifest Data Corrections. After a facility has certified to the receipt of hazardous wastes by signing Item 20 of the manifest, any interested person (i.e., any waste handler shown on the manifest or the Agency) may submit any post-receipt data corrections at any time (i.e., any waste handler shown on the manifest or the Agency).
  - 1) An interested person must make all corrections to manifest data by electronic submission, either by directly entering corrected data to the web-based service provided in the e-Manifest System for such corrections, or by an upload of a data file containing data corrections relating to one or more previously submitted manifests.
  - 2) Each correction submission must include the following information:
    - A) The Manifest Tracking Number and date of receipt by the facility of the original manifests for which data are being corrected;
    - B) The item numbers of the original manifest that is the subject of the submitted corrections; and

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C) For each item number with corrected data, the data previously entered and the corresponding data as corrected by the correction submission.

3) Each correction submission ~~must~~shall include a statement that the person submitting the corrections certifies that, to the best of his or her knowledge or belief, the corrections that are included in the submission will cause the information reported about the previously received hazardous wastes to be true, accurate, and complete:

A) The person must execute the certification statement with a valid electronic signature; and

B) The person may submit a batch upload of data corrections under one certification statement.

4) Upon receipt by the e-Manifest System of any correction submission, other interested persons shown on the manifest will be provided electronic notice of the submitter's corrections.

5) Other interested persons shown on the manifest may respond to the submitter's corrections with comments to the submitter, or by submitting another correction to the e-Manifest System, certified by the respondent as specified in subsection (1)(3), and with notice of the corrections to other interested persons shown on the manifest.

(Source: Amended at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

# AGENCY P VS JCAR 101

TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE G: WASTE DISPOSAL  
CHAPTER I: POLLUTION CONTROL BOARD  
SUBCHAPTER c: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 724  
STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT,  
STORAGE, AND DISPOSAL FACILITIES

SUBPART A: GENERAL PROVISIONS

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724.101 Purpose, Scope, and Applicability  
724.103 Relationship to Interim Status Standards  
724.104 Electronic Reporting

SUBPART B: GENERAL FACILITY STANDARDS

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724.111 USEPA Identification Number  
724.112 Required Notices  
724.113 General Waste Analysis  
724.114 Security  
724.115 General Inspection Requirements  
724.116 Personnel Training  
724.117 General Requirements for Ignitable, Reactive, or Incompatible  
Wastes  
724.118 Location Standards  
724.119 Construction Quality Assurance Program

SUBPART C: PREPAREDNESS AND PREVENTION

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724.133 Testing and Maintenance of Equipment  
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724.135 Required Aisle Space  
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SUBPART D: CONTINGENCY PLAN AND EMERGENCY PROCEDURES

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AUTHORITY: Implementing Sections 7.2 and 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 22.4, and 27].

SOURCE: Adopted in R82-19 at 7 Ill. Reg. 14059, effective October 12, 1983; amended in R84-9 at 9 Ill. Reg. 11964, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1136, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14119, effective August 12, 1986; amended in R86-28 at 11 Ill. Reg. 6138, effective March 24, 1987; amended in R86-28 at 11 Ill. Reg. 8684, effective April 21, 1987; amended in R86-46 at 11 Ill. Reg. 13577, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19397, effective November 12, 1987; amended in R87-39 at 12 Ill. Reg. 13135, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 458, effective December 28, 1988; amended in R89-1 at 13 Ill. Reg. 18527, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14511, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16658, effective September 25, 1990; amended in R90-11 at 15 Ill. Reg. 9654, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14572, effective October 1, 1991; amended in R91-13 at 16 Ill. Reg. 9833, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17702, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5806, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20830, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6973, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12487, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17601, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9951, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11244, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 636, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7638, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17972, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 2186, effective January 19, 1999; amended in R99-15 at 23 Ill. Reg. 9437, effective July 26, 1999; amended in R00-5 at 24 Ill. Reg. 1146, effective January 6, 2000; amended in R00-13 at 24 Ill. Reg. 9833, effective June 20, 2000; expedited correction at 25 Ill. Reg. 5115, effective June 20, 2000; amended in R02-1/R02-12/R02-17 at 26 Ill. Reg. 6635, effective April 22, 2002; amended in R03-7 at 27 Ill. Reg. 3725, effective February 14, 2003; amended in R05-8 at 29 Ill. Reg. 6009, effective April 13, 2005; amended in R05-2 at 29 Ill. Reg. 6365, effective April 22, 2005; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 3196, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 893, effective December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 12365, effective July 14, 2008; amended in R09-3 at 33 Ill. Reg. 1106, effective December 30, 2008; amended in R09-16/R10-4 at 34

