

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: RCRA Permit Program
- 2) Code Citation: 35 Ill. Adm. Code 703
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
703.141	Amend
703.181	Amend
703.183	Amend
703.241	Amend
703.280	Amend
703.302	Amend
703.306	Amend
703.APPENDIX A	Amend
- 4) Statutory authority: 415 ILCS 5/7.2, 22.4, and 27.
- 5) A Complete Description of the Subjects and Issues Involved: The following briefly describes the subjects and issues involved in docket R13-15 rulemaking of which the amendments to Part 703 are a single segment. Also affected is 35 Ill. Adm. Code 704, 720, 722, 724, 725, 726, 727, 728, and 739, which is covered by separate notices in this issue of the *Illinois Register*. A comprehensive description is contained in the Board's opinion and order of June 20, 2013, proposing amendments in docket R13-15, which opinion and order is available from the address below.

This proceeding updates the Illinois Resource Conservation and Recovery Act (RCRA) Subtitle C hazardous waste rules to incorporate corrections to various provisions that the United States Environmental Protection Agency (USEPA) suggested. The proceeding further updates the edition of the Code of Federal Regulations provisions that are incorporated by reference. The Board further makes a number of corrections to various provisions that the Board has determined are needed.

Specifically, the amendments to Part 703 implement a correction suggested by USEPA and make corrections that the Board has determined are needed. The Board's opinion and order of June 20, 2013 in docket R13-15 discusses the more substantial corrections made in the text. Tables that appear in that opinion and order list all of the various corrections and amendments included in this proceeding. Persons interested in the details of those corrections and amendments should refer to the June 20, 2013 opinion and order in docket R13-15.

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JUL 23 2013
STATE OF ILLINOIS
Pollution Control Board

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Section 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 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 the Joint Committee on Administrative Rules (JCAR).

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemakings currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No The centralized location of all incorporations by reference for the purposes of all of the Illinois hazardous waste and underground injection control regulations, including Part 703, is 35 Ill. Adm. Code 720.111.
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b) (2010)].
- 11) Are there any other rulemaking pending on this Part? No
- 12) Time, Place and Manner in which interested persons may comment on this 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 docket R13-15 and be addressed to:

John T. Therriault, Assistant 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 docket R13-15:

Michael J. McCambridge
Staff Attorney

POLLUTION CONTROL BOARD

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Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60601

Phone: 312-814-6924
E-mail: mccambm@ipcb.state.il.us

Request copies of the Board's opinion and order at 312-814-3620, or download a copy from the Board's Website at <http://www.ipcb.state.il.us>.

- 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 that generate, transport, treat, store, or dispose of hazardous waste. 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) (2010)].
 - 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) (2010)].
 - 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) (2010)].
- 14) Regulatory Agenda on which this rulemaking was summarized: December 21, 2012, 36 Ill. Reg. 17947, 18004

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

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER b: PERMITS

PART 703
RCRA PERMIT PROGRAM

SUBPART A: GENERAL PROVISIONS

Section	
703.100	Scope and Relation to Other Parts
703.101	Purpose
703.102	Electronic Reporting
703.110	References

SUBPART B: PROHIBITIONS

Section	
703.120	Prohibitions in General
703.121	RCRA Permits
703.122	Specific Inclusions in Permit Program
703.123	Specific Exclusions from Permit Program
703.124	Discharges of Hazardous Waste
703.125	Reapplying for a Permit
703.126	Initial Applications
703.127	Federal Permits (Repealed)

SUBPART C: AUTHORIZATION BY RULE AND INTERIM STATUS

Section	
703.140	Purpose and Scope
703.141	Permits by Rule
703.150	Application by Existing HWM Facilities and Interim Status Qualifications
703.151	Application by New HWM Facilities
703.152	Amended Part A Application
703.153	Qualifying for Interim Status
703.154	Prohibitions During Interim Status
703.155	Changes During Interim Status
703.156	Interim Status Standards

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- 703.157 Grounds for Termination of Interim Status
- 703.158 Permits for Less Than an Entire Facility
- 703.159 Closure by Removal
- 703.160 Procedures for Closure Determination
- 703.161 Enforceable Document for Post-Closure Care

SUBPART D: APPLICATIONS

- Section
- 703.180 Applications in General
- 703.181 Contents of Part A
- 703.182 Contents of Part B
- 703.183 General Information
- 703.184 Facility Location Information
- 703.185 Groundwater Protection Information
- 703.186 Exposure Information
- 703.187 Solid Waste Management Units
- 703.188 Other Information
- 703.189 Additional Information Required to Assure Compliance with MACT Standards
- 703.191 Public Participation: Pre-Application Public Notice and Meeting
- 703.192 Public Participation: Public Notice of Application
- 703.193 Public Participation: Information Repository
- 703.200 Specific Part B Application Information
- 703.201 Containers
- 703.202 Tank Systems
- 703.203 Surface Impoundments
- 703.204 Waste Piles
- 703.205 Incinerators that Burn Hazardous Waste
- 703.206 Land Treatment
- 703.207 Landfills
- 703.208 Boilers and Industrial Furnaces Burning Hazardous Waste
- 703.209 Miscellaneous Units
- 703.210 Process Vents
- 703.211 Equipment
- 703.212 Drip Pads
- 703.213 Air Emission Controls for Tanks, Surface Impoundments, and Containers
- 703.214 Post-Closure Care Permits

SUBPART E: SPECIAL FORMS OF PERMITS

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Section	
703.220	Emergency Permits
703.221	Alternative Compliance with the Federal NESHAPS
703.222	Incinerator Conditions Prior to Trial Burn
703.223	Incinerator Conditions During Trial Burn
703.224	Incinerator Conditions After Trial Burn
703.225	Trial Burns for Existing Incinerators
703.230	Land Treatment Demonstration
703.231	Research, Development and Demonstration Permits
703.232	Permits for Boilers and Industrial Furnaces Burning Hazardous Waste
703.234	Remedial Action Plans
703.238	RCRA Standardized Permits for Storage and Treatment Units

SUBPART F: PERMIT CONDITIONS OR DENIAL

Section	
703.240	Permit Denial
703.241	Establishing Permit Conditions
703.242	Noncompliance Pursuant to Emergency Permit
703.243	Monitoring
703.244	Notice of Planned Changes (Repealed)
703.245	Twenty-four Hour Reporting
703.246	Reporting Requirements
703.247	Anticipated Noncompliance
703.248	Information Repository

SUBPART G: CHANGES TO PERMITS

Section	
703.260	Transfer
703.270	Modification or Reissuance
703.271	Causes for Modification
703.272	Causes for Modification or Reissuance
703.273	Facility Siting
703.280	Permit Modification at the Request of the Permittee
703.281	Class 1 Modifications
703.282	Class 2 Modifications
703.283	Class 3 Modifications

SUBPART H: REMEDIAL ACTION PLANS

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Section	
703.300	Special Regulatory Format
703.301	General Information
703.302	Applying for a RAP
703.303	Getting a RAP Approved
703.304	How a RAP May Be Modified, Reissued, or Terminated
703.305	Operating Under A RAP
703.306	Obtaining a RAP for an Off-Site Location

SUBPART I: INTEGRATION WITH MAXIMUM ACHIEVABLE
CONTROL TECHNOLOGY (MACT) STANDARDS

Section	
703.320	Options for Incinerators and Cement and Lightweight Aggregate Kilns to Minimize Emissions from Startup, Shutdown, and Malfunction Events

SUBPART J: RCRA STANDARDIZED PERMITS
FOR STORAGE AND TREATMENT UNITS

Section	
703.350	General Information About RCRA Standardized Permits
703.351	Applying for a RCRA Standardized Permit
703.352	Information That Must Be Kept at the Facility
703.353	Modifying a RCRA Standardized Permit

703.APPENDIX A Classification of Permit Modifications

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. 14289, effective October 12, 1983; amended in R83-24 at 8 Ill. Reg. 206, effective December 27, 1983; amended in R84-9 at 9 Ill. Reg. 11899, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1110, effective January 2, 1986; amended in R85-23 at 10 Ill. Reg. 13284, effective July 28, 1986; amended in R86-1 at 10 Ill. Reg. 14093, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20702, effective December 2, 1986; amended in R86-28 at 11 Ill. Reg. 6121, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13543, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19383, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2584, effective January 15, 1988; amended in R87-39 at 12 Ill. Reg. 13069, effective July 29, 1988; amended in R88-16

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at 13 Ill. Reg. 447, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18477, effective November 13, 1989; amended in R89-9 at 14 Ill. Reg. 6278, effective April 16, 1990; amended in R90-2 at 14 Ill. Reg. 14492, effective August 22, 1990; amended in R90-11 at 15 Ill. Reg. 9616, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14554, effective September 30, 1991; amended in R91-13 at 16 Ill. Reg. 9767, effective June 9, 1992; amended in R92-10 at 17 Ill. Reg. 5774, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20794, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6898, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12392, effective July 29, 1994; amended in R94-5 at 18 Ill. Reg. 18316, effective December 20, 1994; amended in R95-6 at 19 Ill. Reg. 9920, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11225, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 553, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7632, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17930, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 2153, effective January 19, 1999; amended in R99-15 at 23 Ill. Reg. 9381, effective July 26, 1999; amended in R00-13 at 24 Ill. Reg. 9765, effective June 20, 2000; amended in R01-21/R01-23 at 25 Ill. Reg. 9313, effective July 9, 2001; amended in R02-1/R02-12/R02-17 at 26 Ill. Reg. 6539, effective April 22, 2002; amended in R03-7 at 27 Ill. Reg. 3496, effective February 14, 2003; amended in R03-18 at 27 Ill. Reg. 12683, effective July 17, 2003; amended in R05-8 at 29 Ill. Reg. 5966, effective April 13, 2005; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 2845, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 487, effective December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 11672, effective July 14, 2008; amended in R09-16/R10-4 at 34 Ill. Reg. 18505, effective November 12, 2010; amended in R13-15 at 37 Ill. Reg. _____, effective _____.

SUBPART C: AUTHORIZATION BY RULE AND INTERIM STATUS

Section 703.141 Permits by Rule

Notwithstanding any other provision of this Part or 35 Ill. Adm. Code 705, the following must be deemed to have a RCRA permit if the conditions listed are met:

- a) Ocean disposal barges or vessels. The owner or operator of a barge or other vessel that accepts hazardous waste for ocean disposal, if the owner or operator does the following:
 - 1) It has a permit for ocean dumping issued by USEPA under 40 CFR 220;
 - 2) It complies with the conditions of that permit; and
 - 3) It complies with the following hazardous waste regulations:

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- A) 35 Ill. Adm. Code 724.111 (USEPA Identification Number);
 - B) 35 Ill. Adm. Code 724.171 (Use of Manifest System);
 - C) 35 Ill. Adm. Code 724.172 (Manifest Discrepancies);
 - D) 35 Ill. Adm. Code 724.173(a) and (b)(1) (Operating Record);
 - E) 35 Ill. Adm. Code 724.175 (Biennial Report); and
 - F) 35 Ill. Adm. Code 724.176, (Unmanifested Waste Report).
- b) Injection wells. The owner or operator of an underground injection well disposing of hazardous waste, if the owner or operator fulfills the following conditions:
- 1) It has a permit for underground injection issued under 35 Ill. Adm. Code 704; and
 - 2) It complies with the conditions of that permit and the requirements of Subpart F of 35 Ill. Adm. Code 704 (requirements for wells managing hazardous waste); and
 - 3) For UIC permits issued after November 8, 1984, the following:
 - A) It complies with 35 Ill. Adm. Code 724.201; and
 - B) Where the UIC well is the only unit at the facility that requires a RCRA permit, it complies with Section 703.187.
- c) Publicly owned treatment works (POTW). The owner or operator of a POTW that accepts for treatment hazardous waste, if the owner or operator fulfills the following conditions:
- 1) It has an NPDES permit;
 - 2) It complies with the conditions of that permit;
 - 3) It complies with the following regulations:

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- A) 35 Ill. Adm. Code 724.111 (Identification Number);
 - B) 35 Ill. Adm. Code 724.171 (Use of Manifest System);
 - C) 35 Ill. Adm. Code 724.172 (Manifest Discrepancies);
 - D) 35 Ill. Adm. Code 724.173(a) and (b)(1) (Operating Record);
 - E) 35 Ill. Adm. Code 724.175 (Annual Report);
 - F) 35 Ill. Adm. Code 724.176 (Unmanifested Waste Report); and
 - G) For NPDES permits issued after November 8, 1984, 35 Ill. Adm. Code 724.201 (Corrective Action for Solid Waste Management Units); and
- 4) If the waste meets all federal, it complies with State and local pretreatment requirements that would be applicable to the waste if it were being discharged into the POTW through a sewer, pipe, or similar conveyance.

BOARD NOTE: Illinois pretreatment requirements are codified in 35 Ill. Adm. Code 307 and 310.

BOARD NOTE: See 40 CFR 270.60 (~~2005~~)(2012).

(Source: Amended at 37 Ill. Reg. ———, effective ———)

SUBPART D: APPLICATIONS

Section 703.181 Contents of Part A

In addition to the information in 35 Ill. Adm. Code 702.123, Part A of the RCRA application must include the following information:

- a) The latitude and longitude of the facility;
- b) The name, address, and telephone number of the owner of the facility;
- c) An indication of whether the facility is new or existing and whether it is a first or revised application;

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- d) For existing facilities, a scale drawing of the facility showing the location of all past, present, and future treatment, storage, and disposal areas;
- e) For existing facilities, photographs of the facility clearly delineating all existing structures; existing treatment, storage, and disposal areas; and sites of future treatment, storage, and disposal areas;
- f) A description of the processes to be used for treating, storing, and disposing of hazardous waste, and the design capacity of these items;
- g) A specification of the hazardous wastes listed or designated under 35 Ill. Adm. Code 721 to be treated, stored, or disposed of at the facility, an estimate of the quantity of such wastes to be treated, stored, or disposed of annually, and a general description of the processes to be used for such wastes.
- h) For hazardous debris, a description of the debris categories and containment categories to be treated, stored, or disposed of at the facility.

BOARD NOTE: Derived from 40 CFR 270.13-~~(2002)-270.13~~(b), (e), (g), (h) through (j), and (n) (2012).

(Source: Amended at 37 Ill. Reg. ———, effective ———)

Section 703.183 General Information

The following information is required in the Part B application for all HWM facilities, except as 35 Ill. Adm. Code 724.101 provides otherwise:

- a) A general description of the facility;
- b) Chemical and physical analyses of the hazardous wastes and hazardous debris to be handled at the facility. At a minimum, these analyses must contain all the information that must be known to treat, store, or dispose of the wastes properly in accordance with 35 Ill. Adm. Code 724;
- c) A copy of the waste analysis plan required by 35 Ill. Adm. Code 724.113(b) and, if applicable, 35 Ill. Adm. Code 724.113(c);
- d) A description of the security procedures and equipment required by 35 Ill. Adm.

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Code 724.114, or a justification demonstrating the reasons for requesting a waiver of this requirement;

- e) A copy of the general inspection schedule required by 35 Ill. Adm. Code 724.115(b). Include where applicable, as part of the inspection schedule, specific requirements in 35 Ill. Adm. Code 724.274, 724.293(i), 724.295, 724.326, 724.354, 724.373, 724.403, 724.702, 724.933, 724.952, 724.953, 724.958, 724.984, 724.985, 724.986, and 724.988;
- f) A justification of any request for a waiver of the preparedness and prevention requirements of Subpart C of 35 Ill. Adm. Code 724;
- g) A copy of the contingency plan required by Subpart D of 35 Ill. Adm. Code 724;

BOARD NOTE: Include, where applicable, as part of the contingency plan, specific requirements in 35 Ill. Adm. Code 724.200 and 724.327. Corresponding 40 CFR 270.14(b)(7) refers to the requirements of 40 CFR 264.255 (corresponding with 35 Ill. Adm. Code 724.355), marked "reserved" by USEPA.

- h) A description of procedures, structures, or equipment used at the facility as follows:
 - 1) To prevent hazards in unloading operations (for example, ramps, or special forklifts);
 - 2) To prevent runoff from hazardous waste handling areas to other areas of the facility or environment, or to prevent flooding (for example, berms, dikes, or trenches);
 - 3) To prevent contamination of water supplies;
 - 4) To mitigate effects of equipment failure and power outages;
 - 5) To prevent undue exposure of personnel to hazardous waste (for example, protective clothing); and
 - 6) To prevent releases to the atmosphere;
- i) A description of precautions to prevent accidental ignition or reaction of ignitable,

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reactive, or incompatible wastes, as required to demonstrate compliance with 35 Ill. Adm. Code 724.117, including documentation demonstrating compliance with 35 Ill. Adm. Code 724.117(c);

- j) A description of the area traffic pattern, the estimated traffic volume (number and types of vehicles), and area traffic control (for example, show turns across traffic lanes and stacking lanes, if appropriate); a description of access road surfacing and load bearing capacity; and the locations and types of traffic control signals;
- k) Facility location information, as required by Section 703.184;

BOARD NOTE: The Board has codified 40 CFR 270.14(b)(11)(iii) through (b)(11)(v) (2005) as Section 703.184(c) through (e) to comport with Illinois Administrative Code codification requirements. The Board did not include an equivalent to 40 CFR 270.14(b)(11)(i) and (b)(11)(ii), relating to certain seismic zones not located within Illinois.

