

ILLINOIS POLLUTION CONTROL BOARD

March 3, 2016

IN THE MATTER OF: )  
RCRA SUBTITLE C UPDATE, USEPA ) R16-7  
AMENDMENTS (January 1, 2015 through ) (Identical-in-Substance  
June 30, 2015 and July 2, 2015) ) Rulemaking - Land)

Proposed Rule. Proposal for Public Comment.

OPINION OF THE BOARD (by J.A. Burke):

**SUMMARY OF TODAY'S ACTION**

The Board proposes amendments updating the Illinois hazardous waste regulations to include three amendments adopted by the United States Environmental Protection Agency (USEPA) during the first half of calendar year 2015. The Board includes two further sets of amendments that USEPA adopted during the second half of 2015. The Board has included a number of corrections that the Board deems are needed, including many suggested by USEPA and two suggested by the Illinois General Assembly's Joint Committee on Administrative Rules (JCAR). Specifically, the Board proposes identical-in-substance amendments to 35 Ill. Adm. Code 703, 720 through 722, 724 through 728, and 733 for public comment.

This is an identical-in-substance rulemaking to incorporate revisions to the federal hazardous waste regulations into the Illinois hazardous waste regulations. Sections 7.2 and 22.4(a) of the Act (415 ILCS 5/7.2 and 22.4(a) (2014)) require the Board to adopt regulations that are identical in substance to hazardous waste regulations adopted by the USEPA. Section 22.4(a) also provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (5 ILCS 100/5-35 and 5-40 (2014)) do not apply to the Board's adoption of identical-in-substance regulations.

The revised USEPA rules implement Subtitle C of the federal Resource Conservation and Recovery Act of 1976 (RCRA Subtitle C) (42 U.S.C. §§ 6921 *et seq.* (2013)). The federal RCRA Subtitle C hazardous waste management (HWM) regulations are found at 40 C.F.R. 260 through 268, 270 through 273, and 279. USEPA adopted the underlying federal hazardous waste amendments between January 1, 2015 and June 30, 2015 and on July 2, 2015.

The Board will cause the proposed amendments to be published in the *Illinois Register* and will hold the docket open to receive public comments for 45 days after the date of publication. The Board invites comments on this proposal and requests input on specific questions set forth in the discussion below relating to the definition of solid waste. The Board presently intends to adopt final amendments based on this proposal on or before the due date of June 30, 2016.

This opinion supports an order adopted this day.

## **FEDERAL ACTIONS CONSIDERED IN THIS RULEMAKING**

The following listing briefly summarizes the federal actions considered in this RCRA Subtitle C update rulemaking:

### **January 1, 2015 through June 30, 2015 Amendments**

USEPA amended the federal hazardous waste regulations three times between January 1, 2015 and June 30, 2015. The USEPA action that requires corresponding amendments to the Illinois regulations are summarized below:

#### **January 13, 2015 (80 Fed. Reg. 1694): Amendment of DSWR**

**Description of the USEPA action:** USEPA significantly amended the Definition of Solid Waste Rule (DSWR). Specifically, USEPA revised the conditions under which a material that is the subject of reclamation is considered “hazardous secondary material” (HSM), and is excluded from the definition of “solid waste.” If a material is not solid waste, it cannot be hazardous waste. Thus, the excluded HSM are not subject to regulation as hazardous waste.

**Necessary Board action in response:** The Board must update the Illinois hazardous waste regulations to incorporate the new federal requirements. The USEPA revisions made the DSWR more stringent than the pre-existing rule.

#### **April 8, 2015 (80 Fed. Reg. 18777): Removal of the Comparable Fuels and Gasification Rules**

**Description of the USEPA action:** USEPA responded to the vacatur of the comparable fuels rule in *Natural Resources Defense Council v. EPA*, 755 F.3d 1010 (D.C. Cir. 2014), and the gasification rule in *Sierra Club v. EPA*, 755 F.3d 968 (D.C. Cir. 2014). USEPA removed the rules from the federal regulations.

**Necessary Board action in response:** The Board must amend the Illinois hazardous waste regulations to remove the comparable fuels rule and the gasification rule. The comparable fuels rule was an exclusion from the definition of solid waste. The gasification rule was an exclusion from regulation as hazardous waste. The removal of each rule made the federal regulations more stringent.

#### **April 17, 2015 (80 Fed. Reg. 21302): Adoption of the CCR Rule, Exclusions for Fossil Fuel Combustion Residuals from Regulation as Hazardous Waste**

**Description of the USEPA action:** USEPA determined not to regulate coal combustion residuals (CCR) as hazardous waste and adopted new rules to govern the disposal of CCR as non-hazardous solid waste. While the new CCR rules do not affect hazardous waste regulation, a small segment expands the “Bevill exemption” from the definition of “hazardous waste.” The expanded exemption includes eight specified “uniquely associated wastes” that are generated from processes associated with combustion of coal and other fossil fuels and which are disposed with CCR.

**Necessary Board action in response:** The Board must revise the Illinois Bevill exemption of CCR from the definition of hazardous waste to include the eight specified uniquely associated wastes. The inclusion of the uniquely associated wastes broadens the Bevill exemption.