Ill. Reg. 18873, effective November 12, 2010; amended in R11-2/R11-16 at 35 Ill. Reg. 17965, effective October 14, 2011; amended in R13-15 at 37 Ill. Reg. 17773, effective October 24, 2013; amended in R15-1 at 39 Ill. Reg. 1724, effective January 12, 2015; amended in R16-7 at 40 Ill. Reg. 11726, effective August 9, 2016; amended in R17-14/R17-15/R18-12/R18-31 at 42 Ill. Reg. 22614, effective November 19, 2018; amended in R19-3 at 43 Ill. Reg. 601, effective December 6, 2018; amended in R19-11 at 43 Ill. Reg. 5999, effective May 2, 2019; amended in R20-3/R20-11 at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

#### SUBPART A: GENERAL PROVISIONS

##### Section 724.101 Purpose, Scope, and Applicability

a) The purpose of this Part is to establish minimum standards that define the acceptable management of hazardous waste.

b) The standards in this Part apply to owners and operators of all facilities that treat, store, or dispose of hazardous waste, except as specifically provided otherwise in this Part or 35 Ill. Adm. Code 721.

c) This Part applies to a person disposing of hazardous waste by means of ocean disposal subject to a permit issued pursuant to the federal Marine Protection, Research and Sanctuaries Act (33 USC 1401 et seq.) only to the extent they are included in a RCRA permit by rule granted to such a person pursuant to 35 Ill. Adm. Code 703.141. A "RCRA permit" is a permit required by Section 21(f) of the Environmental Protection Act and 35 Ill. Adm. Code 703.121.

BOARD NOTE: This Part does apply to the treatment or storage of hazardous waste before it is loaded onto an ocean vessel for incineration or disposal at sea.

d) This Part applies to a person disposing of hazardous waste by means of underground injection subject to a permit issued by the Agency pursuant to Section 12(g) of the Environmental Protection Act only to the extent they are required by Subpart F of 35 Ill. Adm. Code 704.

BOARD NOTE: This Part does apply to the above-ground treatment or storage of hazardous waste before it is injected underground.

e) This Part applies to the owner or operator of a POTW (publicly owned treatment works) that treats, stores, or disposes of hazardous waste only to the extent included in a RCRA permit by rule granted to such a person pursuant to 35 Ill. Adm. Code 703.141.

f) This subsection (f) corresponds with 40 CFR 264.1(f), which provides that the federal regulations do not apply to T/S/D activities in authorized states, except under limited, enumerated circumstances. This statement maintains structural consistency with USEPA rules.

g) This Part does not apply to the following:

1) The owner or operator of a facility permitted by the Agency pursuant to Section 21 of the Environmental Protection Act to manage municipal or industrial solid waste, if the only hazardous waste the facility treats, stores, or disposes of is excluded from regulation pursuant to this Part by 35 Ill. Adm. Code 722.114.

BOARD NOTE: The owner or operator may be subject to 35 Ill. Adm. Code 807 and may have to have a supplemental permit pursuant to 35 Ill. Adm. Code 807.210.

2) The owner or operator of a facility managing recyclable materials described in 35 Ill. Adm. Code 721.106(a)(2) through (a)(4) (except to the extent that requirements of this Part are referred to in Subpart C, F, G, or H of 35 Ill. Adm. Code 726 or 35 Ill. Adm. Code 739).

3) A generator accumulating waste on-site in compliance with 35 Ill. Adm. Code 722.114, 722.115, 722.116, or 722.117.

4) A farmer disposing of waste pesticides from the farmer's own use in compliance with 35 Ill. Adm. Code 722.170.

5) The owner or operator of a totally enclosed treatment facility, as defined in 35 Ill. Adm. Code 720.110.

6) The owner or operator of an elementary neutralization unit or a wastewater treatment unit, as defined in 35 Ill. Adm. Code 720.110, provided that if the owner or operator is diluting hazardous ignitable (D001) wastes (other than the D001 High TOC Subcategory defined in Table T to 35 Ill. Adm. Code 728) or reactive (D003) waste to remove the characteristic before land disposal, the owner or operator must comply with the requirements set out in Section 724.117(b).