- l) An outline of both the introductory and continuing training programs by the owner or operator to prepare persons to operate or maintain the HWM facility in a safe manner, as required to demonstrate compliance with 35 Ill. Adm. Code 724.116. A brief description of how training will be designed to meet actual job tasks in accordance with requirements in 35 Ill. Adm. Code 724.116(a)(3);
- m) A copy of the closure plan and, where applicable, the post-closure plan required by 35 Ill. Adm. Code 724.212, 724.218, and 724.297. Include, where applicable, as part of the plans, specific requirements in 35 Ill. Adm. Code 724.278, 724.297, 724.328, 724.358, 724.380, 724.410, 724.451, 724.701, and 724.703;
- n) For hazardous waste disposal units that have been closed, documentation that notices required under 35 Ill. Adm. Code 724.219 have been filed;
- o) The most recent closure cost estimate for the facility, prepared in accordance with 35 Ill. Adm. Code 724.242, and a copy of the documentation required to demonstrate financial assurance under 35 Ill. Adm. Code 724.243. For a new facility, a copy of the required documentation may be submitted 60 days prior to the initial receipt of hazardous wastes, if it is later than the submission of the Part B permit application;
- p) Where applicable, the most recent post-closure cost estimate for the facility, prepared in accordance with 35 Ill. Adm. Code 724.244, plus a copy of the

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documentation required to demonstrate financial assurance under 35 Ill. Adm. Code 724.245. For a new facility, a copy of the required documentation may be submitted 60 days prior to the initial receipt of hazardous wastes, if it is later than the submission of the Part B permit application;

- q) Where applicable, a copy of the insurance policy or other documentation that comprises compliance with the requirements of 35 Ill. Adm. Code 724.247. For a new facility, documentation showing the amount of insurance meeting the specification of 35 Ill. Adm. Code 724.247(a) and, if applicable, 35 Ill. Adm. Code 724.247(b) that the owner or operator plans to have in effect before initial receipt of hazardous waste for treatment, storage, or disposal. A request for an alternative level of required coverage for a new or existing facility may be submitted as specified in 35 Ill. Adm. Code 724.247(c);
- r) This subsection corresponds with 40 CFR 270.14(b)(18), pertaining to state financial mechanisms that do not apply in Illinois. This statement maintains structural parity with the federal regulations;
- s) A topographic map showing a distance of 1000 feet around the facility at a scale of 2.5 centimeters (1 inch) equal to not more than 61.0 meters (200 feet). Contours must be shown on the map. The contour interval must be sufficient to clearly show the pattern of surface water flow in the vicinity of and from each operational unit of the facility. For example, contours with an interval of 1.5 meters (5 feet), if relief is greater than 6.1 meters (20 feet), or an interval of 0.6 meters (2 feet), if relief is less than 6.1 meters (20 feet). An owner or operator of a HWM facility located in a mountainous area must use larger contour intervals to adequately show topographic profiles of facilities. The map must clearly show the following:
 - 1) Map scale and date;
 - 2) 100-year floodplain area;
 - 3) Surface waters including intermittent streams;
 - 4) Surrounding land uses (e.g., residential, commercial, agricultural, recreational, etc.);
 - 5) A wind rose (i.e., prevailing windspeed and direction);

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- 6) Orientation of the map (north arrow);
- 7) Legal boundaries of the HWM facility site;
- 8) Access control (e.g., fences, gates, etc.);
- 9) Injection and withdrawal wells both on-site and off-site;
- 10) Buildings; treatment, storage, or disposal operations; or other structures (e.g., recreation areas, runoff control systems, access and internal roads, storm, sanitary and process sewage systems, loading and unloading areas, fire control facilities, etc.);
- 11) Barriers for drainage or flood control; and
- 12) Location of operational units within the HWM facility site, where hazardous waste is (or will be) treated, stored, or disposed of (include equipment cleanup areas);

BOARD NOTE: For large HWM facilities, the Agency must allow the use of other scales on a case-by-case basis.

- t) Applicants must submit such information as the Agency determines is necessary for it to determine whether to issue a permit and what conditions to impose in any permit issued;
- u) For land disposal facilities, if a case-by-case extension has been approved under 35 Ill. Adm. Code 728.105 or if a petition has been approved under 35 Ill. Adm. Code 728.106, a copy of the notice of approval of the extension or of approval of the petition is required; and
- v) A summary of the pre-application meeting, along with a list of attendees and their addresses, and copies of any written comments or materials submitted at the meeting, as required under 35 Ill. Adm. Code 703.191(c).

BOARD NOTE: Derived from 40 CFR 270.14(b)-(2002) (2012).

(Source: Amended at 37 Ill. Reg. ———, effective ———)

SUBPART F: PERMIT CONDITIONS OR DENIAL

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- a) Class 1 modifications. See Section 703.281.
- b) Class 2 modifications. See Section 703.282.
- c) Class 3 modifications. See Section 703.283.
- d) Other modifications:
 - 1) In the case of modifications not explicitly listed in Appendix A of this Part, the permittee may submit a Class 3 modification request to the Agency, or the permittee may request a determination by the Agency that the modification be reviewed and approved as a Class 1 or Class 2 modification. If the permittee requests that the modification be classified as a Class 1 or 2 modification, the permittee must provide the Agency with the necessary information to support the requested classification.
 - 2) The Agency must make the determination described in subsection (d)(1) of this Section as promptly as practicable. In determining the appropriate class for a specific modification, the Agency must consider the similarity of the modification to other modifications codified in Appendix A of this Part and the following criteria:
 - A) Class 1 modifications apply to minor changes that keep the permit current with routine changes to the facility or its operation. These changes do not substantially alter the permit conditions or reduce the capacity of the facility to adequately protect human health or the environment. In the case of Class 1 modifications, the Agency may require prior approval.
 - B) Class 2 modifications apply to changes that are necessary to enable a permittee to respond, in a timely manner, to any of the following:
 - i) Common variations in the types and quantities of the wastes managed under the facility permit;
 - ii) Technological advances; and
 - iii) Changes necessary to comply with new regulations, where these changes can be implemented without substantially changing design specifications or management practices in

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the permit.

- C) Class 3 modifications substantially alter the facility or its operation.
- e) Temporary authorizations:
- 1) Upon request of the permittee, the Agency must, without prior public notice and comment, grant the permittee a temporary authorization in accordance with this subsection (e). Temporary authorizations have a term of not more than 180 days.
 - 2) Procedures:
 - A) The permittee may request a temporary authorization for the following:
 - i) Any Class 2 modification meeting the criteria in subsection (e)(3)(B) of this Section; and
 - ii) Any Class 3 modification that meets the criteria in subsection (e)(3)(B)(i) of this Section or that meets the criteria in subsections (e)(3)(B)(iii) through (e)(3)(B)(v) of this Section and provides improved management or treatment of a hazardous waste already listed in the facility permit.
 - B) The temporary authorization request must include the following:
 - i) A description of the activities to be conducted under the temporary authorization;
 - ii) An explanation of why the temporary authorization is necessary; and
 - iii) Sufficient information to ensure compliance with 35 Ill. Adm. Code 724 standards.
 - C) The permittee must send a notice about the temporary authorization request to all persons on the facility mailing list

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maintained by the Agency and to appropriate units of State and local governments, as specified in 35 Ill. Adm. Code 705.163(a)(5). This notification must be made within seven days after submission of the authorization request.

- 3) The Agency must approve or deny the temporary authorization as quickly as practical. To issue a temporary authorization, the Agency must find as follows:
 - A) That the authorized activities are in compliance with the standards of 35 Ill. Adm. Code 724.
 - B) That the temporary authorization is necessary to achieve one of the following objectives before action is likely to be taken on a modification request:
 - i) To facilitate timely implementation of closure or corrective action activities;
 - ii) To allow treatment or storage in tanks, containers, or containment buildings, in accordance with 35 Ill. Adm. Code 728;
 - iii) To prevent disruption of ongoing waste management activities;
 - iv) To enable the permittee to respond to sudden changes in the types or quantities of the wastes managed under the facility permit; or
 - v) To facilitate other changes to adequately protect human health and the environment.
- 4) A temporary authorization must be reissued for one additional term of up to 180 days, provided that the permittee has requested a Class 2 or 3 permit modification for the activity covered in the temporary authorization, and either of the following is true:
 - A) The reissued temporary authorization constitutes the Agency's decision on a Class 2 permit modification in accordance with

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Section 703.282(f)(1)(D) or (f)(2)(D); or

- B) The Agency determines that the reissued temporary authorization involving a Class 3 permit modification request is warranted to allow the authorized activities to continue while the modification procedures of 35 Ill. Adm. Code 703.283 are conducted.
- f) Public notice and appeals of permit modification decisions-
- 1) The Agency must notify persons on the facility mailing list and appropriate units of State and local government within 10 days after any decision to grant or deny a Class 2 or 3 permit modification request. The Agency must also notify such persons within 10 days after an automatic authorization for a Class 2 modification goes into effect pursuant to Section 703.282(f)(3) or (f)(5).
 - 2) The Agency's decision to grant or deny a Class 2 or 3 permit modification request may be appealed under the permit appeal procedures of 35 Ill. Adm. Code 705.212.
 - 3) An automatic authorization that goes into effect pursuant to Section 703.282(f)(3) or (f)(5) may be appealed under the permit appeal procedures of 35 Ill. Adm. Code 705.212; however, the permittee may continue to conduct the activities pursuant to the automatic authorization until the Board enters a final order on the appeal notwithstanding the provisions of 35 Ill. Adm. Code 705.204.
- g) Newly regulated wastes and units-
- 1) The permittee is authorized to continue to manage wastes listed or identified as hazardous pursuant to 35 Ill. Adm. Code 721, or to continue to manage hazardous waste in units newly regulated as hazardous waste management units, if each of the following is true:
 - A) The unit was in existence as a hazardous waste facility with respect to the newly listed or characterized waste or newly regulated waste management unit on the effective date of the final rule listing or identifying the waste, or regulating the unit;
 - B) The permittee submits a Class 1 modification request on or before

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the date on which the waste becomes subject to the new requirements;

- C) The permittee is in compliance with the applicable standards of 35 Ill. Adm. Code 725 and 726;
 - D) The permittee also submits a complete class 2 or 3 modification request within 180 days after the effective date of the rule listing or identifying the waste, or subjecting the unit to management standards pursuant to 35 Ill. Adm. Code 724, 725, or 726; and
 - E) In the case of land disposal units, the permittee certifies that such unit is in compliance with all applicable requirements of 35 Ill. Adm. Code 725 for groundwater monitoring and financial responsibility requirements on the date 12 months after the effective date of the rule identifying or listing the waste as hazardous, or regulating the unit as a hazardous waste management unit. If the owner or operator fails to certify compliance with all these requirements, the owner or operator loses authority to operate pursuant to this Section.
- 2) New wastes or units added to a facility's permit pursuant to this subsection (g) do not constitute expansions for the purpose of the 25 percent capacity expansion limit for Class 2 modifications.
- h) Military hazardous waste munitions treatment and disposal. The permittee is authorized to continue to accept waste military munitions notwithstanding any permit conditions barring the permittee from accepting off-site wastes, if each of the following is true:
- 1) The facility was in existence as a hazardous waste facility and the facility was already permitted to handle the waste military munitions on the date when the waste military munitions became subject to hazardous waste regulatory requirements;
 - 2) On or before the date when the waste military munitions become subject to hazardous waste regulatory requirements, the permittee submits a Class 1 modification request to remove or amend the permit provision restricting the receipt of off-site waste munitions; and

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- 3) The permittee submits a complete Class 2 modification request within 180 days after the date when the waste military munitions became subject to hazardous waste regulatory requirements.
- i) Permit modification list. The Agency must maintain a list of all approved permit modifications and must publish a notice once a year in a State-wide newspaper that an updated list is available for review.
- j) Combustion facility changes to meet federal 40 CFR 63 MACT standards. The following procedures apply to hazardous waste combustion facility permit modifications requested pursuant to Appendix A, paragraph L(9) of this Part.
 - 1) A facility owner or operator must have complied with the federal notification of intent to comply (NIC) requirements of 40 CFR 63.1210 that was in effect prior to October 11, 2000, (see subpart EEE of 40 CFR 63 (2000), incorporated by reference in 35 Ill. Adm. Code 720.111(b)) in order to request a permit modification pursuant to this Section for the purpose of technology changes needed to meet the standards of 40 CFR 63.1203, 63.1204, and 63.1205, incorporated by reference in 35 Ill. Adm. Code 720.111(b).
 - 2) If the Agency does not act to either approve or deny the request within 90 days of receiving it, the request must be deemed approved. The Agency may, at its discretion, extend this 90-day deadline one time for up to 30 days by notifying the facility owner or operator in writing before the 90 days has expired. A facility owner or operator must comply with the NIC requirements of 40 CFR 63.1210(b) and 63.1212(a) before a permit modification can be requested under this Section for the purpose of technology changes needed to meet the 40 CFR 63.1215, 63.1216, 63.1217, 63.1218, 63.1219, 63.1220, and 63.1221 standards as added on October 12, 2005, incorporated by reference in 35 Ill. Adm. Code 720.111(b).
- k) Waiver of RCRA permit conditions in support of transition to the federal 40 CFR 63 MACT standards-
 - 1) The facility owner or operator may request to have specific RCRA operating and emissions limits waived by submitting a Class 1 permit modification request under Appendix A of this Part, paragraph L.10. The owner or operator must provide the information described in subsections

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(k)(1)(A) through (k)(1)(C) of this Section, with Agency review subject to the conditions of subsection (k)(1)(D) of this Section:

- A) It must identify the specific RCRA permit operating and emissions limits that the owner or operator is requesting to waive;
- B) It must provide an explanation of why the changes are necessary in order to minimize or eliminate conflicts between the RCRA permit and MACT compliance; and
- C) It must discuss how the revised provisions will be sufficiently protective.
- D) The Agency must approve or deny the request within 30 days after receipt of the request. The Agency may, at its discretion, extend this 30-day deadline one time for up to 30 days by notifying the facility owner or operator in writing.

2) To request this modification in conjunction with MACT performance testing, where permit limits may only be waived during actual test events and pretesting, as defined under 40 CFR 63.1207(h)(2)(i) and (h)(2)(ii), incorporated by reference in 35 Ill. Adm. Code 720.111(b), for an aggregate time not to exceed 720 hours of operation (renewable at the discretion of the Agency) the owner or operator must fulfill the conditions of subsection (k)(2)(A) of this Section, subject to the conditions of subsection (k)(2)(B) of this Section:

- A) It must submit its modification request to the Agency at the same time it submits its test plans to the Agency.
- B) The Agency may elect to approve or deny the request contingent upon approval of the test plans.

1) ~~Performance Track member facilities. The following procedures apply to the owners and operators of a Performance Track member facility that requests a permit modification under paragraph O.1. in Appendix A to this Part. This subsection (1) corresponds with 40 CFR 270.42(1), which became obsolete when USEPA terminated the Performance Track Program at 74 Fed. Reg. 22741 (May 14, 2009). USEPA has recognized that program-related rules are no longer effective at 75 Fed. Reg. 12989, 92, note 1 (Mar. 18, 2010).~~

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This statement maintains structural consistency with the corresponding federal requirements.

- ~~1) The owner or operator of a Performance Track member facility must have complied with the requirements of 35 Ill. Adm. Code 724.115(b)(5) in order to request a permit modification under this Section.~~
- ~~2) The owner or operator of the Performance Track member facility should consider the request for permit modification approved if the Agency does not, in writing, within 60 days after receiving an application, either deny the request for permit modification or notify the owner or operator of the Performance Track member facility that the Agency has extended the 60-day deadline. During an extension of the 60-day deadline, the owner or operator of the Performance Track member facility must adhere to the revised inspection schedule outlined in its request for permit modification, and it must maintain a copy of the application in the facility's operating record.~~

BOARD NOTE: Derived from 40 CFR 270.42(d) through ~~(k)~~ (2007)~~(k)~~(2012).