**Later RCRA Subtitle C (Hazardous Waste)  
Amendments of Interest**

The Board engages in ongoing monitoring of federal actions. As of the date of this opinion and accompanying order, the Board has identified two USEPA actions since June 30, 2015 that further affected the RCRA Subtitle C hazardous waste rules. Those actions are described as follows:

**July 2, 2015 (80 Fed. Reg. 37988): Corrections to the CCR Rule**

**Description of the USEPA action:** USEPA adopted technical corrections to the CCR Rule: USEPA corrected the effective date from October 14, 2015 to October 19, 2015.

**Necessary Board action in response:** The Board notes the revised effective date, but no action is necessary in that regard. The effective date is now past, and the date does not appear in the text of the revisions to the Bevill exemption.

**July 2, 2015 (80 Fed. Reg. 37992): Revision of the List of OECD Countries**

**Description of the USEPA action:** USEPA revised the list of Organization for Economic Cooperation and Development (OECD) countries for the rules applicable to trans-boundary shipments of hazardous waste. USEPA added Estonia, Israel, and Slovenia to reflect that these countries are now implementing OECD Decision C(2001)107.

**Necessary Board action in response:** The Board must revise the Illinois rules to include these nations as OECD countries. Making the revision in this docket will obviate action in a future docket.

**Other Federal Actions Having a Direct Impact  
on the Illinois RCRA Subtitle C Regulations**

In addition to the amendments to the federal RCRA Subtitle C regulations, amendments to certain other federal regulations and statutory revisions occasionally have an effect on the Illinois hazardous waste rules. Most notably, 35 Ill. Adm. Code 720.111(b) and (c) include several incorporations of federal regulations and statutes by reference. The incorporated regulations in subsection (b) include segments of various USEPA environmental regulations, Nuclear Regulatory Commission (NRC) rules, and United States Department of Transportation (USDOT) hazardous materials transportation regulations in the *Code of Federal Regulations* that USEPA has incorporated into the federal hazardous waste rules. The statutory provisions incorporated by reference in subsection (c) are provisions of the *United States Code* upon which USEPA has relied in a way that has prompted the Board to incorporate by reference.

The text of the rules also includes citations to federal rules that are not incorporations by reference. Principally, these are citations to the federal source of the segment of the regulations to which the citation is appended. All citations to the *Code of Federal Regulations* throughout the hazardous waste rules are dated with a C.F.R. edition, without regard to whether the citation involves incorporation by reference or not.

The Board routinely uses the opportunity of an identical-in-substance update to update the incorporations by reference to federal regulations and statutory provisions. In this proceeding, the Board updates all references to Titles 10, 33, 40 and 49 of the *Code of Federal Regulations* to the 2015 edition, which is the latest available on the Government Printing Office website. All references to the *United States Code* are updated to the 2013 edition, which is the latest version available on that website.

### **Other Amendments to the Illinois RCRA Subtitle C Regulations**

In addition to the amendments to the federal RCRA Subtitle C regulations and amendments to certain other federal regulations and statutes, the Board often finds that corrections to the Illinois hazardous waste rules are necessary. In the present proceeding, the Board has included corrections derived from three sources:

- JCAR observed that the Board had failed to complete two requested corrections in a prior proceeding. The Board includes the two corrections in this proceeding.
- USEPA submitted corrections based on USEPA's periodic review of the stringency of the Illinois hazardous waste rules and their consistency with the federal rules. The Board proposes revisions based on USEPA's suggestions.
- The Board proposes additional corrections based on our own review of the Illinois hazardous waste regulations.

### **PUBLIC COMMENTS**

This opinion includes requests for public comment on aspects of the proposed amendments. The Board will receive public comments on these requests and this proposal generally for a period of 45 days following its publication in the *Illinois Register*. The presently projected date for *Illinois Register* publication is March 18, 2016. If published on that date, the public comment period will end on May 9, 2016. After that time, the Board will immediately consider adoption of the amendments, making any necessary changes after consideration of public comments. Of course, an earlier or later date of publication would result in an earlier or later expiration of the 45-day public comment period.

The Board will delay filing any adopted rules with the Secretary of State for 30 days after adoption, to allow time for USEPA to review the adopted amendments before they are filed and become effective. If USEPA expressly waives this 30-day review period in writing, the Board could file the adopted amendments prior to expiration of the 30-day period.

### **DUE DATE AND TIMETABLE FOR COMPLETION**

By an order dated December 22, 2015, the Board extended the deadline for completion of the present amendments from January 13, 2016 until June 30, 2016. The Board stated two reasons for the delay: (1) the volume and complexity of the underlying USEPA amendments; and (2) USEPA's submission of comments based on its periodic review for federal authorization of the Illinois RCRA Subtitle C regulations.

Adoption of a proposal for public comment today places this rulemaking on a schedule required for timely completion before the extended deadline of June 30, 2016:

<b>Date of Board vote to propose amendments:</b>	<b>March 3, 2016</b>
Probable <i>Illinois Register</i> publication date:	March 18, 2016
Probable End of 45-day public comment period:	May 9, 2016
<b>Date of Board vote to adopt amendments:</b>	<b>May 19, 2016</b>
End of 30-day hold period for USEPA review:	June 20, 2016
<b>Probable filing and effective date:</b>	<b>June 27, 2016</b>
Probable <i>Illinois Register</i> publication date:	July 8, 2016

### **DISCUSSION**

The following discussion begins with discussion of the federally derived amendments involved in this docket. A discussion of Board-initiated corrections and clarifying amendments follows discussion of the federal amendments. This series is organized by federal subject matter, appearing in chronological order of the relevant *Federal Register* notices involved. The discussion concludes with a description of the types of deviations that the Board makes from the literal text of federal regulations in adopting identical-in-substance rules.