7) This subsection (g)(7) corresponds with 40 CFR 264.1(g)(7), reserved by USEPA. This statement maintains structural consistency with USEPA rules.

8) Immediate Response

A) Except as provided in subsection (g)(8)(B), a person engaged in treatment or containment activities during immediate response to any of the following situations:

i) A discharge of a hazardous waste;

ii) An imminent and substantial threat of a discharge of hazardous waste;

iii) A discharge of a material that becomes a hazardous waste when discharged; or

iv) An immediate threat to human health, public safety, property, or the environment from the known or suspected presence of military munitions, other explosive material, or an explosive device, as determined by an explosives or munitions emergency response specialist as defined in 35 Ill. Adm. Code 720.110.

B) An owner or operator of a facility otherwise regulated by this Part must comply with all applicable requirements of Subparts C and D.

C) Any person that is covered by subsection (g)(8)(A) and that continues or initiates hazardous waste treatment or containment activities after the immediate response is over is subject to all applicable requirements of this Part and 35 Ill. Adm. Code 702, 703, and 705 for those activities.

D) In the case of an explosives or munitions emergency response, if a federal, State, or local official acting within the scope of his or her official responsibilities or an explosives or munitions emergency response specialist determines that immediate removal of the material or waste is necessary to adequately protect human health or the environment, that official or specialist may authorize the removal of the material or waste by transporters that do not have USEPA identification numbers and without the preparation of a manifest. In the case of emergencies involving military munitions, the responding military emergency response specialist's organizational unit must retain records for three years identifying the dates of the response, the responsible persons responding, the type and description of material addressed, and its disposition.

9) A transporter storing manifested shipments of hazardous waste in containers meeting 35 Ill. Adm. Code 722.130 at a transfer facility for a period of ten days or less.

10) The addition of absorbent materials to waste in a container (as defined in 35 Ill. Adm. Code 720) or the addition of waste to absorbent material in a container, provided these actions occur at the time waste is first placed in the container, and Sections 724.117(b), 724.271, and 724.272 are complied with.

11) A universal waste handler or universal waste transporter (as defined in 35 Ill. Adm. Code 720.110) that handles any of the wastes listed below is subject to regulation pursuant to 35 Ill. Adm. Code 733 when handling the following universal wastes:

A) Batteries, as described in 35 Ill. Adm. Code 733.102;

B) Pesticides, as described in 35 Ill. Adm. Code 733.103;

C) Mercury-containing equipment, as described in 35 Ill. Adm. Code 733.104;—and

D) Lamps, as described in 35 Ill. Adm. Code 733.105; and—

E) Aerosol cans, as described in 35 Ill. Adm. Code 733.106.

12) This subsection (g)(12) corresponds with 40 CFR 264.1(g)(12), which applies only to a facility outside Illinois. This statement maintains structural consistency with the corresponding USEPA rule.

13) A reverse distributor accumulating potentially creditable hazardous waste pharmaceuticals and evaluated hazardous waste pharmaceuticals, as defined in 35 Ill. Adm. Code 726.600. A reverse distributor is subject to regulation under Subpart P of 35 Ill. Adm. Code 726 in lieu of this Part for the accumulation of potentially creditable hazardous waste pharmaceuticals and evaluated hazardous waste pharmaceuticals.

h) This Part applies to owners and operators of facilities that treat, store, or dispose of hazardous wastes referred to in 35 Ill. Adm. Code 728.

i) 35 Ill. Adm. Code 726.505 identifies when this Part applies to the storage of military munitions classified as solid waste pursuant to 35 Ill. Adm. Code 726.302. The treatment and disposal of hazardous waste military munitions are subject to the applicable permitting, procedural, and technical standards in 35 Ill. Adm. Code 702, 703, 705, 720 through 728, and 738.

j) Subparts B, C, and D and Section 724.201 do not apply to remediation waste management sites. (However, some remediation waste management sites may be a part of a facility that is subject to a traditional RCRA permit because the facility is also treating, storing, or disposing of hazardous wastes that are not remediation wastes. In these cases, Subparts B, C, and D, and Section 724.201 do apply to the facility subject to the traditional RCRA permit.) Instead of Subparts B, C, and D, the owner or operator of a remediation waste management site must comply with the following requirements:

1) The owner or operator must obtain a USEPA identification number by applying to the Agency using Notification of RCRA Subtitle C Activities (Site Identification Form) (USEPA Form 8700-12), as described in Section 724.111;

BOARD NOTE: USEPA Form 8700-12 is available from the Agency, Bureau of Land (217-782-6762). It is also available on-line for download in PDF file format:

[www.epa.gov/hwgenerators/instructions-and-form-hazardous-waste-generator-s-transporters-and-treatment-storage-and](http://www.epa.gov/hwgenerators/instructions-and-form-hazardous-waste-generator-s-transporters-and-treatment-storage-and).