(Source: Amended at 37 Ill. Reg. —, effective _____)

SUBPART H: REMEDIAL ACTION PLANS

Section 703.302 Applying for a RAP

- a) Applying for a RAP. To apply for a RAP, an owner or operator must complete an application, sign it, and submit it to the Agency according to the requirements in this Subpart H.

BOARD NOTE: Subsection (a) is derived from 40 CFR 270.95 ~~(2005)~~(2012).

- b) The person who must obtain a RAP. When a facility or remediation waste management site is owned by one person, but the treatment, storage, or disposal activities are operated by another person, it is the operator's duty to obtain a RAP, except that the owner must also sign the RAP application.

BOARD NOTE: Subsection (b) is derived from 40 CFR 270.100 ~~(2005)~~(2012).

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- c) The person who must sign the application and any required reports for a RAP. Both the owner and the operator must sign the RAP application and any required reports according to 35 Ill. Adm. Code 702.126(a), (b), and (c). In the application, both the owner and the operator must also make the certification required pursuant to 35 Ill. Adm. Code 702.126(d)(1). However, the owner may choose the alternative certification pursuant to 35 Ill. Adm. Code 702.126(d)(2) if the operator certifies pursuant to 35 Ill. Adm. Code 702.126(d)(1).

BOARD NOTE: Subsection (c) is derived from 40 CFR 270.105-~~(2005)~~ (2012).

- d) What an owner or operator must include in its application for a RAP. An owner or operator must include the following information in its application for a RAP:
- 1) The name, address, and USEPA identification number of the remediation waste management site;
 - 2) The name, address, and telephone number of the owner and operator;
 - 3) The latitude and longitude of the site;
 - 4) The United States Geological Survey (USGS) or county map showing the location of the remediation waste management site;
 - 5) A scaled drawing of the remediation waste management site showing the following:
 - A) The remediation waste management site boundaries;
 - B) Any significant physical structures; and
 - C) The boundary of all areas on-site where remediation waste is to be treated, stored, or disposed of;
 - 6) A specification of the hazardous remediation waste to be treated, stored, or disposed of at the facility or remediation waste management site. This must include information on the following:
 - A) Constituent concentrations and other properties of the hazardous remediation wastes that may affect how such materials should be treated or otherwise managed;

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- B) An estimate of the quantity of these wastes; and
 - C) A description of the processes an owner or operator will use to treat, store, or dispose of this waste, including technologies, handling systems, design, and operating parameters an owner or operator will use to treat hazardous remediation wastes before disposing of them according to the land disposal restrictions of 35 Ill. Adm. Code 728, as applicable;
- 7) Enough information to demonstrate that operations that follow the provisions in the owner's or operator's RAP application will ensure compliance with applicable requirements of 35 Ill. Adm. Code 724, 726, and 728;
 - 8) Such information as may be necessary to enable the Agency to carry out its duties under other federal laws as is required for traditional RCRA permits pursuant to Section 703.183(t);
 - 9) Any other information the Agency decides is necessary for demonstrating compliance with this Subpart H or for determining any additional RAP conditions that are necessary to adequately protect human health and the environment.

BOARD NOTE: Subsection (d) is derived from 40 CFR 270.110 ~~(2005)~~(2012).

- e) If an owner or operator wants to keep this information confidential. 35 Ill. Adm. Code ~~120~~ 130 allows an owner or operator to claim as confidential any or all of the information an owner or operator submits to the Agency pursuant to this Subpart H. An owner or operator must assert any such claim at the time that the owner or operator submits its RAP application or other submissions by stamping the words "trade secret" in red ink, as provided in 35 Ill. Adm. Code ~~120.305~~ 130.302. If an owner or operator asserts a claim in compliance with 35 Ill. Adm. Code ~~120.201~~ 130.200 at the time it submits the information, the Agency must treat the information according to the procedures in 35 Ill. Adm. Code ~~120~~ 130. If an owner or operator does not assert a claim at the time it submits the information, the Agency must make the information available to the public without further notice to the owner or operator. The Agency must deny any requests for confidentiality of an owner's or operator's name or address.

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- 2) The RAP is subject to the expanded public participation requirements in Sections 703.191, 703.192, and 703.193;
- 3) The RAP is subject to the public notice requirements in 35 Ill. Adm. Code 705.163;
- 4) The site permitted in the RAP may not be located within 61 meters or 200 feet of a fault that has had displacement in the Holocene time. (The owner or operator must demonstrate compliance with this standard through the requirements in Section 703.183(k).) (See the definitions of terms in 35 Ill. Adm. Code 724.118(a).)

BOARD NOTE: Sites in Illinois are assumed to be in compliance with the requirement of subsection (d)(4) of this Section, since they are not listed in appendix VI to 40 CFR 264 (Political Jurisdictions in Which Compliance with § Section 264.18(a) Must Be Demonstrated), incorporated by reference in 35 Ill. Adm. Code 720.111(b).

- e) These alternative locations are remediation waste management sites, and retain the following benefits of remediation waste management sites:
 - 1) Exclusion from facility-wide corrective action under 35 Ill. Adm. Code 724.201; and
 - 2) Application of 35 Ill. Adm. Code 724.101(j) in lieu of Subparts B, C, and D of 35 Ill. Adm. Code 724.

BOARD NOTE: Derived from 40 CFR 270.230 (~~2005~~)(2012).

(Source: Amended at 37 Ill. Reg. _____, effective _____)

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Section 703.APPENDIX A Classification of Permit Modifications

Class	Modifications
	<u>A.</u> A. General Permit Provisions
1	<u>1.</u> 1. Administrative and informational changes.
1	<u>2.</u> 2. Correction of typographical errors.
1	<u>3.</u> 3. Equipment replacement or upgrading with functionally equivalent components (e.g., pipes, valves, pumps, conveyors, controls).
	<u>4.</u> 4. Changes in the frequency of or procedures for monitoring, reporting, sampling, or maintenance activities by the permittee:
1	<u>a.</u> a. To provide for more frequent monitoring, reporting, or maintenance.
2	<u>b.</u> b. Other changes.
	<u>5.</u> 5. Schedule of compliance:
1*	<u>a.</u> a. Changes in interim compliance dates, with prior approval of the Agency.
3	<u>b.</u> b. Extension of final compliance date.
1*	<u>6.</u> 6. Changes in expiration date of permit to allow earlier permit termination, with prior approval of the Agency.
1*	<u>7.</u> 7. Changes in ownership or operational control of a facility, provided the procedures of Section 703.260(b) are followed.
1*	<u>8.</u> 8. Changes to remove permit conditions that are no longer applicable (i.e., because the standards upon which they are based are no longer applicable to the facility).
1*	<u>9.</u> 9. Changes to remove permit conditions applicable to a unit excluded pursuant to the provisions of 35 Ill. Adm. Code 721.104.

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1* ~~10.~~ ~~10.~~ Changes in the expiration date of a permit issued to a facility at which all units are excluded pursuant to the provisions of 35 Ill. Adm. Code 721.104.

B. ~~B.~~ General Facility Standards

1. ~~1.~~ Changes to waste sampling or analysis methods:

1 a. ~~a.~~ To conform with Agency guidance or Board regulations.

1* b. ~~b.~~ To incorporate changes associated with F039 (multi-source leachate) sampling or analysis methods.

1* c. ~~c.~~ To incorporate changes associated with underlying hazardous constituents in ignitable or corrosive wastes.

2 d. ~~d.~~ Other changes.

2. ~~2.~~ Changes to analytical quality assurance or quality control plan:

1 a. ~~a.~~ To conform with agency guidance or regulations.

2 b. ~~b.~~ Other changes.

1 3. ~~3.~~ Changes in procedures for maintaining the operating record.

2 4. ~~4.~~ Changes in frequency or content of inspection schedules.

5. ~~5.~~ Changes in the training plan:

2 a. ~~a.~~ That affect the type or decrease the amount of training given to employees.

1 b. ~~b.~~ Other changes.

6. ~~6.~~ Contingency plan:

2 a. ~~a.~~ Changes in emergency procedures (i.e., spill or release response procedures).

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- 1 ~~b.~~ ~~b.~~ Replacement with functionally equivalent equipment, upgrade, or relocate emergency equipment listed.
- 2 ~~c.~~ ~~c.~~ Removal of equipment from emergency equipment list.
- 1 ~~d.~~ ~~d.~~ Changes in name, address, or phone number of coordinators or other persons or agencies identified in the plan.

Note: When a permit modification (such as introduction of a new unit) requires a change in facility plans or other general facility standards, that change must be reviewed under the same procedures as the permit modification.

~~7.~~ ~~7.~~ CQA plan:

- 1 ~~a.~~ ~~a.~~ Changes that the CQA officer certifies in the operating record will provide equivalent or better certainty that the unit components meet the design specifications.
- 2 ~~b.~~ ~~b.~~ Other changes.

Note: When a permit modification (such as introduction of a new unit) requires a change in facility plans or other general facility standards, that change must be reviewed under the same procedures as a permit modification.

~~C.~~ ~~C.~~ Groundwater Protection

- ~~1.~~ ~~1.~~ Changes to wells:
 - 2 ~~a.~~ ~~a.~~ Changes in the number, location, depth, or design of upgradient or downgradient wells of permitted groundwater monitoring system.
 - 1 ~~b.~~ ~~b.~~ Replacement of an existing well that has been damaged or rendered inoperable, without change to location, design, or depth of the well.
- 1* ~~2.~~ ~~2.~~ Changes in groundwater sampling or analysis procedures or

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monitoring schedule, with prior approval of the Agency.

- 1* 3. ~~3.~~ Changes in statistical procedure for determining whether a statistically significant change in groundwater quality between upgradient and downgradient wells has occurred, with prior approval of the Agency.
- 2 4. ~~4.~~ Changes in point of compliance.
- 5. ~~5.~~ Changes in indicator parameters, hazardous constituents, or concentration limits (including ACLs (Alternate Concentration Limits)):
 - 3 a. ~~a.~~ As specified in the groundwater protection standard.
 - 2 b. ~~b.~~ As specified in the detection monitoring program.
- 2 6. ~~6.~~ Changes to a detection monitoring program as required by 35 Ill. Adm. Code 724.198(h), unless otherwise specified in this Appendix.
- 7. ~~7.~~ Compliance monitoring program:
 - 3 a. ~~a.~~ Addition of compliance monitoring program as required by 35 Ill. Adm. Code 724.198(g)(4) and 724.199.
 - 2 b. ~~b.~~ Changes to a compliance monitoring program as required by 35 Ill. Adm. Code 724.199(j), unless otherwise specified in this Appendix.
- 8. ~~8.~~ Corrective action program:
 - 3 a. ~~a.~~ Addition of a corrective action program as required by 35 Ill. Adm. Code 724.199(i)(2) and 724.200.
 - 2 b. ~~b.~~ Changes to a corrective action program as required by 35 Ill. Adm. Code 724.200(h), unless otherwise specified in this Appendix.
- D. ~~D.~~ Closure
 - 1. ~~1.~~ Changes to the closure plan:

- | | | |
|----|-----------|---|
| 1* | <u>a.</u> | a. Changes in estimate of maximum extent of operations or maximum inventory of waste on-site at any time during the active life of the facility, with prior approval of the Agency. |
| 1* | <u>b.</u> | b. Changes in the closure schedule for any unit, changes in the final closure schedule for the facility or extension of the closure period, with prior approval of the Agency. |
| 1* | <u>c.</u> | c. Changes in the expected year of final closure, where other permit conditions are not changed, with prior approval of the Agency. |
| 1* | <u>d.</u> | d. Changes in procedures for decontamination of facility equipment or structures, with prior approval of the Agency. |
| 2 | <u>e.</u> | e. Changes in approved closure plan resulting from unexpected events occurring during partial or final closure, unless otherwise specified in this Appendix. |
| 2 | <u>f.</u> | f. Extension of the closure period to allow a landfill, surface impoundment, or land treatment unit to receive non-hazardous wastes after final receipt of hazardous wastes under 35 Ill. Adm. Code 724.213(d) or (e). |
| 3 | <u>2.</u> | 2. Creation of a new landfill unit as part of closure. |
| | <u>3.</u> | 3. Addition of the following new units to be used temporarily for closure activities: |
| 3 | <u>a.</u> | a. Surface impoundments. |
| 3 | <u>b.</u> | b. Incinerators. |
| 3 | <u>c.</u> | c. Waste piles that do not comply with 35 Ill. Adm. Code 724.350(c). |
| 2 | <u>d.</u> | d. Waste piles that comply with 35 Ill. Adm. Code 724.350(c). |

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- 2 ~~e.~~ ~~e.~~ Tanks or containers (other than specified in paragraph D(3)(f) below).
- 1* ~~f.~~ ~~f.~~ Tanks used for neutralization, dewatering, phase separation, or component separation, with prior approval of the Agency.
- 2 ~~g.~~ ~~g.~~ Staging piles.
- ~~E.~~ ~~E.~~ Post-Closure
- 1 ~~1.~~ ~~1.~~ Changes in name, address, or phone number of contact in post-closure plan.
- 2 ~~2.~~ ~~2.~~ Extension of post-closure care period.
- 3 ~~3.~~ ~~3.~~ Reduction in the post-closure care period.
- 1 ~~4.~~ ~~4.~~ Changes to the expected year of final closure, where other permit conditions are not changed.
- 2 ~~5.~~ ~~5.~~ Changes in post-closure plan necessitated by events occurring during the active life of the facility, including partial and final closure.
- ~~F.~~ ~~F.~~ Containers
- 3 ~~1.~~ ~~1.~~ Modification or addition of container units:
 - a. ~~a.~~ Resulting in greater than 25 percent increase in the facility's container storage capacity, except as provided in F(1)(c) and F(4)(a).
 - 2 ~~b.~~ ~~b.~~ Resulting in up to 25 percent increase in the facility's container storage capacity, except as provided in F(1)(c) and F(4)(a).
 - 1 ~~c.~~ ~~e.~~ Modification or addition of container units or treatment processes necessary to treat wastes that are restricted from land disposal to meet some or all of the applicable treatment standards, with prior approval of the Agency. This modification may also

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involve the addition of new waste codes or narrative description of wastes. It is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027, and F028).

2. ~~2.~~ Modification of container units without an increased capacity or alteration of the system:

2 a. ~~a.~~ Modification of a container unit without increasing the capacity of the unit.

1 b. ~~b.~~ Addition of a roof to a container unit without alteration of the containment system.

3. ~~3.~~ Storage of different wastes in containers, except as provided in F(4):

3 a. ~~a.~~ That require additional or different management practices from those authorized in the permit.

2 b. ~~b.~~ That do not require additional or different management practices from those authorized in the permit.

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

4. ~~4.~~ Storage or treatment of different wastes in containers:

2* a. ~~a.~~ That require addition of units or change in treatment process or management standards, provided that the wastes are restricted from land disposal and are to be treated to meet some or all of the applicable treatment standards. It is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027, and F028).

1* b. ~~b.~~ That do not require the addition of units or a change in the treatment process or management standards, and provided that the units have previously received wastes of the same type (e.g., incinerator scrubber water). This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027, and F028).

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G. ~~G.~~ Tanks

1. ~~1.~~ Modification of a tank unit, secondary containment system, or treatment process that increases tank capacity, adds a new tank, or alters treatment, specified as follows:

3 a. ~~a.~~ Modification or addition of tank units resulting in greater than 25 percent increase in the facility's tank capacity, except as provided in paragraphs G(1)(c), G(1)(d), and G(1)(e).

2 b. ~~b.~~ Modification or addition of tank units resulting in up to 25 percent increase in the facility's tank capacity, except as provided in paragraphs G(1)(d) and G(1)(e).

2 c. ~~c.~~ Addition of a new tank that will operate for more than 90 days using any of the following physical or chemical treatment technologies: neutralization, dewatering, phase separation, or component separation.

1* d. ~~d.~~ After prior approval of the Agency, addition of a new tank that will operate for up to 90 days using any of the following physical or chemical treatment technologies: neutralization, dewatering, phase separation, or component separation.

1* e. ~~e.~~ Modification or addition of tank units or treatment processes that are necessary to treat wastes that are restricted from land disposal to meet some or all of the applicable treatment standards, with prior approval of the Agency. This modification may also involve the addition of new waste codes. It is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027, and F028).

2 2. ~~2.~~ Modification of a tank unit or secondary containment system without increasing the capacity of the unit.