**Amendments to the Definition of Solid Waste—  
Sections 720.110, 720.130, 720.131, 720.133, 720.134, 720.142, 721.101,  
721.102, 721.104 & Subparts I, J, M, AA, BB & CC of Part 721<sup>1</sup>**

The following discussion is intended to aid understanding of the federal action that the Board now incorporates into the Illinois rules. Persons wishing to explore the substance of the USEPA corrections and clarifications should refer to the appropriate *Federal Register* notices. The Board's purpose here is to ensure that the Illinois regulations are identical-in-substance to their federal counterparts.

On January 13, 2015 (80 Fed. Reg. 1694), USEPA amended the DSWR as it applies to reclamation from HSM. These amendments significantly revised the DSWR as USEPA extensively amended the requirements on October 30, 2008 (at 73 Fed. Reg. 64668) relating to reclamation from HSM. The 2008 and 2015 amendments both exclude certain reclamation activities from hazardous waste regulation by deeming that the material is HSM and excluding it from the definition of solid waste.

The 2008 amendments to the DSWR excluded HSM that was reclaimed “under control of the generator”<sup>2</sup> in non-land-based units from the definition of solid waste with minimal conditions.<sup>3</sup> 40 C.F.R. 261.2(a)(2)(ii) (2015) (corresponding with 35 Ill. Adm. Code 721.102(a)(2)(B)). In a second exclusion, the 2008 amendments imposed the additional condition of notification of waste activity for HSM reclaimed under the control of the generator in land-based units. 40 C.F.R. 261.4(a)(23) (2015) (corresponding with 35 Ill. Adm. Code 721.104(a)(23)). A third exclusion adopted in 2008 excluded HSM sent offsite for reclamation

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<sup>1</sup> Subpart I: Sections 721.270, 721.271, 721.272, 721.273, 721.274, 721.275, 721.276, 721.277, 721.278 & 721.279; Subpart J: Sections 721.290, 721.291, 721.293, 721.294, 721.296, 721.297, 721.298, 721.299 & 721.300; Subpart M: Sections 721.500, 721.510, 721.511 & 721.520; Subpart AA: Sections 721.930, 721.931, 721.932, 721.933, 721.934 & 721.935; Subpart BB: Sections 721.950, 721.951, 721.952, 721.953, 721.954, 721.955, 721.956, 721.957, 721.958, 721.959, 721.960, 721.961, 721.962, 721.963 & 721.964; Subpart CC: Sections 721.980, 721.981, 721.982, 721.983, 721.984, 721.986, 721.987, 721.988 & 721.989.

<sup>2</sup> Defined as either both generated and reclaimed at the generating facility or reclaimed at a different facility and both the generating facility and the reclamation facility share owned common ownership. 40 C.F.R. 260.10 (2015) (definition of “hazardous secondary material generated and reclaimed under the control of the generator”; corresponding with 35 Ill. Adm. Code 720.110 (same definition))/

<sup>3</sup> Primarily, after excluding specified wastes, that the HSM is not speculatively accumulated, the HSM is managed only in non-land-based units, the HSM remain contained, and the reclamation is legitimate. 40 C.F.R. 261.2(a)(2)(ii) (2015) (corresponding with 35 Ill. Adm. Code 721.102(a)(2)(B)). This exclusion was codified directly within the definition of solid waste itself. USEPA codified all of the other reclamation-related exclusions adopted in 2008 in the exclusions provision. See 40 C.F.R. 261.4(a)(23), (a)(24) & (a)(25) (2015) (corresponding with 35 Ill. Adm. Code 721.104(a)(23), (a)(24) & (a)(25)).

by a person not under the control of the generator. This off-site exclusion imposed several more conditions on management of the HSM.<sup>4</sup> 40 C.F.R. 261.4(a)(24) (2015) (corresponding with 35 Ill. Adm. Code 721.104(a)(24)). A fourth exclusion applied to HSM exported from the United States for reclamation. 40 C.F.R. 261.4(a)(25) (2015) (corresponding with 35 Ill. Adm. Code 721.104(a)(25)).<sup>5</sup>

The recent 2015 amendments significantly circumscribe the scope of reclamation activities that are excluded from the definition of solid waste and, hence, from regulation as hazardous waste. First, significant conditions drawn from the hazardous water treatment, storage, and disposal (T/S/D) facility standards now apply to HSM that is subject of reclamation activities. Second, USEPA now requires a greater degree of control by the HSM generator over off-site reclamation activity. Third, application of the exclusion now relies more heavily on case-by-case administrative determinations. Finally, under a “remanufacturing exclusion,” the DSWR now narrowly excludes reclamation at a facility that is not under the control of the generator. The remanufacturing exclusion is only allowed for specified reclamation activities, of specified spent solvents, that are generated by specified industries, and which are destined for specified subsequent uses.