2) The owner or operator must obtain a detailed chemical and physical analysis of a representative sample of the hazardous remediation wastes to be managed at the site. At a minimum, the analysis must contain all of the information that must be known to treat, store, or dispose of the

waste according to this Part and 35 Ill. Adm. Code 728, and the owner or operator must keep the analysis accurate and up to date;

3) The owner or operator must prevent people who are unaware of the danger from entering the site, and the owner or operator must minimize the possibility for unauthorized people or livestock entering onto the active portion of the remediation waste management site, unless the owner or operator can demonstrate the following to the Agency:

A) That physical contact with the waste, structures, or equipment within the active portion of the remediation waste management site will not injure people or livestock that may enter the active portion of the remediation waste management site; and

B) That disturbance of the waste or equipment by people or livestock that enter onto the active portion of the remediation waste management site will not cause a violation of the requirements of this Part;

4) The owner or operator must inspect the remediation waste management site for malfunctions, deterioration, operator errors, and discharges that may be causing or may lead to a release of hazardous waste constituents to the environment or a threat to human health. The owner or operator must conduct these inspections often enough to identify problems in time to correct them before they harm human health or the environment, and the owner or operator must remedy the problem before it leads to a human health or environmental hazard. Where a hazard is imminent or has already occurred, the owner or operator must immediately take remedial action;

5) The owner or operator must provide personnel with classroom or on-the-job training on how to perform their duties in a way that ensures the remediation waste management site complies with this Part, and on how to respond effectively to emergencies;

6) The owner or operator must take precautions to prevent accidental ignition or reaction of ignitable or reactive waste, and the owner or operator must prevent threats to human health and the environment from ignitable, reactive, and incompatible waste;

7) For remediation waste management sites subject to regulation under Subparts I through O and Subpart X, the owner or operator must design, construct, operate, and maintain a unit within a 100-year floodplain to prevent washout of any hazardous waste by a 100-year flood, unless the owner or operator can meet the requirements of Section 724.118(b);

8) The owner or operator must not place any non-containerized or bulk liquid hazardous waste in any salt dome formation, salt bed formation, underground mine, or cave;

9) The owner or operator must develop and maintain a construction quality assurance program for all surface impoundments, waste piles, and landfill units that are required to comply with Sections 724.321(c) and

(d), 724.351(c) and (d), and 724.401(c) and (d) at the remediation waste management site, according to Section 724.119;

10) The owner or operator must develop and maintain procedures to prevent accidents and a contingency and emergency plan to control accidents that occur. These procedures must address proper design, construction, maintenance, and operation of remediation waste management units at the site. The goal of the plan must be to minimize the possibility of, and the hazards from, a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water that could threaten human health or the environment. The plan must explain specifically how to treat, store, and dispose of the hazardous remediation waste in question, and must be implemented immediately whenever a fire, explosion, or release of hazardous waste or hazardous waste constituents occurs that could threaten human health or the environment;

11) The owner or operator must designate at least one employee, either on the facility premises or on call (that is, available to respond to an emergency by reaching the facility quickly), to coordinate all emergency response measures. This emergency coordinator must be thoroughly familiar with all aspects of the facility's contingency plan, all operations and activities at the facility, the location and characteristics of waste handled, the location of all records within the facility, and the facility layout. In addition, this person must have the authority to commit the resources needed to carry out the contingency plan;

12) The owner or operator must develop, maintain, and implement a plan to meet the requirements in subsections (j)(2) through (j)(6) and (j)(9) through (j)(10); and

13) The owner or operator must maintain records documenting compliance with subsections (j)(1) through (j)(12).