1 3. ~~3.~~ Replacement of a tank with a tank that meets the same design standards and has a capacity within ~~±~~ ± 10 percent of the replaced tank provided:

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- a. ~~a.~~ The capacity difference is no more than 1500 gallons (5680 ℓ),
 - b. ~~b.~~ The facility's permitted tank capacity is not increased, and
 - c. ~~c.~~ The replacement tank meets the same conditions in the permit.
- 2 4. ~~4.~~ Modification of a tank management practice.
5. ~~5.~~ Management of different wastes in tanks:
- 3 a. ~~a.~~ That require additional or different management practices, tank design, different fire protection specifications or significantly different tank treatment process from that authorized in the permit, except as provided in paragraph G(5)(c).
- 2 b. ~~b.~~ That do not require additional or different management practices or tank design, different fire protection specification, or significantly different tank treatment process than authorized in the permit, except as provided in paragraph G(5)(d).
- Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.
- 1* c. ~~c.~~ That require addition of units or change in treatment processes or management standards, provided that the wastes are restricted from land disposal and are to be treated to meet some or all of the applicable treatment standards. The modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027, and F028).
- 1 d. ~~d.~~ That do not require the addition of units or a change in the treatment process or management standards, and provided that the units have previously received wastes of the same type (e.g., incinerator scrubber water). This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027, and F028).

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Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

H. ~~H.~~ Surface Impoundments

- 3 1. ~~1.~~ Modification or addition of surface impoundment units that result in increasing the facility's surface impoundment storage or treatment capacity.
- 3 2. ~~2.~~ Replacement of a surface impoundment unit.
- 2 3. ~~3.~~ Modification of a surface impoundment unit without increasing the facility's surface impoundment storage or treatment capacity and without modifying the unit's liner, leak detection system, or leachate collection system.
- 2 4. ~~4.~~ Modification of a surface impoundment management practice.
- 2 5. ~~5.~~ Treatment, storage, or disposal of different wastes in surface impoundments:
- 3 a. ~~a.~~ That require additional or different management practices or different design of the liner or leak detection system than authorized in the permit.
- 2 b. ~~b.~~ That do not require additional or different management practices or different design of the liner or leak detection system than authorized in the permit.
- 1 c. ~~c.~~ That are wastes restricted from land disposal that meet the applicable treatment standards. This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027, and F028).
- 1 d. ~~d.~~ That are residues from wastewater treatment or incineration, provided the disposal occurs in a unit that meets the minimum technological requirements stated in 40 CFR

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

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268.5(h)(2) (Procedures for Case-by-Case Extensions to an Effective Date), incorporated by reference in 35 Ill. Adm. Code 720.111(b), and provided further that the surface impoundment has previously received wastes of the same type (for example, incinerator scrubber water). This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027, and F028).

- 1* 6. ~~6.~~ Modifications of unconstructed units to comply with 35 Ill. Adm. Code 724.321(c), 724.322, 724.323, and 724.326(d).
- 7. ~~7.~~ Changes in response action plan:
 - 3 a. ~~a.~~ Increase in action leakage rate.
 - 3 b. ~~b.~~ Change in a specific response reducing its frequency or effectiveness.
 - 2 c. ~~e.~~ Other changes.
- Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.
- I. ~~I.~~ Enclosed Waste Piles. For all waste piles, except those complying with 35 Ill. Adm. Code 724.350(c), modifications are treated the same as for a landfill. The following modifications are applicable only to waste piles complying with 35 Ill. Adm. Code 724.350(c).
 - 1. ~~1.~~ Modification or addition of waste pile units:
 - 3 a. ~~a.~~ Resulting in greater than 25 percent increase in the facility's waste pile storage or treatment capacity.
 - 2 b. ~~b.~~ Resulting in up to 25 percent increase in the facility's waste pile storage or treatment capacity.
 - 2 2. ~~2.~~ Modification of waste pile unit without increasing the capacity of the unit.
 - 1 3. ~~3.~~ Replacement of a waste pile unit with another waste pile unit of

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the same design and capacity and meeting all waste pile conditions in the permit.

2

~~4.~~

~~4.~~ Modification of a waste pile management practice.

~~5.~~

~~5.~~ Storage or treatment of different wastes in waste piles:

3

~~a.~~

~~a.~~ That require additional or different management practices or different design of the unit.

2

~~b.~~

~~b.~~ That do not require additional or different management practices or different design of the unit.

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

~~2.~~

~~2.~~

~~6.~~ Conversion of an enclosed waste pile to a containment building unit.

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

~~I.~~ ~~J.~~

Landfills and Unenclosed Waste Piles

3

~~1.~~

~~1.~~ Modification or addition of landfill units that result in increasing the facility's disposal capacity.

3

~~2.~~

~~2.~~ Replacement of a landfill.

3

~~3.~~

~~3.~~ Addition or modification of a liner, leachate collection system, leachate detection system, runoff control, or final cover system.

2

~~4.~~

~~4.~~ Modification of a landfill unit without changing a liner, leachate collection system, leachate detection system, runoff control, or final cover system.

2

~~5.~~

~~5.~~ Modification of a landfill management practice.

~~6.~~

~~6.~~ Landfill different wastes:

3

~~a.~~

~~a.~~ That require additional or different management practices,

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			different design of the liner, leachate collection system, or leachate detection system.
2	<u>b.</u>	b.	That do not require additional or different management practices, different design of the liner, leachate collection system, or leachate detection system.
			Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.
1	<u>c.</u>	c.	That are wastes restricted from land disposal that meet the applicable treatment standards. This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027, and F028).
1	<u>d.</u>	d.	That are residues from wastewater treatment or incineration, provided the disposal occurs in a landfill unit that meets the minimum technological requirements stated in 40 CFR 268.5(h)(2) (Procedures for Case-by-Case Extensions to an Effective Date), incorporated by reference in 35 Ill. Adm. Code 720.111(b), and provided further that the landfill has previously received wastes of the same type (for example, incinerator ash). This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027, and F028).
1*	<u>7.</u>	7.	Modification of unconstructed units to comply with 35 Ill. Adm. Code 724.351(c), 724.352, 724.353, 724.354(c), 724.401(c), 724.402, 724.403(c), and 724.404.
	<u>8.</u>	8.	Changes in response action plan:
3	<u>a.</u>	a.	Increase in action leakage rate.
3	<u>b.</u>	b.	Change in a specific response reducing its frequency or effectiveness.
2	<u>c.</u>	c.	Other changes.

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Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

K. ~~K.~~ Land Treatment

- 3 1. ~~1.~~ Lateral expansion of or other modification of a land treatment unit to increase area extent.
- 2 2. ~~2.~~ Modification of runoff control system.
- 3 3. ~~3.~~ Modify runoff control system.
- 2 4. ~~4.~~ Other modification of land treatment unit component specifications or standards required in permit.
- 5. ~~5.~~ Management of different wastes in land treatment units:
 - 3 a. ~~a.~~ That require a change in permit operating conditions or unit design specifications.
 - 2 b. ~~b.~~ That do not require a change in permit operating conditions or unit design specifications.

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

6. Modification of a land treatment unit management practice to:

- 3 a. ~~a.~~ Increase rate or change method of waste application.
- 1 b. ~~b.~~ Decrease rate of waste application.
- 2 7. ~~7.~~ Modification of a land treatment unit management practice to change measures of pH or moisture content or to enhance microbial or chemical reactions.

~~NOTICE OF PROPOSED AMENDMENTS~~

- | | | |
|----|----------------|--|
| 3 | 8. | 8. Modification of a land treatment unit management practice to grow food chain crops, to add to or replace existing permitted crops with different food chain crops or to modify operating plans for distribution of animal feeds resulting from such crops. |
| 3 | 9. | 9. Modification of operating practice due to detection of releases from the land treatment unit pursuant to 35 Ill. Adm. Code 724.378(g)(2). |
| 3 | 10. | 10. Changes in the unsaturated zone monitoring system that result in a change to the location, depth, or number of sampling points or which replace unsaturated zone monitoring devices or components of devices with devices or components that have specifications different from permit requirements. |
| 2 | 11. | 11. Changes in the unsaturated zone monitoring system that do not result in a change to the location, depth, or number of sampling points or which replace unsaturated zone monitoring devices or components of devices with devices or components having specifications different from permit requirements. |
| 2 | 12. | 12. Changes in background values for hazardous constituents in soil and soil-pore liquid. |
| 2 | 13. | 13. Changes in sampling, analysis, or statistical procedure. |
| 2 | 14. | 14. Changes in land treatment demonstration program prior to or during the demonstration. |
| 1* | 15. | 15. Changes in any condition specified in the permit for a land treatment unit to reflect results of the land treatment demonstration, provided performance standards are met, and the Agency's prior approval has been received. |
| 1* | 16. | 16. Changes to allow a second land treatment demonstration to be conducted when the results of the first demonstration have not shown the conditions under which the wastes can be treated completely, provided the conditions for the second demonstration are substantially the same as the conditions for the first demonstration and have |

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received the prior approval of the Agency.

3 17. ~~17.~~ Changes to allow a second land treatment demonstration to be conducted when the results of the first demonstration have not shown the conditions under which the wastes can be treated completely, where the conditions for the second demonstration are not substantially the same as the conditions for the first demonstration.

2 18. ~~18.~~ Changes in vegetative cover requirements for closure.

L. ~~L.~~ Incinerators, Boilers and Industrial Furnaces

3 1. ~~1.~~ Changes to increase by more than 25 percent any of the following limits authorized in the permit: A thermal feed rate limit, a feedstream feed rate limit, a chlorine/chloride feed rate limit, a metal feed rate limit, or an ash feed rate limit. The Agency must require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means.

2 2. ~~2.~~ Changes to increase by up to 25 percent any of the following limits authorized in the permit: A thermal feed rate limit, a feedstream feed rate limit, a chlorine/chloride feed rate limit, a metal feed rate limit, or an ash feed rate limit. The Agency must require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means.

3 3. ~~3.~~ Modification of an incinerator, boiler, or industrial furnace unit by changing the internal size or geometry of the primary or secondary combustion units; by adding a primary or secondary combustion unit; by substantially changing the design of any component used to remove HCl/Cl₂, metals, or particulate from the combustion gases; or by changing other features of the incinerator, boiler, or industrial furnace that could affect its capability to meet the regulatory performance standards. The Agency must require a new trial burn to substantiate compliance with the regulatory performance standards, unless this demonstration can be made through other means.

2 4. ~~4.~~ Modification of an incinerator, boiler, or industrial furnace unit in a manner that will not likely affect the capability of the unit to meet

NOTICE OF PROPOSED AMENDMENTS

the regulatory performance standards but which will change the operating conditions or monitoring requirements specified in the permit. The Agency may require a new trial burn to demonstrate compliance with the regulatory performance standards.

5. ~~5.~~ Operating requirements:

3 a. ~~a.~~ Modification of the limits specified in the permit for minimum or maximum combustion gas temperature, minimum combustion gas residence time, oxygen concentration in the secondary combustion chamber, flue gas carbon monoxide or hydrocarbon concentration, maximum temperature at the inlet to the PM emission control system, or operating parameters for the air pollution control system. The Agency must require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means.

3 b. ~~b.~~ Modification of any stack gas emission limits specified in the permit, or modification of any conditions in the permit concerning emergency shutdown or automatic waste feed cutoff procedures or controls.

2 c. ~~c.~~ Modification of any other operating condition or any inspection or recordkeeping requirement specified in the permit.

6. ~~6.~~ Burning different wastes:

3 a. ~~a.~~ If the waste contains a POHC that is more difficult to burn than authorized by the permit or if burning of the waste requires compliance with different regulatory performance standards than specified in the permit, the Agency must require a new trial burn to substantiate compliance with the regulatory performance standards, unless this demonstration can be made through other means.

2 b. ~~b.~~ If the waste does not contain a POHC that is more difficult to burn than authorized by the permit and if burning of the waste does not require compliance with different regulatory performance standards than specified in the permit.

~~NOTICE OF PROPOSED AMENDMENTS~~

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

- 2 ~~7.~~ ~~7.~~ Shakedown and trial burn:
 - 1* ~~a.~~ ~~a.~~ Modification of the trial burn plan or any of the permit conditions applicable during the shakedown period for determining operational readiness after construction, the trial burn period or the period immediately following the trial burn.
 - 1* ~~b.~~ ~~b.~~ Authorization of up to an additional 720 hours of waste burning during the shakedown period for determining operational readiness after construction, with the prior approval of the Agency.
 - 1* ~~c.~~ ~~c.~~ Changes in the operating requirements set in the permit for conducting a trial burn, provided the change is minor and has received the prior approval of the Agency.
 - 1* ~~d.~~ ~~d.~~ Changes in the ranges of the operating requirements set in the permit to reflect the results of the trial burn, provided the change is minor and has received the prior approval of the Agency.
- 1 ~~8.~~ ~~8.~~ Substitution of an alternative type of non-hazardous waste fuel that is not specified in the permit.
- 1* ~~9.~~ ~~9.~~ Technology changes needed to meet standards under federal subpart EEE of 40 CFR 63 (National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors), incorporated by reference in 35 Ill. Adm. Code 720.111(b), provided the procedures of Section 703.280(j) are followed.
- 1* ~~10.~~ ~~10.~~ Changes to RCRA Permit provisions needed to support transition to federal subpart EEE of 40 CFR 63 (National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors), incorporated by reference in 35 Ill. Adm. Code 720.111(b), provided the procedures of Section 703.280(k) are followed.
- ~~M.~~ ~~M.~~ Containment Buildings

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- 1. ~~1.~~ Modification or addition of containment building units:
 - 3 a. ~~a.~~ Resulting in greater than 25 percent increase in the facility's containment building storage or treatment capacity.
 - 2 b. ~~b.~~ Resulting in up to 25 percent increase in the facility's containment building storage or treatment capacity.
- 2. ~~2.~~ Modification of a containment building unit or secondary containment system without increasing the capacity of the unit.
- 3. ~~3.~~ Replacement of a containment building with a containment building that meets the same design standards provided:
 - 1 a. ~~a.~~ The unit capacity is not increased.
 - 1 b. ~~b.~~ The replacement containment building meets the same conditions in the permit.
- 4. ~~4.~~ Modification of a containment building management practice.
- 5. ~~5.~~ Storage or treatment of different wastes in containment buildings:
 - 3 a. ~~a.~~ That require additional or different management practices.
 - 2 b. ~~b.~~ That do not require additional or different management practices.
- N. ~~N.~~ Corrective Action

3

- 3 1. Approval of a corrective action management unit pursuant to 35 Ill. Adm. Code 724.652.
- 2 ~~2. Approval of a temporary unit or time extension pursuant to 35 Ill. Adm. Code 724.653.~~
- 2 2. Approval of a temporary unit or time extension pursuant to 35 Ill. Adm. Code 724.653.

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- 2 ~~3.~~ Approval of a staging pile or staging pile operating term extension pursuant to 35 Ill. Adm. Code 724.654.
- 2 3. Approval of a staging pile or staging pile operating term extension pursuant to 35 Ill. Adm. Code 724.654.
- O. ~~O.~~ Burden Reduction
1. ~~1.~~ Approval of reduced inspection frequency for a Performance Track member facility for one of the following: This paragraph O.1. corresponds with paragraph O.1. in appendix I to 40 CFR 270.42, which became obsolete when USEPA terminated the Performance Track Program at 74 Fed. Reg. 22741 (May 14, 2009). USEPA has recognized that program-related rules are no longer effective at 75 Fed. Reg. 12989, 92, note 1 (Mar. 18, 2010). This statement maintains structural consistency with the corresponding federal requirements.;
- 1* ~~a.~~ A tank system pursuant to 35 Ill. Adm. Code 724.295.
- 1* ~~b.~~ A container pursuant to 35 Ill. Adm. Code 724.274.
- 1* ~~c.~~ A containment building pursuant to 35 Ill. Adm. Code 724.1101(e)(4).
- 1* ~~d.~~ An area subject to spills pursuant to 35 Ill. Adm. Code 724.115(b)(4).
- 1 2. ~~2.~~ Development of one contingency plan based on Integrated Contingency Plan Guidance pursuant to 35 Ill. Adm. Code 724.152(b).
- 1 3. ~~3.~~ A change to recordkeeping and reporting requirements pursuant to any of the following: 35 Ill. Adm. Code 724.156(i), 724.443(a)(2), 724.961(b)(1) and (d), 724.962(a)(2), 724.296(f), 724.200(g), or 724.213(e)(5).
- 1 4. ~~4.~~ A change to inspection frequency for a tank system pursuant to 35 Ill. Adm. Code 724.295(b).
- 1 5. ~~5.~~ A change to a detection and compliance monitoring program pursuant to 35 Ill. Adm. Code 724.198(d), (g)(2), (g)(3), or 724.199(f) or (g).

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Note: * indicates modifications requiring prior Agency approval.