A brief overview of the federal hazardous waste regulations is necessary to understand the current DSWR amendments. The federal hazardous waste rules make a series of distinctions to determine whether and which hazardous waste requirements apply to any material. The regulatory scheme has many twists and turns, but it is capable of framing at a fairly basic level for the present discussion. The primary focus of what follows is on materials that are subject to reclamation, which is one mode of recycling.

### **Solid Waste Determination.**

The threshold regulatory determination is whether a material is “solid waste.” The DSWR is used to make that determination. Any “discarded material” that is not excluded by rule<sup>6</sup> or administrative order<sup>7</sup> is deemed solid waste. The first segment of the determination is

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<sup>4</sup> In addition to the conditions applicable to HSM reclaimed under the control of the generator, there were additional conditions: who could manage the HSM; the packaging required for transport; how long the HSM could be stored in transit; that the HSM must be contained; recordkeeping requirements; conditions on management of residuals generated during reclamation; equipment, personnel, and financial responsibility requirements for the reclaimer; and that the generator assert reasonable efforts to ensure that any intermediate facilities and the reclaimer have engaged in proper management and reclamation of the HSM and have complied with the applicable conditions to the exclusion. 40 C.F.R. 261.4(a)(24) (2015) (corresponding with 35 Ill. Adm. Code 721.104(a)(24)).

<sup>5</sup> Because USEPA totally eliminated the exclusion of HSM exported for reclamation, the Board refers the interested reader to 40 C.F.R. 261.4(a)(25) (2015) for the conditions that applied.

<sup>6</sup> A listing of materials that are excluded from the definition of solid waste is codified as 40 C.F.R. 261.4(a) (2015) (corresponding with 35 Ill. Adm. Code 721.104(a)).

whether the material is discarded material.<sup>8</sup> The second segment is whether a regulatory exclusion applies to the secondary material.

**Discarded Material.** Among the materials considered discarded material are abandoned materials and some recycled materials. 40 C.F.R. 261.2(a)(2) (2015) (corresponding with 35 Ill. Adm. Code 721.102(a)(2)). A material is abandoned when disposed of; burned or incinerated; or accumulated, stored, or treated (but not recycled) before or in lieu of being disposed of or burned or incinerated. 40 C.F.R. 261.2(b) (2015) (corresponding with 35 Ill. Adm. Code 721.102(b)).

**Recycling.** The federal rules define “recycling” as use, reuse, or reclamation. 40 C.F.R. 261.1(c)(7) (2015) (corresponding with 35 Ill. Adm. Code 721.101(c)(7)). “Reclamation” is essentially defined as regeneration or processing to recover a usable product.<sup>9</sup> *See* 40 C.F.R. 261.1(c)(4) (2015) (corresponding with 35 Ill. Adm. Code 721.101(c)(4)). “Use or reuse” occur when a material is used to make a product, and no components of the material are recovered as separate end products, or the material is used in place of a commercial product. 40 C.F.R. 261.1(c)(5) (2015) (corresponding with 35 Ill. Adm. Code 721.101(c)(5)). Based on these definitions, reclamation occurs where processing of a secondary material is necessary before it is used or where some elements of the secondary material are removed to produce a material that is capable of use or reuse. A secondary material that is subject of reclamation is deemed discarded material unless it falls within an exclusion from solid waste<sup>10</sup> or one of four narrow exceptions.<sup>11</sup>

The hazardous waste rules include other activities as “recycling”: use constituting disposal, burning for energy recovery, and speculative accumulation. 40 C.F.R. 261.2(c) (2015)

<sup>7</sup> The hazardous waste regulations provide for case-by-case administrative determinations that recycled materials are not solid waste. *See* 40 C.F.R. 260.30 & 260.34 (2015) (corresponding with 35 Ill. Adm. Code 720.130 & 720.134).

<sup>8</sup> An administrative determination that a secondary material is not solid waste is a determination the material is not discarded material when managed within whatever conditions were imposed with the administrative determination. *See* 40 C.F.R. 260.34(a), (b), (b) & (c) & 260.43(a), (a)(3) & (c)(1); *see also* 40 C.F.R. 260.131(c) & (d)(1) (requiring legitimate recycling, which requires that the material is not discarded material). Thus, the existence of an applicable administrative determination begins and almost always ends the solid waste analysis. The only residual issues relate to compliance with any conditions imposed on the determination.

<sup>9</sup> The provision actually defines when a material is “reclaimed.” 40 C.F.R. 261.1(c)(4) (2015) (corresponding with 35 Ill. Adm. Code 721.101(c)(4)).

<sup>10</sup> These are the exclusions of 40 C.F.R. 261.4(a) (corresponding with 35 Ill. Adm. Code 721.104(a)), three of which are affected by the recent DSWR amendments.

<sup>11</sup> (1) The secondary material is sludge; (2) the secondary material is a byproduct that exhibits a characteristic of hazardous waste; or (3) the secondary material is a commercial chemical product that exhibits a characteristic of hazardous waste. 40 C.F.R. 261.2(c)(3) & Table 1 (2015) (corresponding with 35 Ill. Adm. Code 721.102(c)(3) & 721.Table Z). *See infra* note 12 for the fourth narrow exception.