(Source: Amended at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### SUBPART E: MANIFEST SYSTEM, RECORDKEEPING AND REPORTING

##### Section 724.171 Use of Manifest System

###### a) Receipt of Manifested Hazardous Waste

1) If a facility receives hazardous waste accompanied by a manifest, the owner, operator, or its agent must sign and date the manifest, as indicated in subsection (a)(2), to certify that the hazardous waste covered by the manifest was received, that the hazardous waste was received except as noted in the discrepancy space of the manifest, or that the hazardous waste was rejected as noted in the manifest discrepancy space.

2) If a facility receives a hazardous waste shipment accompanied by a manifest, the owner, operator, or its agent must do the following:

A) The owner, operator, or agent must sign and date each copy of the manifest;

B) The owner, operator, or agent must note any discrepancies (as defined in Section 724.172) on each copy of the manifest;

C) The owner, operator, or agent must immediately give the transporter at least one copy of the manifest;

D) The owner, operator, or agent must send a copy (Page 3) of the manifest to the generator within 30 days after delivery;

E) Paper manifest submission requirements are the following:

i) The owner, operator, or agent must send the top copy (Page 1) of any paper manifest and any paper continuation sheet to the e-Manifest System for purposes of data entry and processing, or in lieu of submitting the paper copy to the e-Manifest System operator, the owner or operator may transmit to the e-Manifest System operator an image file of Page 1 of the manifest and any continuation sheet, or both a data string file and the image file corresponding to Page 1 of the manifest and any continuation sheet, within 30 days after the date of delivery. Submissions of copies to the e-Manifest System must be made at the mailing address or electronic mail/submission address specified at the e-Manifest program website's directory of services. Beginning on June 30, 2021, USEPA will not accept mailed paper manifests from facilities for processing in the e-Manifest System; and

ii) Options for Compliance on June 30, 2021. Beginning on June 30, 2021, the requirement to submit the top copy (Page 1) of the paper manifest and any paper continuation sheet to the e-Manifest System for purposes of data entry and processing may be met by the owner or operator only by transmitting to the e-Manifest System an image file of Page 1 of the manifest and any continuation sheet, or by transmitting to the e-Manifest System both a data file and the image file corresponding to Page 1 of the manifest and any continuation sheet, within 30 days after the date of delivery. Submissions of copies to the e-Manifest System must ~~shall~~ be made to the electronic mail/submission address specified at the e-Manifest program website's directory of services. Beginning on June 30, 2021, USEPA will not accept mailed paper manifests from facilities for processing in the e-Manifest System; and

F) The owner, operator, or agent must retain at the facility a copy of each manifest for at least three years after the date of delivery.

3) The owner or operator of a facility receiving hazardous waste subject to Subpart H of 35 Ill. Adm. Code 722 from a foreign source must do the following:

A) List the relevant consent number from consent documentation supplied by USEPA to the facility for each waste listed on the manifest, matched to the relevant list number for the waste from block 9b. If additional space is needed, the owner or operator should use Continuation Sheets (USEPA Form 8700-22A); and

B) Send a copy of the manifest within 30 days of delivery to USEPA using the addresses listed in 35 Ill. Adm. Code 722.182(e) until the facility can submit such a copy to the e-Manifest system per subsection (a) (2) (E) .

b) If a facility receives, from a rail or water (bulk shipment) transporter, hazardous waste that is accompanied by a shipping paper containing all the information required on the manifest (excluding the USEPA identification numbers, generator's certification, and signatures), the owner or operator, or the owner or operator's agent, must do the following:

1) It must sign and date each copy of the manifest or shipping paper (if the manifest has not been received) to certify that the hazardous waste covered by the manifest or shipping paper was received;

2) It must note any significant discrepancies (as defined in Section 724.172(a)) in the manifest or shipping paper (if the manifest has not been received) on each copy of the manifest or shipping paper;

BOARD NOTE: The Board does not intend that the owner or operator of a facility whose procedures under Section 724.113(c) include waste analysis must perform that analysis before signing the shipping paper and giving it to the transporter. Section 724.172(b), however, requires reporting an unreconciled discrepancy discovered during later analysis.

3) It must immediately give the rail or water (bulk shipment) transporter at least one copy of the manifest or shipping paper (if the manifest has not been received);

4) The owner or operator must send a copy of the signed and dated manifest or a signed and dated copy of the shipping paper (if the manifest has not been received within 30 days after delivery) to the generator within 30 days after the delivery; and

BOARD NOTE: Section 722.123(c) requires the generator to send three copies of the manifest to the facility when hazardous waste is sent by rail or water (bulk shipment).