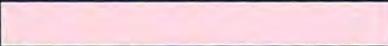
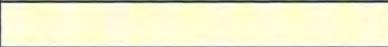
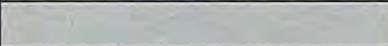
~~Note: * indicates modifications requiring prior Agency approval.~~

BOARD NOTE: Derived from appendix I to 40 CFR 270.42 (~~2009~~)(2012).

(Source: Amended at 37 Ill. Reg. _____, effective _____)

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EXEMPT

JCAR350703-1309138r01

1 TITLE 35: ENVIRONMENTAL PROTECTION
2 SUBTITLE G: WASTE DISPOSAL
3 CHAPTER I: POLLUTION CONTROL BOARD
4 SUBCHAPTER b: PERMITS

5
6 PART 703
7 RCRA PERMIT PROGRAM

8
9 SUBPART A: GENERAL PROVISIONS

10

11 Section

12 703.100 Scope and Relation to Other Parts
13 703.101 Purpose
14 703.102 Electronic Reporting
15 703.110 References

16

17

SUBPART B: PROHIBITIONS

18

19 Section

20 703.120 Prohibitions in General
21 703.121 RCRA Permits
22 703.122 Specific Inclusions in Permit Program
23 703.123 Specific Exclusions from Permit Program
24 703.124 Discharges of Hazardous Waste
25 703.125 Reapplying for a Permit
26 703.126 Initial Applications
27 703.127 Federal Permits (Repealed)

28

29

SUBPART C: AUTHORIZATION BY RULE AND INTERIM STATUS

30

31 Section

32 703.140 Purpose and Scope
33 703.141 Permits by Rule
34 703.150 Application by Existing HWM Facilities and Interim Status Qualifications
35 703.151 Application by New HWM Facilities
36 703.152 Amended Part A Application
37 703.153 Qualifying for Interim Status
38 703.154 Prohibitions During Interim Status
39 703.155 Changes During Interim Status
40 703.156 Interim Status Standards
41 703.157 Grounds for Termination of Interim Status
42 703.158 Permits for Less Than an Entire Facility
43 703.159 Closure by Removal

87	703.225	Trial Burns for Existing Incinerators
88	703.230	Land Treatment Demonstration
89	703.231	Research, Development and Demonstration Permits
90	703.232	Permits for Boilers and Industrial Furnaces Burning Hazardous Waste
91	703.234	Remedial Action Plans
92	703.238	RCRA Standardized Permits for Storage and Treatment Units

93

94 SUBPART F: PERMIT CONDITIONS OR DENIAL

95

96 Section

97	703.240	Permit Denial
98	703.241	Establishing Permit Conditions
99	703.242	Noncompliance Pursuant to Emergency Permit
100	703.243	Monitoring
101	703.244	Notice of Planned Changes (Repealed)
102	703.245	Twenty-four Hour Reporting
103	703.246	Reporting Requirements
104	703.247	Anticipated Noncompliance
105	703.248	Information Repository

106

107 SUBPART G: CHANGES TO PERMITS

108

109 Section

110	703.260	Transfer
111	703.270	Modification or Reissuance
112	703.271	Causes for Modification
113	703.272	Causes for Modification or Reissuance
114	703.273	Facility Siting
115	703.280	Permit Modification at the Request of the Permittee
116	703.281	Class 1 Modifications
117	703.282	Class 2 Modifications
118	703.283	Class 3 Modifications

119

120 SUBPART H: REMEDIAL ACTION PLANS

121

122 Section

123	703.300	Special Regulatory Format
124	703.301	General Information
125	703.302	Applying for a RAP
126	703.303	Getting a RAP Approved
127	703.304	How a RAP May Be Modified, Reissued, or Terminated
128	703.305	Operating Under A RAP
129	703.306	Obtaining a RAP for an Off-Site Location

130
 131 SUBPART I: INTEGRATION WITH MAXIMUM ACHIEVABLE
 132 CONTROL TECHNOLOGY (MACT) STANDARDS
 133

134 Section
 135 703.320 Options for Incinerators and Cement and Lightweight Aggregate Kilns to
 136 Minimize Emissions from Startup, Shutdown, and Malfunction Events
 137

138 SUBPART J: RCRA STANDARDIZED PERMITS
 139 FOR STORAGE AND TREATMENT UNITS
 140

141 Section
 142 703.350 General Information About RCRA Standardized Permits
 143 703.351 Applying for a RCRA Standardized Permit
 144 703.352 Information That Must Be Kept at the Facility
 145 703.353 Modifying a RCRA Standardized Permit
 146

147 703.APPENDIX A Classification of Permit Modifications
 148

149 AUTHORITY: Implementing Sections 7.2 and 22.4 and authorized by Section 27 of the
 150 Environmental Protection Act [415 ILCS 5/7.2, 22.4, and 27].
 151

152 SOURCE: Adopted in R82-19 at 7 Ill. Reg. 14289, effective October 12, 1983; amended in
 153 R83-24 at 8 Ill. Reg. 206, effective December 27, 1983; amended in R84-9 at 9 Ill. Reg. 11899,
 154 effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1110, effective January 2, 1986;
 155 amended in R85-23 at 10 Ill. Reg. 13284, effective July 28, 1986; amended in R86-1 at 10 Ill.
 156 Reg. 14093, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20702, effective
 157 December 2, 1986; amended in R86-28 at 11 Ill. Reg. 6121, effective March 24, 1987; amended
 158 in R86-46 at 11 Ill. Reg. 13543, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg.
 159 19383, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2584, effective January
 160 15, 1988; amended in R87-39 at 12 Ill. Reg. 13069, effective July 29, 1988; amended in R88-16
 161 at 13 Ill. Reg. 447, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18477,
 162 effective November 13, 1989; amended in R89-9 at 14 Ill. Reg. 6278, effective April 16, 1990;
 163 amended in R90-2 at 14 Ill. Reg. 14492, effective August 22, 1990; amended in R90-11 at 15 Ill.
 164 Reg. 9616, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14554, effective September
 165 30, 1991; amended in R91-13 at 16 Ill. Reg. 9767, effective June 9, 1992; amended in R92-10 at
 166 17 Ill. Reg. 5774, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20794, effective
 167 November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6898, effective April 26, 1994; amended
 168 in R94-7 at 18 Ill. Reg. 12392, effective July 29, 1994; amended in R94-5 at 18 Ill. Reg. 18316,
 169 effective December 20, 1994; amended in R95-6 at 19 Ill. Reg. 9920, effective June 27, 1995;
 170 amended in R95-20 at 20 Ill. Reg. 11225, effective August 1, 1996; amended in R96-10/R97-
 171 3/R97-5 at 22 Ill. Reg. 553, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg.
 172 7632, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17930, effective

173 September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 2153, effective January 19,
 174 1999; amended in R99-15 at 23 Ill. Reg. 9381, effective July 26, 1999; amended in R00-13 at 24
 175 Ill. Reg. 9765, effective June 20, 2000; amended in R01-21/R01-23 at 25 Ill. Reg. 9313, effective
 176 July 9, 2001; amended in R02-1/R02-12/R02-17 at 26 Ill. Reg. 6539, effective April 22, 2002;
 177 amended in R03-7 at 27 Ill. Reg. 3496, effective February 14, 2003; amended in R03-18 at 27 Ill.
 178 Reg. 12683, effective July 17, 2003; amended in R05-8 at 29 Ill. Reg. 5966, effective April 13,
 179 2005; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 2845, effective February 23, 2006;
 180 amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 487, effective December 20, 2006; amended
 181 in R07-5/R07-14 at 32 Ill. Reg. 11672, effective July 14, 2008; amended in R09-16/R10-4 at 34
 182 Ill. Reg. 18505, effective November 12, 2010; amended in R13-15 at 37 Ill. Reg. _____,
 183 effective _____.

184
 185 **SUBPART C: AUTHORIZATION BY RULE AND INTERIM STATUS**

186
 187 **Section 703.141 Permits by Rule**

188
 189 Notwithstanding any other provision of this Part or 35 Ill. Adm. Code 705, the following must be
 190 deemed to have a RCRA permit if the conditions listed are met:

- 191
- 192 a) Ocean disposal barges or vessels. The owner or operator of a barge or other
 193 vessel that accepts hazardous waste for ocean disposal, if the owner or operator
 194 does the following:
 195
 - 196 1) It has a permit for ocean dumping issued by USEPA under 40 CFR 220;
 - 197 2) It complies with the conditions of that permit; and
 - 198 3) It complies with the following hazardous waste regulations:
 199
 - 200 A) 35 Ill. Adm. Code 724.111 (USEPA Identification Number);
 - 201 B) 35 Ill. Adm. Code 724.171 (Use of Manifest System);
 - 202 C) 35 Ill. Adm. Code 724.172 (Manifest Discrepancies);
 - 203 D) 35 Ill. Adm. Code 724.173(a) and (b)(1) (Operating Record);
 - 204 E) 35 Ill. Adm. Code 724.175 (Biennial Report); and
 - 205 F) 35 Ill. Adm. Code 724.176, (Unmanifested Waste Report).
 - 206 b) Injection wells. The owner or operator of an underground injection well
 207 disposing of hazardous waste, if the owner or operator fulfills the following
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conditions:

- 1) It has a permit for underground injection issued under 35 Ill. Adm. Code 704; and
 - 2) It complies with the conditions of that permit and the requirements of Subpart F of 35 Ill. Adm. Code 704 (requirements for wells managing hazardous waste); and
 - 3) For UIC permits issued after November 8, 1984, the following:
 - A) It complies with 35 Ill. Adm. Code 724.201; and
 - B) Where the UIC well is the only unit at the facility that requires a RCRA permit, it complies with Section 703.187.
- c) Publicly owned treatment works (POTW). The owner or operator of a POTW that accepts for treatment hazardous waste, if the owner or operator fulfills the following conditions:
- 1) It has an NPDES permit;
 - 2) It complies with the conditions of that permit;
 - 3) It complies with the following regulations:
 - A) 35 Ill. Adm. Code 724.111 (Identification Number);
 - B) 35 Ill. Adm. Code 724.171 (Use of Manifest System);
 - C) 35 Ill. Adm. Code 724.172 (Manifest Discrepancies);
 - D) 35 Ill. Adm. Code 724.173(a) and (b)(1) (Operating Record);
 - E) 35 Ill. Adm. Code 724.175 (Annual Report);
 - F) 35 Ill. Adm. Code 724.176 (Unmanifested Waste Report); and
 - G) For NPDES permits issued after November 8, 1984, 35 Ill. Adm. Code 724.201 (Corrective Action for Solid Waste Management Units); and
 - 4) If the waste meets all federal, it complies with State and local pretreatment

259 requirements that would be applicable to the waste if it were being
260 discharged into the POTW through a sewer, pipe, or similar conveyance.

261
262 BOARD NOTE: Illinois pretreatment requirements are codified in 35 Ill.
263 Adm. Code 307 and 310.

264
265 BOARD NOTE: See 40 CFR 270.60 (2012)~~(2005)~~.

266
267 (Source: Amended at 37 Ill. Reg. _____, effective _____)

268
269 SUBPART D: APPLICATIONS

270
271 **Section 703.181 Contents of Part A**

272
273 In addition to the information in 35 Ill. Adm. Code 702.123, Part A of the RCRA application
274 must include the following information:

- 275
- 276 a) The latitude and longitude of the facility;
 - 277
 - 278 b) The name, address, and telephone number of the owner of the facility;
 - 279
 - 280 c) An indication of whether the facility is new or existing and whether it is a first or
281 revised application;
 - 282
 - 283 d) For existing facilities, a scale drawing of the facility showing the location of all
284 past, present, and future treatment, storage, and disposal areas;
 - 285
 - 286 e) For existing facilities, photographs of the facility clearly delineating all existing
287 structures; existing treatment, storage, and disposal areas; and sites of future
288 treatment, storage, and disposal areas;
 - 289
 - 290 f) A description of the processes to be used for treating, storing, and disposing of
291 hazardous waste, and the design capacity of these items;
 - 292
 - 293 g) A specification of the hazardous wastes listed or designated under 35 Ill. Adm.
294 Code 721 to be treated, stored, or disposed of at the facility, an estimate of the
295 quantity of such wastes to be treated, stored, or disposed of annually, and a
296 general description of the processes to be used for such wastes.
 - 297
 - 298 h) For hazardous debris, a description of the debris categories and containment
299 categories to be treated, stored, or disposed of at the facility.

300
301 BOARD NOTE: Derived from 40 CFR 270.13(b), (e), (g), (h) through (j), and (n)

(2012)270.13 (2002).

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 703.183 General Information

The following information is required in the Part B application for all HWM facilities, except as 35 Ill. Adm. Code 724.101 provides otherwise:

- a) A general description of the facility;
- b) Chemical and physical analyses of the hazardous wastes and hazardous debris to be handled at the facility. At a minimum, these analyses must contain all the information that must be known to treat, store, or dispose of the wastes properly in accordance with 35 Ill. Adm. Code 724;
- c) A copy of the waste analysis plan required by 35 Ill. Adm. Code 724.113(b) and, if applicable, 35 Ill. Adm. Code 724.113(c);
- d) A description of the security procedures and equipment required by 35 Ill. Adm. Code 724.114, or a justification demonstrating the reasons for requesting a waiver of this requirement;
- e) A copy of the general inspection schedule required by 35 Ill. Adm. Code 724.115(b). Include where applicable, as part of the inspection schedule, specific requirements in 35 Ill. Adm. Code 724.274, 724.293(i), 724.295, 724.326, 724.354, 724.373, 724.403, 724.702, 724.933, 724.952, 724.953, 724.958, 724.984, 724.985, 724.986, and 724.988;
- f) A justification of any request for a waiver of the preparedness and prevention requirements of Subpart C of 35 Ill. Adm. Code 724;
- g) A copy of the contingency plan required by Subpart D of 35 Ill. Adm. Code 724;

BOARD NOTE: Include, where applicable, as part of the contingency plan, specific requirements in 35 Ill. Adm. Code 724.200 and 724.327. Corresponding 40 CFR 270.14(b)(7) refers to the requirements of 40 CFR 264.255 (corresponding with 35 Ill. Adm. Code 724.355), marked "reserved" by USEPA.
- h) A description of procedures, structures, or equipment used at the facility as follows:
 - 1) To prevent hazards in unloading operations (for example, ramps, or

- 345 special forklifts);
- 346
- 347 2) To prevent runoff from hazardous waste handling areas to other areas of
- 348 the facility or environment, or to prevent flooding (for example, berms,
- 349 dikes, or trenches);
- 350
- 351 3) To prevent contamination of water supplies;
- 352
- 353 4) To mitigate effects of equipment failure and power outages;
- 354
- 355 5) To prevent undue exposure of personnel to hazardous waste (for example,
- 356 protective clothing); and
- 357
- 358 6) To prevent releases to the atmosphere;
- 359
- 360 i) A description of precautions to prevent accidental ignition or reaction of ignitable,
- 361 reactive, or incompatible wastes, as required to demonstrate compliance with 35
- 362 Ill. Adm. Code 724.117, including documentation demonstrating compliance with
- 363 35 Ill. Adm. Code 724.117(c);
- 364
- 365 j) A description of the area traffic pattern, the estimated traffic volume (number and
- 366 types of vehicles), and area traffic control (for example, show turns across traffic
- 367 lanes and stacking lanes, if appropriate); a description of access road surfacing
- 368 and load bearing capacity; and the locations and types of traffic control signals;
- 369
- 370 k) Facility location information, as required by Section 703.184;
- 371
- 372 BOARD NOTE: The Board has codified 40 CFR 270.14(b)(11)(iii) through
- 373 (b)(11)(v) (2005) as Section 703.184(c) through (e) to comport with Illinois
- 374 Administrative Code codification requirements. The Board did not include an
- 375 equivalent to 40 CFR 270.14(b)(11)(i) and (b)(11)(ii), relating to certain seismic
- 376 zones not located within Illinois.
- 377
- 378 l) An outline of both the introductory and continuing training programs by the
- 379 owner or operator to prepare persons to operate or maintain the HWM facility in a
- 380 safe manner, as required to demonstrate compliance with 35 Ill. Adm. Code
- 381 724.116. A brief description of how training will be designed to meet actual job
- 382 tasks in accordance with requirements in 35 Ill. Adm. Code 724.116(a)(3);
- 383
- 384 m) A copy of the closure plan and, where applicable, the post-closure plan required
- 385 by 35 Ill. Adm. Code 724.212, 724.218, and 724.297. Include, where applicable,
- 386 as part of the plans, specific requirements in 35 Ill. Adm. Code 724.278, 724.297,
- 387 724.328, 724.358, 724.380, 724.410, 724.451, 724.701, and 724.703;