(corresponding with 35 Ill. Adm. Code 721.102(c)). Secondary materials burned for energy recovery or used in a manner that constitutes disposal are always deemed discarded materials. 40 C.F.R. 261.2(a)(2)(i), (c) & Table 1 (2015) (corresponding with 35 Ill. Adm. Code 721.102(a)(2)(A) & (c) & 721.Table Z). A secondary material that is subject of speculative accumulation is deemed discarded material unless it falls within one narrow exception.<sup>12</sup>

**Speculative Accumulation.** Speculative accumulation is also an element of both the 2008 and 2015 DSWR amendments. A material that is the subject of speculative accumulation usually does not qualify for any of the reclamation-based exclusions from the definition of solid waste.<sup>13</sup> “Speculative accumulation”<sup>14</sup> is defined as accumulation of a material before recycling, unless (1) there is a feasible means for recycling the material; and (2) at least 75 percent of the material is recycled or transferred for recycling within the calendar year after its accumulation. 40 C.F.R. 261.1(c)(8) (2015) (corresponding with 35 Ill. Adm. Code 721.101(c)(8)).

**Sham Recycling.** “Sham recycling” is a similar disqualifier for any recycling-based exclusion from the definition of solid waste, including the reclamation-based exclusions. The recent 2015 amendments to the DSWR added a definition of “sham recycling” and deemed a material that is subject of sham recycling discarded material. Sham recycling is any recycling that is not “legitimate recycling” as defined elsewhere in the rules. 40 C.F.R. 261.102(g) (2015) (corresponding with 35 Ill. Adm. Code 261.2(g)). The 2015 amendments to the DSWR extensively revised the definition of “legitimate recycling” at 40 C.F.R. 260.43 (corresponding with 35 Ill. Adm. Code 720.143) incorporated into the rules with the 2008 DSWR amendments. Thus, more detailed discussion of legitimate recycling appears below.

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<sup>12</sup> It is “P”- or “U”-listed waste—*i.e.*, the material is a commercial chemical product listed in 40 C.F.R. 261.33 (corresponding with 35 Ill. Adm. Code 261.133. 40 C.F.R. 261.2(c)(4) & Table 1 (2015) (corresponding with 35 Ill. Adm. Code 721.102(c)(4) & 721.Table Z).

<sup>13</sup> *See* 40 C.F.R. 260.30(a), 40 C.F.R. 261.4(a)(23), (a)(24) & (a)(27) (2015) (HSM reclaimed under control of the generator in non-land-based units, HSM transferred off-site for reclamation and a verified reclamation facility, and HSM transferred to another person for remanufacturing, respectively) (corresponding with 35 Ill. Adm. Code 721.104(a)(23), (a)(24) & (a)(27)); *see also* 40 C.F.R. 261.4(a)(6), (a)(7), (a)(12), (a)(17), (a)(18), (a)(19), (a)(20) & (a)(22) (2015) (pre-existing exclusions for pulping liquors, spent sulfuric acid, oil-bearing secondary materials, spent materials from primary mineral processing, petrochemical recovered oil from organic chemical manufacturing, spent caustic solutions from petroleum refining liquid treating, HSM used to make zinc fertilizers, and used CRTs, respectively) (corresponding with 35 Ill. Adm. Code 721.104(a)(6), (a)(7), (a)(12), (a)(17), (a)(18), (a)(19), (a)(20) & (a)(22)); *but see* 40 C.F.R. 260.31(a) & 261.1(c)(8) (allowing exclusion if recycling or transfer for recycling will occur within the following year) (corresponding with 35 Ill. Adm. Code 720.131(a) & 721.101(c)(8)).

<sup>14</sup> The actual defined term is “accumulatively speculated.” *See* 40 C.F.R. 261.1(c)(8) (2015) (corresponding with 35 Ill. Adm. Code 721.101(c)(8)).

## **Regulatory Exclusion**

After determining a secondary material is discarded material, the focus shifts to whether one of the several regulatory exclusions applies to the material. The regulations include several express exclusions from the definition of solid waste. These exclusions are codified in 40 C.F.R. 261.4(a) (corresponding with 35 Ill. Adm. Code 721.104(a)).<sup>15</sup> Conditions apply to most of the exclusions. Very significant conditions apply to some of the reclamation-based exclusions adopted in 2008 and 2015.

Table A, appended at the end of the discussion, summarizes several of the codified exclusions from the definition of solid waste. The Board has summarized all of the exclusions that USEPA added in the 2008 amendments and removed or modified in the 2015 amendments to the DSWR. Each entry outlines the express conditions that apply to that particular exclusion.

All of the exclusions affected by the 2008 and 2015 revisions to the DSWR are based on reclamation of HSM. The 2008 revisions excluded a broader range of reclamation activities that the 2015 revisions have now circumscribed. The 2015 revisions have imposed significant conditions drawn from hazardous waste T/S/D facility standards on off-site reclamation activities, and they have further subjected most off-site reclamation to the need for an administrative determination before exclusion is available.

The following segments of discussion outline the effect of the 2015 DSWR amendments on the reclamation-based exclusions. This discussion is brief, and the Board directs attention to the *Federal Register* notice of January 13, 2015 for the details of the USEPA amendments and the reasoning behind them.