5) Retain at the facility a copy of the manifest and shipping paper (if signed in lieu of the manifest at the time of delivery) for at least three years from the date of delivery.

c) Whenever a shipment of hazardous waste is initiated from a facility, the owner or operator of that facility must comply with the requirements of 35 Ill. Adm. Code 722. The provisions of 35 Ill. Adm.

Code 722.115, 722.116, and 722.117 are applicable to the on-site accumulation of hazardous wastes by generators. Therefore, the provisions of 35 Ill. Adm. Code 722.115, 722.116, and 722.117 only apply to owners or operators that are shipping hazardous waste that they generated at that facility or operating as a large quantity generator consolidating hazardous waste from a VSQG ~~very small quantity generators~~ under 35 Ill. Adm. Code 722.117(f).

d) As required by 35 Ill. Adm. Code 722.184(d)(2)(O), within three working days after the receipt of a shipment subject to Subpart H of 35 Ill. Adm. Code 722, the owner or operator of a facility must provide a copy of the movement document bearing all required signatures to the foreign exporter and competent authorities of all the countries of export and transit that control the shipment as an export or transit of hazardous waste. On or after the electronic import-export reporting compliance date, to USEPA electronically using USEPA's WIETS. The original copy of the movement document must be maintained at the facility for at least three years from the date of signature. The owner or operator of a facility may satisfy this recordkeeping requirement by retaining electronically submitted documents in the facility's account on USEPA's WIETS, provided that copies are readily available for viewing and production if requested by any USEPA or authorized state inspector. No owner or operator of a facility may be held liable for the inability to produce the documents for inspection under this section if the owner or operator of a facility can demonstrate that the inability to produce the document is due exclusively to technical difficulty with USEPA's WIETS, for which the owner or operator of a facility bears no responsibility.

e) A facility must determine whether the consignment state for a shipment regulates any additional wastes (beyond those regulated federally) as hazardous wastes under its state hazardous waste program. A facility must also determine whether the consignment state or generator state requires the facility to submit any copies of the manifest to that state.

f) Legal Equivalence to Paper Manifests. E-Manifests that are obtained, completed, transmitted in accordance with 35 Ill. Adm. Code 722.120(a)(3), and used in accordance with this Section in lieu of the paper manifest form are the legal equivalent of paper manifest forms bearing handwritten signatures, and satisfy for all purposes any requirement in 35 Ill. Adm. Code 720 through 728 to obtain, complete, sign, provide, use, or retain a manifest.

1) Any requirement in 35 Ill. Adm. Code 720 through 728 for the owner or operator of a facility to sign a manifest or manifest certification by hand, or to obtain a handwritten signature, is satisfied by signing with or obtaining a valid and enforceable electronic signature within the meaning of 35 Ill. Adm. Code 722.125.

2) Any requirement in 35 Ill. Adm. Code 720 through 728 to give, provide, send, forward, or to return to another person a copy of the

manifest is satisfied when a copy of an e-Manifest is transmitted to the other person.

3) Any requirement in 35 Ill. Adm. Code 720 through 728 for a manifest to accompany a hazardous waste shipment is satisfied when a copy of an e-Manifest is accessible during transportation and forwarded to the person or persons who are scheduled to receive delivery of the hazardous waste shipment.

4) Any requirement in 35 Ill. Adm. Code 720 through 728 for an owner or operator to keep or retain a copy of each manifest is satisfied by the retention of the facility's e-Manifest copies in its account on the e-Manifest System, provided that such copies are readily available for viewing and production if requested by any USEPA or Agency inspector.

5) No owner or operator may be held liable for the inability to produce an e-Manifest for inspection under this Section if the owner or operator can demonstrate that the inability to produce the e-Manifest is due exclusively to a technical difficulty with the e-Manifest System for which the owner or operator bears no responsibility.

g) An owner or operator may participate in the e-Manifest System either by accessing the e-Manifest System from the owner's or operator's electronic equipment, or by accessing the e-Manifest System from portable equipment brought to the owner's or operator's site by the transporter that delivers the waste shipment to the facility.

h) Special Procedures Applicable to Replacement Manifests. If a facility receives hazardous waste that is accompanied by a paper replacement manifest for a manifest that was originated electronically, the following procedures apply to the delivery of the hazardous waste by the final transporter:

1) Upon delivery of the hazardous waste to the designated facility, the owner or operator must sign and date each copy of the paper replacement manifest by hand in Item 20 (Designated Facility Certification of Receipt) and note any discrepancies in Item 18 (Discrepancy Indication Space) of the paper replacement manifest;

2) The owner or operator of the facility must give back to the final transporter one copy of the paper replacement manifest;

3) Within 30 days after delivery of the hazardous waste to the designated facility, the owner or operator of the facility must send one signed and dated copy of the paper replacement manifest to the generator and send an additional signed and dated copy of the paper replacement manifest to the e-Manifest System; and

4) The owner or operator of the facility must retain at the facility one copy of the paper replacement manifest for at least three years after the date of delivery.

i) Special Procedures Applicable to Electronic Signature Methods Undergoing Tests. If an owner or operator using an e-Manifest signs this manifest electronically using an electronic signature method that is undergoing pilot or demonstration tests aimed at demonstrating the practicality or legal dependability of the signature method, the owner or operator must also sign with an ink signature the facility's certification of receipt or discrepancies on the printed copy of the manifest provided by the transporter. Upon executing its ink signature on this printed copy, the owner or operator must retain this original copy among its records for at least three years after the date of delivery of the waste.

j) Imposition of User Fee for Electronic Manifest Submissions

1) As prescribed in 40 CFR 264.1311, incorporated by reference in 35 Ill. Adm. Code 720.111, and determined in 40 CFR 264.1312, incorporated by reference in 35 Ill. Adm. Code 720.111, an owner or operator that is a user of the e-Manifest System must be assessed a user fee by USEPA for the submission and processing of each e-Manifest and paper manifest. USEPA has stated that it would update the schedule of user fees and publish them to the user community, as provided in 40 CFR 264.1313, incorporated by reference in 35 Ill. Adm. Code 720.111.

2) An owner or operator subject to user fees under this Section must make user fee payments in accordance with the requirements of 40 CFR 264.1314, incorporated by reference in 35 Ill. Adm. Code 720.111, subject to the informal fee dispute resolution process of 40 CFR 264.1316, incorporated by reference in 35 Ill. Adm. Code 720.111, and subject to the sanctions for delinquent payments under 40 CFR 264.1315, incorporated by reference in 35 Ill. Adm. Code 720.111.

k) E-Manifest Signatures. E-Manifest signatures must meet the criteria described in 35 Ill. Adm. Code 722.125.

l) Post-Receipt Manifest Data Corrections. After a facility has certified to the receipt of hazardous wastes by signing Item 20 of the manifest, any interested person (i.e., any waste handler shown on the manifest or the Agency) may submit any post-receipt data corrections at any time (i.e., any waste handler shown on the manifest or the Agency).

1) An interested person must make all corrections to manifest data by electronic submission, either by directly entering corrected data to the web-based service provided in the e-Manifest System for such corrections, or by an upload of a data file containing data corrections relating to one or more previously submitted manifests.

2) Each correction submission must include the following information:

A) The Manifest Tracking Number and date of receipt by the facility of the original manifests for which data are being corrected;

B) The item numbers of the original manifest that is the subject of the submitted corrections; and

C) For each item number with corrected data, the data previously entered and the corresponding data as corrected by the correction submission.

3) Each correction submission must ~~shall~~ include a statement that the person submitting the corrections certifies that, to the best of his or her knowledge or belief, the corrections that are included in the submission will cause the information reported about the previously received hazardous wastes to be true, accurate, and complete:

A) The person must execute the certification statement with a valid electronic signature; and

B) The person may submit a batch upload of data corrections under one certification statement.

4) Upon receipt by the e-Manifest System of any correction submission, other interested persons shown on the manifest will be provided electronic notice of the submitter's corrections.

5) Other interested persons shown on the manifest may respond to the submitter's corrections with comments to the submitter, or by submitting another correction to the e-Manifest System, certified by the respondent as specified in subsection (1)(3), and with notice of the corrections to other interested persons shown on the manifest.

(Source: Amended at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

~~ILLINOIS REGISTER~~

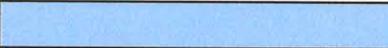
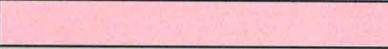
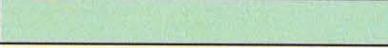
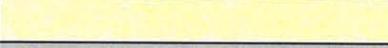
~~POLLUTION CONTROL BOARD~~

~~NOTICE OF PROPOSED AMENDMENTS~~

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