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- n) For hazardous waste disposal units that have been closed, documentation that notices required under 35 Ill. Adm. Code 724.219 have been filed;
 - o) The most recent closure cost estimate for the facility, prepared in accordance with 35 Ill. Adm. Code 724.242, and a copy of the documentation required to demonstrate financial assurance under 35 Ill. Adm. Code 724.243. For a new facility, a copy of the required documentation may be submitted 60 days prior to the initial receipt of hazardous wastes, if it is later than the submission of the Part B permit application;
 - p) Where applicable, the most recent post-closure cost estimate for the facility, prepared in accordance with 35 Ill. Adm. Code 724.244, plus a copy of the documentation required to demonstrate financial assurance under 35 Ill. Adm. Code 724.245. For a new facility, a copy of the required documentation may be submitted 60 days prior to the initial receipt of hazardous wastes, if it is later than the submission of the Part B permit application;
 - q) Where applicable, a copy of the insurance policy or other documentation that comprises compliance with the requirements of 35 Ill. Adm. Code 724.247. For a new facility, documentation showing the amount of insurance meeting the specification of 35 Ill. Adm. Code 724.247(a) and, if applicable, 35 Ill. Adm. Code 724.247(b) that the owner or operator plans to have in effect before initial receipt of hazardous waste for treatment, storage, or disposal. A request for an alternative level of required coverage for a new or existing facility may be submitted as specified in 35 Ill. Adm. Code 724.247(c);
 - r) This subsection corresponds with 40 CFR 270.14(b)(18), pertaining to state financial mechanisms that do not apply in Illinois. This statement maintains structural parity with the federal regulations;
 - s) A topographic map showing a distance of 1000 feet around the facility at a scale of 2.5 centimeters (1 inch) equal to not more than 61.0 meters (200 feet). Contours must be shown on the map. The contour interval must be sufficient to clearly show the pattern of surface water flow in the vicinity of and from each operational unit of the facility. For example, contours with an interval of 1.5 meters (5 feet), if relief is greater than 6.1 meters (20 feet), or an interval of 0.6 meters (2 feet), if relief is less than 6.1 meters (20 feet). An owner or operator of a HWM facility located in a mountainous area must use larger contour intervals to adequately show topographic profiles of facilities. The map must clearly show the following:
 - 1) Map scale and date;

- 431
- 432 2) 100-year floodplain area;
- 433
- 434 3) Surface waters including intermittent streams;
- 435
- 436 4) Surrounding land uses (e.g., residential, commercial, agricultural,
- 437 recreational, etc.);
- 438
- 439 5) A wind rose (i.e., prevailing windspeed and direction);
- 440
- 441 6) Orientation of the map (north arrow);
- 442
- 443 7) Legal boundaries of the HWM facility site;
- 444
- 445 8) Access control (e.g., fences, gates, etc.);
- 446
- 447 9) Injection and withdrawal wells both on-site and off-site;
- 448
- 449 10) Buildings; treatment, storage, or disposal operations; or other structures
- 450 (e.g., recreation areas, runoff control systems, access and internal roads,
- 451 storm, sanitary and process sewage systems, loading and unloading areas,
- 452 fire control facilities, etc.);
- 453
- 454 11) Barriers for drainage or flood control; and
- 455
- 456 12) Location of operational units within the HWM facility site, where
- 457 hazardous waste is (or will be) treated, stored, or disposed of (include
- 458 equipment cleanup areas);
- 459

460 BOARD NOTE: For large HWM facilities, the Agency must allow the use of
461 other scales on a case-by-case basis.

- 462
- 463 t) Applicants must submit such information as the Agency determines is necessary
- 464 for it to determine whether to issue a permit and what conditions to impose in any
- 465 permit issued;
- 466
- 467 u) For land disposal facilities, if a case-by-case extension has been approved under
- 468 35 Ill. Adm. Code 728.105 or if a petition has been approved under 35 Ill. Adm.
- 469 Code 728.106, a copy of the notice of approval of the extension or of approval of
- 470 the petition is required; and
- 471
- 472 v) A summary of the pre-application meeting, along with a list of attendees and their
- 473 addresses, and copies of any written comments or materials submitted at the

meeting, as required under 35 Ill. Adm. Code 703.191(c).

BOARD NOTE: Derived from 40 CFR 270.14(b) ~~(2012)~~(2002).

(Source: Amended at 37 Ill. Reg. _____, effective _____)

SUBPART F: PERMIT CONDITIONS OR DENIAL

Section 703.241 Establishing Permit Conditions

a) General conditions:

- 1) In addition to the conditions established pursuant to 35 Ill. Adm. Code 702.160(a), each RCRA permit must include permit conditions necessary to achieve compliance with each of the applicable requirements specified in 35 Ill. Adm. Code 724 and 726 through 728. In satisfying this provision, the Agency may incorporate applicable requirements of 35 Ill. Adm. Code 724 and 726 through 728 directly into the permit or establish other permit conditions that are based on these Parts;
- 2) Each RCRA permit issued pursuant to Section 39(d) of the Environmental Protection Act [415 ILCS 5/39(d)] must contain terms and conditions that the Agency determines are necessary to adequately protect human health and the environment; and
- 3) If, as the result of an assessments or other information, the Agency determines that conditions, in addition to those required under subpart EEE of 40 CFR 63 or 35 Ill. Adm. Code 724 or ~~726~~725, are necessary to ensure adequate protection of human health and the environment, the Agency must include those terms and conditions in a RCRA permit for a hazardous waste combustion unit.

BOARD NOTE: Subsection (a) derived from 270.32(b) ~~(2012)~~(2005), as amended at 70 Fed. Reg. 59402 (Oct. 12, 2006).

b) The conditions specified in this Subpart F, in addition to those set forth in 35 Ill. Adm. Code 702.140 through 702.152, apply to all RCRA permits.

BOARD NOTE: Subsection (b) derived from 40 CFR 270.30 preamble ~~(2012)~~(2005).

(Source: Amended at 37 Ill. Reg. _____, effective _____)

SUBPART G: CHANGES TO PERMITS

Section 703.280 Permit Modification at the Request of the Permittee

- a) Class 1 modifications. See Section 703.281.
- b) Class 2 modifications. See Section 703.282.
- c) Class 3 modifications. See Section 703.283.
- d) Other modifications:
 - 1) In the case of modifications not explicitly listed in Appendix A of this Part, the permittee may submit a Class 3 modification request to the Agency, or the permittee may request a determination by the Agency that the modification be reviewed and approved as a Class 1 or Class 2 modification. If the permittee requests that the modification be classified as a Class 1 or 2 modification, the permittee must provide the Agency with the necessary information to support the requested classification.
 - 2) The Agency must make the determination described in subsection (d)(1) of this Section as promptly as practicable. In determining the appropriate class for a specific modification, the Agency must consider the similarity of the modification to other modifications codified in Appendix A of this Part and the following criteria:
 - A) Class 1 modifications apply to minor changes that keep the permit current with routine changes to the facility or its operation. These changes do not substantially alter the permit conditions or reduce the capacity of the facility to adequately protect human health or the environment. In the case of Class 1 modifications, the Agency may require prior approval.
 - B) Class 2 modifications apply to changes that are necessary to enable a permittee to respond, in a timely manner, to any of the following:
 - i) Common variations in the types and quantities of the wastes managed under the facility permit;
 - ii) Technological advances; and
 - iii) Changes necessary to comply with new regulations, where these changes can be implemented without substantially

changing design specifications or management practices in the permit.

C) Class 3 modifications substantially alter the facility or its operation.

e) Temporary authorizations:-

1) Upon request of the permittee, the Agency must, without prior public notice and comment, grant the permittee a temporary authorization in accordance with this subsection (e). Temporary authorizations have a term of not more than 180 days.

2) Procedures:-

A) The permittee may request a temporary authorization for the following:

i) Any Class 2 modification meeting the criteria in subsection (e)(3)(B) of this Section; and

ii) Any Class 3 modification that meets the criteria in subsection (e)(3)(B)(i) of this Section or that meets the criteria in subsections (e)(3)(B)(iii) through (e)(3)(B)(v) of this Section and provides improved management or treatment of a hazardous waste already listed in the facility permit.

B) The temporary authorization request must include the following:

i) A description of the activities to be conducted under the temporary authorization;

ii) An explanation of why the temporary authorization is necessary; and

iii) Sufficient information to ensure compliance with 35 Ill. Adm. Code 724 standards.

C) The permittee must send a notice about the temporary authorization request to all persons on the facility mailing list maintained by the Agency and to appropriate units of State and local governments, as specified in 35 Ill. Adm. Code

603 705.163(a)(5). This notification must be made within seven days
604 after submission of the authorization request.
605

- 606 3) The Agency must approve or deny the temporary authorization as quickly
607 as practical. To issue a temporary authorization, the Agency must find as
608 follows:
609
- 610 A) That the authorized activities are in compliance with the standards
611 of 35 Ill. Adm. Code 724.
612
 - 613 B) That the temporary authorization is necessary to achieve one of the
614 following objectives before action is likely to be taken on a
615 modification request:
616
 - 617 i) To facilitate timely implementation of closure or corrective
618 action activities;
619
 - 620 ii) To allow treatment or storage in tanks, containers, or
621 containment buildings, in accordance with 35 Ill. Adm.
622 Code 728;
623
 - 624 iii) To prevent disruption of ongoing waste management
625 activities;
626
 - 627 iv) To enable the permittee to respond to sudden changes in the
628 types or quantities of the wastes managed under the facility
629 permit; or
630
 - 631 v) To facilitate other changes to adequately protect human
632 health and the environment.
633
- 634 4) A temporary authorization must be reissued for one additional term of up
635 to 180 days, provided that the permittee has requested a Class 2 or 3
636 permit modification for the activity covered in the temporary
637 authorization, and either of the following is true:
638
- 639 A) The reissued temporary authorization constitutes the Agency's
640 decision on a Class 2 permit modification in accordance with
641 Section 703.282(f)(1)(D) or (f)(2)(D); or
642
 - 643 B) The Agency determines that the reissued temporary authorization
644 involving a Class 3 permit modification request is warranted to
645 allow the authorized activities to continue while the modification

646 procedures of 35 Ill. Adm. Code 703.283 are conducted.

647
648 f) Public notice and appeals of permit modification decisions-

649
650 1) The Agency must notify persons on the facility mailing list and
651 appropriate units of State and local government within 10 days after any
652 decision to grant or deny a Class 2 or 3 permit modification request. The
653 Agency must also notify such persons within 10 days after an automatic
654 authorization for a Class 2 modification goes into effect pursuant to
655 Section 703.282(f)(3) or (f)(5).

656
657 2) The Agency's decision to grant or deny a Class 2 or 3 permit modification
658 request may be appealed under the permit appeal procedures of 35 Ill.
659 Adm. Code 705.212.

660
661 3) An automatic authorization that goes into effect pursuant to Section
662 703.282(f)(3) or (f)(5) may be appealed under the permit appeal
663 procedures of 35 Ill. Adm. Code 705.212; however, the permittee may
664 continue to conduct the activities pursuant to the automatic authorization
665 until the Board enters a final order on the appeal notwithstanding the
666 provisions of 35 Ill. Adm. Code 705.204.

667
668 g) Newly regulated wastes and units-

669
670 1) The permittee is authorized to continue to manage wastes listed or
671 identified as hazardous pursuant to 35 Ill. Adm. Code 721, or to continue
672 to manage hazardous waste in units newly regulated as hazardous waste
673 management units, if each of the following is true:

674
675 A) The unit was in existence as a hazardous waste facility with respect
676 to the newly listed or characterized waste or newly regulated waste
677 management unit on the effective date of the final rule listing or
678 identifying the waste, or regulating the unit;

679
680 B) The permittee submits a Class 1 modification request on or before
681 the date on which the waste becomes subject to the new
682 requirements;

683
684 C) The permittee is in compliance with the applicable standards of 35
685 Ill. Adm. Code 725 and 726;

686
687 D) The permittee also submits a complete class 2 or 3 modification
688 request within 180 days after the effective date of the rule listing or

689 identifying the waste, or subjecting the unit to management
 690 standards pursuant to 35 Ill. Adm. Code 724, 725, or 726; and
 691

692 E) In the case of land disposal units, the permittee certifies that such
 693 unit is in compliance with all applicable requirements of 35 Ill.
 694 Adm. Code 725 for groundwater monitoring and financial
 695 responsibility requirements on the date 12 months after the
 696 effective date of the rule identifying or listing the waste as
 697 hazardous, or regulating the unit as a hazardous waste management
 698 unit. If the owner or operator fails to certify compliance with all
 699 these requirements, the owner or operator loses authority to operate
 700 pursuant to this Section.
 701

702 2) New wastes or units added to a facility's permit pursuant to this subsection
 703 (g) do not constitute expansions for the purpose of the 25 percent capacity
 704 expansion limit for Class 2 modifications.
 705

706 h) Military hazardous waste munitions treatment and disposal. The permittee is
 707 authorized to continue to accept waste military munitions notwithstanding any
 708 permit conditions barring the permittee from accepting off-site wastes, if each of
 709 the following is true:
 710

711 1) The facility was in existence as a hazardous waste facility and the facility
 712 was already permitted to handle the waste military munitions on the date
 713 when the waste military munitions became subject to hazardous waste
 714 regulatory requirements;
 715

716 2) On or before the date when the waste military munitions become subject
 717 to hazardous waste regulatory requirements, the permittee submits a Class
 718 1 modification request to remove or amend the permit provision restricting
 719 the receipt of off-site waste munitions; and
 720

721 3) The permittee submits a complete Class 2 modification request within 180
 722 days after the date when the waste military munitions became subject to
 723 hazardous waste regulatory requirements.
 724

725 i) Permit modification list. The Agency must maintain a list of all approved permit
 726 modifications and must publish a notice once a year in a State-wide newspaper
 727 that an updated list is available for review.
 728

729 j) Combustion facility changes to meet federal 40 CFR 63 MACT standards. The
 730 following procedures apply to hazardous waste combustion facility permit
 731 modifications requested pursuant to Appendix A, paragraph L(9) of this Part.

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- 1) A facility owner or operator must have complied with the federal notification of intent to comply (NIC) requirements of 40 CFR 63.1210 that was in effect prior to October 11, 2000, (see subpart EEE of 40 CFR 63 (2000), incorporated by reference in 35 Ill. Adm. Code 720.111(b)) in order to request a permit modification pursuant to this Section for the purpose of technology changes needed to meet the standards of 40 CFR 63.1203, 63.1204, and 63.1205, incorporated by reference in 35 Ill. Adm. Code 720.111(b).

- 2) If the Agency does not act to either approve or deny the request within 90 days of receiving it, the request must be deemed approved. The Agency may, at its discretion, extend this 90-day deadline one time for up to 30 days by notifying the facility owner or operator in writing before the 90 days has expired. A facility owner or operator must comply with the NIC requirements of 40 CFR 63.1210(b) and 63.1212(a) before a permit modification can be requested under this Section for the purpose of technology changes needed to meet the 40 CFR 63.1215, 63.1216, 63.1217, 63.1218, 63.1219, 63.1220, and 63.1221 standards as added on October 12, 2005, incorporated by reference in 35 Ill. Adm. Code 720.111(b).

- k) Waiver of RCRA permit conditions in support of transition to the federal 40 CFR 63 MACT standards-
 - 1) The facility owner or operator may request to have specific RCRA operating and emissions limits waived by submitting a Class 1 permit modification request under Appendix A of this Part, paragraph L.10. The owner or operator must provide the information described in subsections (k)(1)(A) through (k)(1)(C) of this Section, with Agency review subject to the conditions of subsection (k)(1)(D) of this Section:
 - A) It must identify the specific RCRA permit operating and emissions limits that the owner or operator is requesting to waive;
 - B) It must provide an explanation of why the changes are necessary in order to minimize or eliminate conflicts between the RCRA permit and MACT compliance; and
 - C) It must discuss how the revised provisions will be sufficiently protective.