**Exclusion for Reclamation Under the Control of the Generator.** The 2008 DSWR amendments established two separate exclusions from the definition of solid waste for HSM reclaimed under the control of the generator. One directly excluded HSM reclaimed under the control of the generator in non-land-based units from the definition of solid waste itself. *See* 40 C.F.R. 261.2(a)(2)(ii) (2015), as removed at 80 Fed. Reg. 1694 (Jan. 13, 2015) (corresponding with 35 Ill. Adm. Code 721.102(a)(2)(B)). The other excluded HSM reclaimed under the control of the generator in land-based units. 40 C.F.R. 261.4(a)(23) (2015) (corresponding with 35 Ill. Adm. Code 721.104(a)(23)). Although codified separately with conditions worded differently, the conditions imposed on these two exclusions were parallel and very similar.<sup>16</sup> *Compare* 40

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<sup>15</sup> The federal rules include blanket exclusions from regulation of specified materials: (1) industrial ethyl alcohol that is reclaimed; (2) scrap metal not excluded by another exclusion; (3) fuels produced from refining oil-bearing hazardous waste; and (4) specified hazardous waste fuel produced and oil reclaimed from refining oil-bearing hazardous waste. *See* 40 C.F.R. 261.7(a)(3) (2015) (corresponding with 35 Ill. Adm. Code 721.107(a)(3)). Those exclusions from regulation are not from the definition of solid waste.

<sup>16</sup> The significant difference being that notice of waste activity was not required for the exclusion that applied to HSM reclaimed in non-land-based units.

C.F.R. 261.2(a)(2)(ii) (2015) (corresponding with 35 Ill. Adm. Code 721.102(a)(2)(B)) *with* 40 C.F.R. 261.4(a)(23) (2015) (corresponding with 35 Ill. Adm. Code 721.104(a)(23)).

The 2015 DSWR amendments combined and revised these exclusions in a single provision. The exclusion of HSM reclaimed under control of the generator is very similar to the prior generator-reclamation exclusions. Several conditions survived the combination and changes: (1) reclamation must occur within the U.S.<sup>17</sup>; (2) the HSM must be contained<sup>18</sup>; (3) the HSM must not be subject of another exclusion, and it must not be a lead-acid battery<sup>19</sup>; (4) the reclamation must be legitimate recycling<sup>20</sup>; (5) speculative accumulation is not allowed<sup>21</sup>; (6) persons managing the HSM must provide notice of waste activity<sup>22</sup>; and (7) the reclamation must be performed under the control of the generator.<sup>23</sup>

However, there are a few differences between the conditions attached to the 2015 exclusion and those attached to the pair of 2008 exclusions. Initially, the combination of the two former exclusions obviated the need to distinguish between land-based units and non-land-based

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<sup>17</sup> 40 C.F.R. 261.2(a)(2)(ii)(D) (2015) & 40 C.F.R. 261.4(a)(23) (2015), and as amended at 80 Fed. Reg. 1694 (Jan. 13, 2015) (corresponding with 35 Ill. Adm. Code 721.2(a)(2)(B)(iv) & 721.104(a)(23)).

<sup>18</sup> 40 C.F.R. 261.2(a)(2)(ii)(C) (2015) & 40 C.F.R. 261.4(a)(23)(i) (2015) & 40 C.F.R. 261.4(a)(23)(ii)(A), as amended at 80 Fed. Reg. 1694 (Jan. 13, 2015) (corresponding with 35 Ill. Adm. Code 721.2(a)(2)(B)(iii) & 721.104(a)(23)(A), before amendment, & 35 Ill. Adm. Code 721.104(a)(23)(B)(i), after amendment).

<sup>19</sup> 40 C.F.R. 261.2(a)(2)(ii)(E) & (a)(2)(ii)(F) (2015) & 40 C.F.R. 261.4(a)(23)(iv) (2015) & 40 C.F.R. 261.4(a)(23)(ii)(D), as amended at 80 Fed. Reg. 1694 (Jan. 13, 2015) (corresponding with 35 Ill. Adm. Code 721.2(a)(2)(B)(iv) & 721.104(a)(23)(D), before amendment, & 35 Ill. Adm. Code 721.104(a)(23)(B)(iv), after amendment).

<sup>20</sup> 40 C.F.R. 261.2(a)(2)(ii)(H) (2015) & 40 C.F.R. 261.4(a)(23) (2015), and as amended at 80 Fed. Reg. 1694 (Jan. 13, 2015) (corresponding with 35 Ill. Adm. Code 721.2(a)(2)(B)(viii) & 721.104(a)(23)).

<sup>21</sup> 40 C.F.R. 261.2(a)(2)(ii)(B) (2015) & 40 C.F.R. 261.4(a)(23)(iii) (2015) & 40 C.F.R. 261.4(a)(23)(ii)(B), as amended at 80 Fed. Reg. 1694 (Jan. 13, 2015) (corresponding with 35 Ill. Adm. Code 721.2(a)(2)(B)(ii) & 721.104(a)(23)(C), before amendment, & 35 Ill. Adm. Code 721.104(a)(23)(B)(ii), after amendment).

<sup>22</sup> 40 C.F.R. 261.4(a)(23)(vi) (2015) & 40 C.F.R. 261.4(a)(23)(ii)(C), as amended at 80 Fed. Reg. 1694 (Jan. 13, 2015) (corresponding with 35 Ill. Adm. Code 721.104(a)(23)(F), before amendment, & 35 Ill. Adm. Code 721.104(a)(23)(B)(iii), after amendment).

<sup>23</sup> 40 C.F.R. 261.2(a)(2)(ii)(A) (2015) & 40 C.F.R. 261.4(a)(23)(ii) (2015) & 40 C.F.R. 261.4(a)(23) & (a)(23)(i), as amended at 80 Fed. Reg. 1694 (Jan. 13, 2015) (corresponding with 35 Ill. Adm. Code 721.2(a)(2)(B)(i) & 721.104(a)(23)(B), before amendment, & 35 Ill. Adm. Code 721.104(a)(23) & (a)(23)(A), after amendment).

units.<sup>24</sup> Second, USEPA moved the substance of the former definition of “hazardous secondary material generated and reclaimed under the control of the generator” into the exclusion to stand as a condition.<sup>25</sup> Third, the generator and any tolling claimer must retain records and document the legitimacy of the recycling.<sup>26</sup> Fourth, K171 and K172 wastes<sup>27</sup> are no longer excepted from the exclusion.<sup>28</sup> Finally, a person managing the HSM must comply with new emergency preparedness and response requirements,<sup>29</sup> which USEPA has borrowed from the contingency plan and emergency preparedness requirements of the T/S/D facility standards.<sup>30</sup>

The Board has incorporated the revised exclusion for HSM reclaimed under the control of the generator into the Illinois regulations. The Board has done so with minimal deviation from the text of the federal exclusion. All deviations from the federal text are listed in Table 3 below in this opinion. This discussion includes consideration of only two of the deviations.

The Board intends that two changes to the federal text will add clarity to the language of the exclusion. USEPA refers to “hazardous secondary material” and “material.” The Board has changed “material” to “hazardous secondary material.” *Compare* 40 C.F.R. 261.4(a)(23)(ii)(D) *with* 35 Ill. Adm. Code 721.104(a)(23)(B)(iv). Further, USEPA refers to HSM that is leaked or released as “discarded.” The Board has changed this to “discarded material” to echo the term used in the definition of solid waste and in other segments of the rules. *Compare* 40 C.F.R. 261.4(a)(23)(ii)(A) *with* 35 Ill. Adm. Code 721.104(a)(23)(B)(i); *see* 40 C.F.R. 260.43(a) &

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<sup>24</sup> *Compare* 40 C.F.R. 261.2(a)(2)(ii)(C) & 261.4(a)(23) (2015) (corresponding with 35 Ill. Adm. Code 721.102(a)(2)(B)(iii) & 721.104(a)(23), before amendment) *with* 40 C.F.R. 261.4(a)(23), as amended at 80 Fed. Reg. 1694 (Jan. 13, 2015) (corresponding with 35 Ill. Adm. Code 721.104(a)(23), after amendment).

<sup>25</sup> *Compare* 40 C.F.R. 260.10 (definition) (2015) (corresponding with 35 Ill. Adm. Code 720.110 (definition), before amendment) *with* 40 C.F.R. 261.4(a)(23)(i), as amended at 80 Fed. Reg. 1694 (Jan. 13, 2015) (corresponding with 35 Ill. Adm. Code 721.104(a)(23)(A), after amendment).

<sup>26</sup> 40 C.F.R. 261.4(a)(23)(i)(A), (a)(23)(i)(B), (a)(23)(i)(C) & (a)(23)(ii)(E), as amended at 80 Fed. Reg. 1694 (Jan. 13, 2015) (corresponding with 35 Ill. Adm. Code 721.104(a)(23)(A)(i), (a)(23)(A)(ii), (a)(23)(A)(iii) & (a)(23)(B)(v), after amendment).

<sup>27</sup> Spent hydrotreating and spent hydrorefining catalysts, respectively, from petroleum refining operations. *See* 40 C.F.R. 261.32(a) (2015) (corresponding with 35 Ill. Adm. Code 721.132(a)).

<sup>28</sup> *Compare* 40 C.F.R. 261.2(a)(2)(ii)(G) & 261.4(a)(23)(iv) (2015) (corresponding with 35 Ill. Adm. Code 721.102(a)(2)(B)(vii) & 721.104(a)(23)(D), before amendment) *with* 40 C.F.R. 261.4(a)(23), as amended at 80 Fed. Reg. 1694 (Jan. 13, 2015) (corresponding with 35 Ill. Adm. Code 721.104(a)(23), after amendment).

<sup>29</sup> 40 C.F.R. 261.4(a)(23)(ii)(F), as amended at 80 Fed. Reg. 1694 (Jan. 13, 2015) (corresponding with 35 Ill. Adm. Code 721.104(a)(23)(B)(vi), after amendment).

<sup>30</sup> 80 Fed. Reg. 1694, 1706 (Jan. 13, 2015); *see* 40 C.F.R. 262.134(d)(4) & (g)(3)(v) (2015) (corresponding with 35 Ill. Adm. Code 262.134(d)(4) & (g)(3)(E)).

(c)(1) & 261.2(a), (a)(1), (a)(2) & (a)(2)(i) (2015) (corresponding with 35 Ill. Adm. Code 720.143(a) & (c)(1) & 721.102(a), (a)(1), (a)(2) & (a)(2)(A)). The Board made the same changes in similar passages of the exclusion for HSM reclaimed at a verified reclamation facility, discussed below. *See* 35 Ill. Adm. Code 721.104.