- 774 D) The Agency must approve or deny the request within 30 days after
 775 receipt of the request. The Agency may, at its discretion, extend
 776 this 30-day deadline one time for up to 30 days by notifying the
 777 facility owner or operator in writing.
 778
- 779 2) To request this modification in conjunction with MACT performance
 780 testing, where permit limits may only be waived during actual test events
 781 and pretesting, as defined under 40 CFR 63.1207(h)(2)(i) and (h)(2)(ii),
 782 incorporated by reference in 35 Ill. Adm. Code 720.111(b), for an
 783 aggregate time not to exceed 720 hours of operation (renewable at the
 784 discretion of the Agency) the owner or operator must fulfill the conditions
 785 of subsection (k)(2)(A) of this Section, subject to the conditions of
 786 subsection (k)(2)(B) of this Section:
 787
- 788 A) It must submit its modification request to the Agency at the same
 789 time it submits its test plans to the Agency.
 790
- 791 B) The Agency may elect to approve or deny the request contingent
 792 upon approval of the test plans.
 793
- 794 1) This subsection (1) corresponds with 40 CFR 270.42(1), which became obsolete
 795 when USEPA terminated the Performance Track Program at 74 Fed. Reg. 22741
 796 (May 14, 2009). USEPA has recognized that program-related rules are no longer
 797 effective at 75 Fed. Reg. 12989, 92, note 1 (Mar. 18, 2010). This statement
 798 maintains structural consistency with the corresponding federal
 799 requirements. ~~Performance Track member facilities. The following procedures~~
 800 ~~apply to the owners and operators of a Performance Track member facility that~~
 801 ~~requests a permit modification under paragraph O.1. in Appendix A to this Part.~~
 802
- 803 1) ~~The owner or operator of a Performance Track member facility must have~~
 804 ~~complied with the requirements of 35 Ill. Adm. Code 724.115(b)(5) in~~
 805 ~~order to request a permit modification under this Section.~~
 806
- 807 2) ~~The owner or operator of the Performance Track member facility should~~
 808 ~~consider the request for permit modification approved if the Agency does~~
 809 ~~not, in writing, within 60 days after receiving an application, either deny~~
 810 ~~the request for permit modification or notify the owner or operator of the~~
 811 ~~Performance Track member facility that the Agency has extended the 60-~~
 812 ~~day deadline. During an extension of the 60-day deadline, the owner or~~
 813 ~~operator of the Performance Track member facility must adhere to the~~
 814 ~~revised inspection schedule outlined in its request for permit modification,~~
 815 ~~and it must maintain a copy of the application in the facility's operating~~
 816 ~~record.~~

817 BOARD NOTE: Derived from 40 CFR 270.42(d) through ~~(k) (2012)(4) (2007)~~.

819 (Source: Amended at 37 Ill. Reg. _____, effective _____)

821 SUBPART H: REMEDIAL ACTION PLANS

822 **Section 703.302 Applying for a RAP**

- 823
- 824
- 825
- 826 a) Applying for a RAP. To apply for a RAP, an owner or operator must complete an
- 827 application, sign it, and submit it to the Agency according to the requirements in
- 828 this Subpart H.

829 BOARD NOTE: Subsection (a) is derived from 40 CFR 270.95 ~~(2012)(2005)~~.

- 830
- 831
- 832 b) The person who must obtain a RAP. When a facility or remediation waste
- 833 management site is owned by one person, but the treatment, storage, or disposal
- 834 activities are operated by another person, it is the operator's duty to obtain a RAP,
- 835 except that the owner must also sign the RAP application.

836 BOARD NOTE: Subsection (b) is derived from 40 CFR 270.100 ~~(2012)(2005)~~.

- 837
- 838
- 839 c) The person who must sign the application and any required reports for a RAP.
- 840 Both the owner and the operator must sign the RAP application and any required
- 841 reports according to 35 Ill. Adm. Code 702.126(a), (b), and (c). In the
- 842 application, both the owner and the operator must also make the certification
- 843 required pursuant to 35 Ill. Adm. Code 702.126(d)(1). However, the owner may
- 844 choose the alternative certification pursuant to 35 Ill. Adm. Code 702.126(d)(2) if
- 845 the operator certifies pursuant to 35 Ill. Adm. Code 702.126(d)(1).

846 BOARD NOTE: Subsection (c) is derived from 40 CFR 270.105 ~~(2012)(2005)~~.

- 847
- 848
- 849 d) What an owner or operator must include in its application for a RAP. An owner
- 850 or operator must include the following information in its application for a RAP:
- 851
- 852 1) The name, address, and USEPA identification number of the remediation
- 853 waste management site;
- 854
- 855 2) The name, address, and telephone number of the owner and operator;
- 856
- 857 3) The latitude and longitude of the site;
- 858
- 859 4) The United States Geological Survey (USGS) or county map showing the

- 860 location of the remediation waste management site;
861
862 5) A scaled drawing of the remediation waste management site showing the
863 following:
864
865 A) The remediation waste management site boundaries;
866
867 B) Any significant physical structures; and
868
869 C) The boundary of all areas on-site where remediation waste is to be
870 treated, stored, or disposed of;
871
872 6) A specification of the hazardous remediation waste to be treated, stored, or
873 disposed of at the facility or remediation waste management site. This
874 must include information on the following:
875
876 A) Constituent concentrations and other properties of the hazardous
877 remediation wastes that may affect how such materials should be
878 treated or otherwise managed;
879
880 B) An estimate of the quantity of these wastes; and
881
882 C) A description of the processes an owner or operator will use to
883 treat, store, or dispose of this waste, including technologies,
884 handling systems, design, and operating parameters an owner or
885 operator will use to treat hazardous remediation wastes before
886 disposing of them according to the land disposal restrictions of 35
887 Ill. Adm. Code 728, as applicable;
888
889 7) Enough information to demonstrate that operations that follow the
890 provisions in the owner's or operator's RAP application will ensure
891 compliance with applicable requirements of 35 Ill. Adm. Code 724, 726,
892 and 728;
893
894 8) Such information as may be necessary to enable the Agency to carry out
895 its duties under other federal laws as is required for traditional RCRA
896 permits pursuant to Section 703.183(t);
897
898 9) Any other information the Agency decides is necessary for demonstrating
899 compliance with this Subpart H or for determining any additional RAP
900 conditions that are necessary to adequately protect human health and the
901 environment.
902

903 BOARD NOTE: Subsection (d) is derived from 40 CFR 270.110 ~~(2012)~~(2005).

- 904
- 905 e) If an owner or operator wants to keep this information confidential. 35 Ill. Adm.
- 906 Code ~~130.120~~ allows an owner or operator to claim as confidential any or all of
- 907 the information an owner or operator submits to the Agency pursuant to this
- 908 Subpart H. An owner or operator must assert any such claim at the time that the
- 909 owner or operator submits its RAP application or other submissions by stamping
- 910 the words "trade secret" in red ink, as provided in 35 Ill. Adm. Code
- 911 ~~130.302-20.305~~. If an owner or operator asserts a claim in compliance with 35
- 912 Ill. Adm. Code ~~130.200-20.201~~ at the time it submits the information, the Agency
- 913 must treat the information according to the procedures in 35 Ill. Adm. Code
- 914 ~~130.120~~. If an owner or operator does not assert a claim at the time it submits the
- 915 information, the Agency must make the information available to the public
- 916 without further notice to the owner or operator. The Agency must deny any
- 917 requests for confidentiality of an owner's or operator's name or address.

918

919 BOARD NOTE: Subsection (e) is derived from 40 CFR 270.115 ~~(2012)~~(2005).

- 920
- 921 f) To whom the owner or operator must submit its RAP application. An owner or
- 922 operator must submit its application for a RAP to the Agency for approval.

923

924 BOARD NOTE: Subsection (f) is derived from 40 CFR 270.120 ~~(2012)~~(2005).

- 925
- 926 g) If an owner or operator submits its RAP application as part of another document,
- 927 what the owner or operator must do. If an owner or operator submits its
- 928 application for a RAP as a part of another document, an owner or operator must
- 929 clearly identify the components of that document that constitute its RAP
- 930 application.

931

932 BOARD NOTE: Subsection (g) is derived from 40 CFR 270.125 ~~(2012)~~(2005).

933

934 (Source: Amended at 37 Ill. Reg. _____, effective _____)

935

936 **Section 703.306 Obtaining a RAP for an Off-Site Location**

937

938 An owner or operator may perform remediation waste management activities under a RAP at a

939 location removed from the area where the remediation wastes originated.

- 940
- 941 a) An owner or operator may request a RAP for remediation waste management
- 942 activities at a location removed from the area where the remediation wastes
- 943 originated if the owner or operator believes such a location would be more
- 944 protective than the contaminated area or areas in close proximity.
- 945

- 946 b) If the Agency determines that an alternative location, removed from the area
947 where the remediation waste originated, is more protective than managing
948 remediation waste at the area of contamination or areas in close proximity, then
949 the Agency must approve a RAP for this alternative location.
950
- 951 c) An owner or operator must request the RAP, and the Agency must approve or
952 deny the RAP, according to the procedures and requirements in this Subpart H.
953
- 954 d) A RAP for an alternative location must also meet the following requirements,
955 which the Agency must include in the RAP for such locations:
956
- 957 1) The RAP for the alternative location must be issued to the person
958 responsible for the cleanup from which the remediation wastes originated;
959
 - 960 2) The RAP is subject to the expanded public participation requirements in
961 Sections 703.191, 703.192, and 703.193;
962
 - 963 3) The RAP is subject to the public notice requirements in 35 Ill. Adm. Code
964 705.163;
965
 - 966 4) The site permitted in the RAP may not be located within 61 meters or 200
967 feet of a fault that has had displacement in the Holocene time. (The owner
968 or operator must demonstrate compliance with this standard through the
969 requirements in Section 703.183(k).) (See the definitions of terms in 35 Ill.
970 Adm. Code 724.118(a).)
971
- 972 BOARD NOTE: Sites in Illinois are assumed to be in compliance with
973 the requirement of subsection (d)(4) of this Section, since they are not
974 listed in appendix VI to 40 CFR 264 (Political Jurisdictions in Which
975 Compliance with Section§ 264.18(a) Must Be Demonstrated),
976 incorporated by reference in 35 Ill. Adm. Code 720.111(b).
977
- 978 e) These alternative locations are remediation waste management sites, and retain
979 the following benefits of remediation waste management sites:
980
- 981 1) Exclusion from facility-wide corrective action under 35 Ill. Adm. Code
982 724.201; and
983
 - 984 2) Application of 35 Ill. Adm. Code 724.101(j) in lieu of Subparts B, C, and
985 D of 35 Ill. Adm. Code 724.
986

987 BOARD NOTE: Derived from 40 CFR 270.230 (2012)(2005).
988

989 (Source: Amended at 37 Ill. Reg. _____, effective _____)
990

991 **Section 703.APPENDIX A Classification of Permit Modifications**
 992

Class Modifications

A. General Permit Provisions

- 1 1. Administrative and informational changes.
- 1 2. Correction of typographical errors.
- 1 3. Equipment replacement or upgrading with functionally equivalent components (e.g., pipes, valves, pumps, conveyors, controls).
- 4. Changes in the frequency of or procedures for monitoring, reporting, sampling, or maintenance activities by the permittee:
 - 1 a. To provide for more frequent monitoring, reporting, or maintenance.
 - 2 b. Other changes.
- 5. Schedule of compliance:
 - 1* a. Changes in interim compliance dates, with prior approval of the Agency.
 - 3 b. Extension of final compliance date.
- 1* 6. Changes in expiration date of permit to allow earlier permit termination, with prior approval of the Agency.
- 1* 7. Changes in ownership or operational control of a facility, provided the procedures of Section 703.260(b) are followed.
- 1* 8. Changes to remove permit conditions that are no longer applicable (i.e., because the standards upon which they are based are no longer applicable to the facility).
- 1* 9. Changes to remove permit conditions applicable to a unit excluded pursuant to the provisions of 35 Ill. Adm. Code 721.104.
- 1* 10. Changes in the expiration date of a permit issued to a facility at which all units are excluded pursuant to the provisions of 35 Ill. Adm. Code 721.104.

B. General Facility Standards

1. Changes to waste sampling or analysis methods:
 - 1 a. To conform with Agency guidance or Board regulations.
 - 1* b. To incorporate changes associated with F039 (multi-source leachate) sampling or analysis methods.
 - 1* c. To incorporate changes associated with underlying hazardous constituents in ignitable or corrosive wastes.
 - 2 d. Other changes.
2. Changes to analytical quality assurance or quality control plan:
 - 1 a. To conform with agency guidance or regulations.
 - 2 b. Other changes.
- 1 3. Changes in procedures for maintaining the operating record.
- 2 4. Changes in frequency or content of inspection schedules.
5. Changes in the training plan:
 - 2 a. That affect the type or decrease the amount of training given to employees.
 - 1 b. Other changes.
6. Contingency plan:
 - 2 a. Changes in emergency procedures (i.e., spill or release response procedures).
 - 1 b. Replacement with functionally equivalent equipment, upgrade, or relocate emergency equipment listed.
 - 2 c. Removal of equipment from emergency equipment list.
 - 1 d. Changes in name, address, or phone number of coordinators or

other persons or agencies identified in the plan.

Note: When a permit modification (such as introduction of a new unit) requires a change in facility plans or other general facility standards, that change must be reviewed under the same procedures as the permit modification.

7. CQA plan:

- 1 a. Changes that the CQA officer certifies in the operating record will provide equivalent or better certainty that the unit components meet the design specifications.
- 2 b. Other changes.

Note: When a permit modification (such as introduction of a new unit) requires a change in facility plans or other general facility standards, that change must be reviewed under the same procedures as a permit modification.

C. Groundwater Protection

1. Changes to wells:

- 2 a. Changes in the number, location, depth, or design of upgradient or downgradient wells of permitted groundwater monitoring system.
- 1 b. Replacement of an existing well that has been damaged or rendered inoperable, without change to location, design, or depth of the well.
- 1* 2. Changes in groundwater sampling or analysis procedures or monitoring schedule, with prior approval of the Agency.
- 1* 3. Changes in statistical procedure for determining whether a statistically significant change in groundwater quality between upgradient and downgradient wells has occurred, with prior approval of the Agency.
- 2 4. Changes in point of compliance.
- 5. Changes in indicator parameters, hazardous constituents, or concentration limits (including ACLs (Alternate Concentration Limits)):

- 3 a. As specified in the groundwater protection standard.
- 2 b. As specified in the detection monitoring program.
- 2 6. Changes to a detection monitoring program as required by 35 Ill. Adm. Code 724.198(h), unless otherwise specified in this Appendix.
- 7. Compliance monitoring program:
 - 3 a. Addition of compliance monitoring program as required by 35 Ill. Adm. Code 724.198(g)(4) and 724.199.
 - 2 b. Changes to a compliance monitoring program as required by 35 Ill. Adm. Code 724.199(j), unless otherwise specified in this Appendix.
- 8. Corrective action program:
 - 3 a. Addition of a corrective action program as required by 35 Ill. Adm. Code 724.199(i)(2) and 724.200.
 - 2 b. Changes to a corrective action program as required by 35 Ill. Adm. Code 724.200(h), unless otherwise specified in this Appendix.

D. Closure

- 1. Changes to the closure plan:
 - 1* a. Changes in estimate of maximum extent of operations or maximum inventory of waste on-site at any time during the active life of the facility, with prior approval of the Agency.
 - 1* b. Changes in the closure schedule for any unit, changes in the final closure schedule for the facility or extension of the closure period, with prior approval of the Agency.
 - 1* c. Changes in the expected year of final closure, where other permit conditions are not changed, with prior approval of the Agency.
 - 1* d. Changes in procedures for decontamination of facility equipment or structures, with prior approval of the Agency.

- 2 e. Changes in approved closure plan resulting from unexpected events occurring during partial or final closure, unless otherwise specified in this Appendix.
- 2 f. Extension of the closure period to allow a landfill, surface impoundment, or land treatment unit to receive non-hazardous wastes after final receipt of hazardous wastes under 35 Ill. Adm. Code 724.213(d) or (e).
- 3 2. Creation of a new landfill unit as part of closure.
- 3 3. Addition of the following new units to be used temporarily for closure activities:
 - 3 a. Surface impoundments.
 - 3 b. Incinerators.
 - 3 c. Waste piles that do not comply with 35 Ill. Adm. Code 724.350(c).
 - 2 d. Waste piles that comply with 35 Ill. Adm. Code 724.350(c).
 - 2 e. Tanks or containers (other than specified in paragraph D(3)(f) below).
 - 1* f. Tanks used for neutralization, dewatering, phase separation, or component separation, with prior approval of the Agency.
 - 2 g. Staging piles.

E. Post-Closure

- 1 1. Changes in name, address, or phone number of contact in post-closure plan.
- 2 2. Extension of post-closure care period.
- 3 3. Reduction in the post-closure care period.
- 1 4. Changes to the expected year of final closure, where other permit conditions are not changed.

- 2 5. Changes in post-closure plan necessitated by events occurring during
the active life of the facility, including partial and final closure.

F. Containers

1. Modification or addition of container units:
- 3 a. Resulting in greater than 25 percent increase in the facility's
container storage capacity, except as provided in F(1)(c) and
F(4)(a).
- 2 b. Resulting in up to 25 percent increase in the facility's container
storage capacity, except as provided in F(1)(c) and F(4)(a).
- 1 c. Modification or addition of container units or treatment processes
necessary to treat wastes that are restricted from land disposal to
meet some or all of the applicable treatment standards, with prior
approval of the Agency. This modification may also involve the
addition of new waste codes or narrative description of wastes. It
is not applicable to dioxin-containing wastes (F020, F021, F022,
F023, F026, F027, and F028).
2. Modification of container units without an increased capacity or
alteration of the system:
- 2 a. Modification of a container unit without increasing the capacity
of the unit.
- 1 b. Addition of a roof to a container unit without alteration of the
containment system.
3. Storage of different wastes in containers, except as provided in F(4):
- 3 a. That require additional or different management practices from
those authorized in the permit.
- 2 b. That do not require additional or different management practices
from those authorized in the permit.

Note: See Section 703.280(g) for modification procedures to be
used for the management of newly listed or identified wastes.

4. Storage or treatment of different wastes in containers:
 - 2* a. That require addition of units or change in treatment process or management standards, provided that the wastes are restricted from land disposal and are to be treated to meet some or all of the applicable treatment standards. It is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027, and F028).
 - 1* b. That do not require the addition of units or a change in the treatment process or management standards, and provided that the units have previously received wastes of the same type (e.g., incinerator scrubber water). This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027, and F028).

G. Tanks

1. Modification of a tank unit, secondary containment system, or treatment process that increases tank capacity, adds a new tank, or alters treatment, specified as follows:
 - 3 a. Modification or addition of tank units resulting in greater than 25 percent increase in the facility's tank capacity, except as provided in paragraphs G(1)(c), G(1)(d), and G(1)(e).
 - 2 b. Modification or addition of tank units resulting in up to 25 percent increase in the facility's tank capacity, except as provided in paragraphs G(1)(d) and G(1)(e).
 - 2 c. Addition of a new tank that will operate for more than 90 days using any of the following physical or chemical treatment technologies: neutralization, dewatering, phase separation, or component separation.
 - 1* d. After prior approval of the Agency, addition of a new tank that will operate for up to 90 days using any of the following physical or chemical treatment technologies: neutralization, dewatering, phase separation, or component separation.
 - 1* e. Modification or addition of tank units or treatment processes that are necessary to treat wastes that are restricted from land disposal to meet some or all of the applicable treatment standards, with

prior approval of the Agency. This modification may also involve the addition of new waste codes. It is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027, and F028).

- 2 2. Modification of a tank unit or secondary containment system without increasing the capacity of the unit.
- 1 3. Replacement of a tank with a tank that meets the same design standards and has a capacity within ± 10 percent of the replaced tank provided:
 - a. The capacity difference is no more than 1500 gallons (5680 ℓ),
 - b. The facility's permitted tank capacity is not increased, and
 - c. The replacement tank meets the same conditions in the permit.
- 2 4. Modification of a tank management practice.
- 5. Management of different wastes in tanks:
 - 3 a. That require additional or different management practices, tank design, different fire protection specifications or significantly different tank treatment process from that authorized in the permit, except as provided in paragraph G(5)(c).
 - 2 b. That do not require additional or different management practices or tank design, different fire protection specification, or significantly different tank treatment process than authorized in the permit, except as provided in paragraph G(5)(d).

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.
 - 1* c. That require addition of units or change in treatment processes or management standards, provided that the wastes are restricted from land disposal and are to be treated to meet some or all of the applicable treatment standards. The modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027, and F028).
 - 1 d. That do not require the addition of units or a change in the treatment process or management standards, and provided that

the units have previously received wastes of the same type (e.g., incinerator scrubber water). This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027, and F028).

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

H. Surface Impoundments

- 3 1. Modification or addition of surface impoundment units that result in increasing the facility's surface impoundment storage or treatment capacity.
- 3 2. Replacement of a surface impoundment unit.
- 2 3. Modification of a surface impoundment unit without increasing the facility's surface impoundment storage or treatment capacity and without modifying the unit's liner, leak detection system, or leachate collection system.
- 2 4. Modification of a surface impoundment management practice.
5. Treatment, storage, or disposal of different wastes in surface impoundments:
 - 3 a. That require additional or different management practices or different design of the liner or leak detection system than authorized in the permit.
 - 2 b. That do not require additional or different management practices or different design of the liner or leak detection system than authorized in the permit.

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

 - 1 c. That are wastes restricted from land disposal that meet the applicable treatment standards. This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027, and F028).
 - 1 d. That are residues from wastewater treatment or incineration,

provided the disposal occurs in a unit that meets the minimum technological requirements stated in 40 CFR 268.5(h)(2) (Procedures for Case-by-Case Extensions to an Effective Date), incorporated by reference in 35 Ill. Adm. Code 720.111(b), and provided further that the surface impoundment has previously received wastes of the same type (for example, incinerator scrubber water). This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027, and F028).

- 1* 6. Modifications of unconstructed units to comply with 35 Ill. Adm. Code 724.321(c), 724.322, 724.323, and 724.326(d).
- 7. Changes in response action plan:
 - 3 a. Increase in action leakage rate.
 - 3 b. Change in a specific response reducing its frequency or effectiveness.
 - 2 c. Other changes.

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

- I. Enclosed Waste Piles. For all waste piles, except those complying with 35 Ill. Adm. Code 724.350(c), modifications are treated the same as for a landfill. The following modifications are applicable only to waste piles complying with 35 Ill. Adm. Code 724.350(c).
 - 1. Modification or addition of waste pile units:
 - 3 a. Resulting in greater than 25 percent increase in the facility's waste pile storage or treatment capacity.
 - 2 b. Resulting in up to 25 percent increase in the facility's waste pile storage or treatment capacity.
 - 2. Modification of waste pile unit without increasing the capacity of the unit.
 - 1 3. Replacement of a waste pile unit with another waste pile unit of the same design and capacity and meeting all waste pile conditions in the

permit.

- 2 4. Modification of a waste pile management practice.
- 5. Storage or treatment of different wastes in waste piles:
 - 3 a. That require additional or different management practices or
different design of the unit.
 - 2 b. That do not require additional or different management practices
or different design of the unit.

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

- 2 6. Conversion of an enclosed waste pile to a containment building unit.

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

J. Landfills and Unenclosed Waste Piles

- 3 1. Modification or addition of landfill units that result in increasing the
facility's disposal capacity.
- 3 2. Replacement of a landfill.
- 3 3. Addition or modification of a liner, leachate collection system,
leachate detection system, runoff control, or final cover system.
- 2 4. Modification of a landfill unit without changing a liner, leachate
collection system, leachate detection system, runoff control, or final
cover system.
- 2 5. Modification of a landfill management practice.
- 6. Landfill different wastes:
 - 3 a. That require additional or different management practices,
different design of the liner, leachate collection system, or leachate
detection system.

- 2 b. That do not require additional or different management practices, different design of the liner, leachate collection system, or leachate detection system.

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

- 1 c. That are wastes restricted from land disposal that meet the applicable treatment standards. This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027, and F028).

- 1 d. That are residues from wastewater treatment or incineration, provided the disposal occurs in a landfill unit that meets the minimum technological requirements stated in 40 CFR 268.5(h)(2) (Procedures for Case-by-Case Extensions to an Effective Date), incorporated by reference in 35 Ill. Adm. Code 720.111(b), and provided further that the landfill has previously received wastes of the same type (for example, incinerator ash). This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027, and F028).

- 1* 7. Modification of unconstructed units to comply with 35 Ill. Adm. Code 724.351(c), 724.352, 724.353, 724.354(c), 724.401(c), 724.402, 724.403(c), and 724.404.

8. Changes in response action plan:

- 3 a. Increase in action leakage rate.

- 3 b. Change in a specific response reducing its frequency or effectiveness.

- 2 c. Other changes.

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

K. Land Treatment

- 3 1. Lateral expansion of or other modification of a land treatment unit to increase area extent.

- 2 2. Modification of runoff control system.

- 3 3. Modify runoff control system.
- 2 4. Other modification of land treatment unit component specifications or standards required in permit.
5. Management of different wastes in land treatment units:
 - 3 a. That require a change in permit operating conditions or unit design specifications.
 - 2 b. That do not require a change in permit operating conditions or unit design specifications.

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.
6. Modification of a land treatment unit management practice to:
 - 3 a. Increase rate or change method of waste application.
 - 1 b. Decrease rate of waste application.
- 2 7. Modification of a land treatment unit management practice to change measures of pH or moisture content or to enhance microbial or chemical reactions.
- 3 8. Modification of a land treatment unit management practice to grow food chain crops, to add to or replace existing permitted crops with different food chain crops or to modify operating plans for distribution of animal feeds resulting from such crops.
- 3 9. Modification of operating practice due to detection of releases from the land treatment unit pursuant to 35 Ill. Adm. Code 724.378(g)(2).
- 3 10. Changes in the unsaturated zone monitoring system that result in a change to the location, depth, or number of sampling points or which replace unsaturated zone monitoring devices or components of devices with devices or components that have specifications different from permit requirements.
- 2 11. Changes in the unsaturated zone monitoring system that do not result in a change to the location, depth, or number of sampling points or

which replace unsaturated zone monitoring devices or components of devices with devices or components having specifications different from permit requirements.

- 2 12. Changes in background values for hazardous constituents in soil and soil-pore liquid.
- 2 13. Changes in sampling, analysis, or statistical procedure.
- 2 14. Changes in land treatment demonstration program prior to or during the demonstration.
- 1* 15. Changes in any condition specified in the permit for a land treatment unit to reflect results of the land treatment demonstration, provided performance standards are met, and the Agency's prior approval has been received.
- 1* 16. Changes to allow a second land treatment demonstration to be conducted when the results of the first demonstration have not shown the conditions under which the wastes can be treated completely, provided the conditions for the second demonstration are substantially the same as the conditions for the first demonstration and have received the prior approval of the Agency.
- 3 17. Changes to allow a second land treatment demonstration to be conducted when the results of the first demonstration have not shown the conditions under which the wastes can be treated completely, where the conditions for the second demonstration are not substantially the same as the conditions for the first demonstration.
- 2 18. Changes in vegetative cover requirements for closure.

L. Incinerators, Boilers and Industrial Furnaces

- 3 1. Changes to increase by more than 25 percent any of the following limits authorized in the permit: A thermal feed rate limit, a feedstream feed rate limit, a chlorine/chloride feed rate limit, a metal feed rate limit, or an ash feed rate limit. The Agency must require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means.
- 2 2. Changes to increase by up to 25 percent any of the following limits authorized in the permit: A thermal feed rate limit, a feedstream feed

rate limit, a chlorine/chloride feed rate limit, a metal feed rate limit, or an ash feed rate limit. The Agency must require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means.

- 3 3. Modification of an incinerator, boiler, or industrial furnace unit by changing the internal size or geometry of the primary or secondary combustion units; by adding a primary or secondary combustion unit; by substantially changing the design of any component used to remove HCl/Cl₂, metals, or particulate from the combustion gases; or by changing other features of the incinerator, boiler, or industrial furnace that could affect its capability to meet the regulatory performance standards. The Agency must require a new trial burn to substantiate compliance with the regulatory performance standards, unless this demonstration can be made through other means.
- 2 4. Modification of an incinerator, boiler, or industrial furnace unit in a manner that will not likely affect the capability of the unit to meet the regulatory performance standards but which will change the operating conditions or monitoring requirements specified in the permit. The Agency may require a new trial burn to demonstrate compliance with the regulatory performance standards.
5. Operating requirements:
 - 3 a. Modification of the limits specified in the permit for minimum or maximum combustion gas temperature, minimum combustion gas residence time, oxygen concentration in the secondary combustion chamber, flue gas carbon monoxide or hydrocarbon concentration, maximum temperature at the inlet to the PM emission control system, or operating parameters for the air pollution control system. The Agency must require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means.
 - 3 b. Modification of any stack gas emission limits specified in the permit, or modification of any conditions in the permit concerning emergency shutdown or automatic waste feed cutoff procedures or controls.
 - 2 c. Modification of any other operating condition or any inspection or recordkeeping requirement specified in the permit.

6. Burning different wastes:

- 3 a. If the waste contains a POHC that is more difficult to burn than authorized by the permit or if burning of the waste requires compliance with different regulatory performance standards than specified in the permit, the Agency must require a new trial burn to substantiate compliance with the regulatory performance standards, unless this demonstration can be made through other means.
- 2 b. If the waste does not contain a POHC that is more difficult to burn than authorized by the permit and if burning of the waste does not require compliance with different regulatory performance standards than specified in the permit.

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

7. Shakedown and trial burn:

- 2 a. Modification of the trial burn plan or any of the permit conditions applicable during the shakedown period for determining operational readiness after construction, the trial burn period or the period immediately following the trial burn.
- 1* b. Authorization of up to an additional 720 hours of waste burning during the shakedown period for determining operational readiness after construction, with the prior approval of the Agency.
- 1* c. Changes in the operating requirements set in the permit for conducting a trial burn, provided the change is minor and has received the prior approval of the Agency.
- 1* d. Changes in the ranges of the operating requirements set in the permit to reflect the results of the trial burn, provided the change is minor and has received the prior approval of the Agency.
- 1 8. Substitution of an alternative type of non-hazardous waste fuel that is not specified in the permit.
- 1* 9. Technology changes needed to meet standards under federal subpart EEE of 40 CFR 63 (National Emission Standards for Hazardous Air

Pollutants from Hazardous Waste Combustors), incorporated by reference in 35 Ill. Adm. Code 720.111(b), provided the procedures of Section 703.280(j) are followed.

- 1* 10. Changes to RCRA Permit provisions needed to support transition to federal subpart EEE of 40 CFR 63 (National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors), incorporated by reference in 35 Ill. Adm. Code 720.111(b), provided the procedures of Section 703.280(k) are followed.

M. Containment Buildings

1. Modification or addition of containment building units:
 - 3 a. Resulting in greater than 25 percent increase in the facility's containment building storage or treatment capacity.
 - 2 b. Resulting in up to 25 percent increase in the facility's containment building storage or treatment capacity.
- 2 2. Modification of a containment building unit or secondary containment system without increasing the capacity of the unit.
3. Replacement of a containment building with a containment building that meets the same design standards provided:
 - 1 a. The unit capacity is not increased.
 - 1 b. The replacement containment building meets the same conditions in the permit.
- 2 4. Modification of a containment building management practice.
5. Storage or treatment of different wastes in containment buildings:
 - 3 a. That require additional or different management practices.
 - 2 b. That do not require additional or different management practices.

N. Corrective Action

- 3 1. Approval of a corrective action management unit pursuant to 35 Ill. Adm. Code 724.652.

- 2 2. Approval of a temporary unit or time extension pursuant to 35 Ill. Adm. Code 724.653.
- 2 3. Approval of a staging pile or staging pile operating term extension pursuant to 35 Ill. Adm. Code 724.654.

O. Burden Reduction

- 1. This paragraph O.1. corresponds with paragraph O.1. in appendix I to 40 CFR 270.42, which became obsolete when USEPA terminated the Performance Track Program at 74 Fed. Reg. 22741 (May 14, 2009). USEPA has recognized that program-related rules are no longer effective at 75 Fed. Reg. 12989, 92, note 1 (Mar. 18, 2010). This statement maintains structural consistency with the corresponding federal requirements. Approval of reduced inspection frequency for a Performance Track member facility for one of the following:
 - 1* a. ~~A tank system pursuant to 35 Ill. Adm. Code 724.295.~~
 - 1* b. ~~A container pursuant to 35 Ill. Adm. Code 724.274.~~
 - 1* c. ~~A containment building pursuant to 35 Ill. Adm. Code 724.1101(c)(4).~~
 - 1* d. ~~An area subject to spills pursuant to 35 Ill. Adm. Code 724.115(b)(4).~~
- 1 2. Development of one contingency plan based on Integrated Contingency Plan Guidance pursuant to 35 Ill. Adm. Code 724.152(b).
- 1 3. A change to recordkeeping and reporting requirements pursuant to any of the following: 35 Ill. Adm. Code 724.156(i), 724.443(a)(2), 724.961(b)(1) and (d), 724.962(a)(2), 724.296(f), 724.200(g), or 724.213(e)(5).
- 1 4. A change to inspection frequency for a tank system pursuant to 35 Ill. Adm. Code 724.295(b).
- 1 5. A change to a detection and compliance monitoring program pursuant to 35 Ill. Adm. Code 724.198(d), (g)(2), (g)(3), or 724.199(f) or (g).

Note: * indicates modifications requiring prior Agency approval.

994 BOARD NOTE: Derived from appendix I to 40 CFR 270.42 (2012)~~(2009)~~.

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996 (Source: Amended at 37 Ill. Reg. _____, effective _____)