**Exclusion for Second-Party Reclamation.** The 2008 DSWR amendments established two separate exclusions from the definition of solid waste for HSM transferred for reclamation by a person not under the control of the generator. For the purposes of this discussion, the Board will refer to HSM reclaimed by a person not under the control of the generator as “second-party reclaimed HSM.”<sup>31</sup> One exclusion applied to second-party reclamation at a site within the U.S. *See* 40 C.F.R. 261.4(a)(24) (2015), as revised at 80 Fed. Reg. 1694 (Jan. 13, 2015) (corresponding with 35 Ill. Adm. Code 721.104(a)(24)). The other excluded HSM exported for reclamation outside the U.S. 40 C.F.R. 261.4(a)(25) (2015) (corresponding with 35 Ill. Adm. Code 721.104(a)(25)).

The 2015 amendments to the DSWR extensively revised the requirements for exclusion of second-party reclaimed HSM from the definition of solid waste. USEPA has made three principal changes: (1) USEPA has confined second-party reclamation to a “verified reclamation facility” or a facility subject to hazardous waste T/S/D facility standards; (2) USEPA has confined intermediate handling of the HSM to a “verified intermediate facility”; and (3) USEPA eliminated the exclusion for HSM exported for reclamation outside the U.S. *See* 40 C.F.R. 261.4(a)(24), (a)(24)(v)(B) & (a)(25) (2015), as amended at 80 Fed. Reg. 1694 (Jan. 13, 2015) (corresponding with 35 Ill. Adm. Code 721.104(a)(24), (a)(24)(E)(ii) & (a)(25)); *see also* 80 Fed. Reg. 1694, 1711 (Jan. 13, 2015) (explaining that the facility managing the HSM must be subject to U.S. regulation). A reclamation facility or an intermediate facility becomes “verified” by obtaining a “variance” on petition to the regulatory authority. *See* 40 C.F.R. 260.31(d), 261.4(a)(24)(v)(B) & (a)(25) (2015), as amended at 80 Fed. Reg. 1694 (Jan. 13, 2015) (corresponding with 35 Ill. Adm. Code 720.131(d) & 721.104(a)(24), (a)(24)(E)(ii) & (a)(25)).

Further, the conditions that apply to the 2015-amended second-party reclamation exclusion differ from those that applied to the second-party reclamation exclusion that USEPA initiated in 2008. First, the exclusion of second-party reclaimed HSM is not subject to exception of K171 and K172 wastes.<sup>32</sup> *Compare* 40 C.F.R. 261.4(a)(24)(iii) (2015) (corresponding with 35 Ill. Adm. Code 721.104(a)(24)(C), before amendment) *with* 40 C.F.R. 261.4(a)(24)(iii) (2015), as amended at 80 Fed. Reg. 1694 (Jan. 13, 2015) (corresponding with 35 Ill. Adm. Code 721.104(a)(24)(C), after amendment). More importantly, USEPA removed the obligations formerly imposed on the generator to “make reasonable efforts” to ensure the positive intent and sound management of the intermediate and reclamation facilities and certify and document those efforts. *Compare* 40 C.F.R. 261.4(a)(24)(v)(B)-(a)(24)(v)(E) & (a)(24)(viii) (2015) (corresponding with 35 Ill. Adm. Code 721.104(a)(24)(E)(ii)-(a)(24)(E)(v) & (a)(24)(H), before

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<sup>31</sup> The phrase “second-party reclamation” refers to reclamation of second-party reclaimed HSM. While the status of the facility where the reclamation occurs determines applicability of the exclusion, the HSM is the object of the exclusion.

<sup>32</sup> *See supra* note 27 and accompanying text.

amendment) *with* 40 C.F.R. 261.4(a)(24)(v)(B)-(a)(24)(v)(E) & (a)(24)(viii) (2015), as amended at 80 Fed. Reg. 1694 (Jan. 13, 2015) (corresponding with 35 Ill. Adm. Code 721.104(a)(24)(E)(ii)-(a)(24)(E)(v) & (a)(24)(H), after amendment).

The Board has incorporated the revised exclusion for second-party reclaimed HSM into the Illinois regulations. The Board has done so with minimal deviation from the text of the federal exclusion. All deviations from the federal text are listed in Table 3 below in this opinion. The following segments of discussion include consideration of only the more significant deviations.

**Administrative Determination Deeming a Facility “Verified.”** The “variance” that USEPA has provided for deeming a facility “verified” is an administrative determination made using the procedure prescribed in 40 C.F.R. 260.33 (corresponding with 35 Ill. Adm. Code 720.133) applying the factors set forth in 40 C.F.R. 260.31(d) (corresponding with 35 Ill. Adm. Code 720.131(d)). The appropriate administrative authority can deem an intermediate facility or a reclamation facility “verified” using a specified procedure and applying specified factors. USEPA codified the procedure in 40 C.F.R. 260.33, entitled “Procedures for variances from classification as a solid waste, for variances to be classified as a boiler, or for non-waste determinations.” USEPA codified the factors in 40 C.F.R. 260.31, entitled “Standards and criteria for variances from classification as a solid waste.” Differences between Illinois law and federal law require the Board to make minor changes in the language of the federal rules.

What USEPA calls a “variance” is different from a “variance,” as intended under the Act. When establishing the procedure for hazardous waste delisting, the Board observed as follows:

Board variances are temporary, are granted on a showing of arbitrary or unreasonable hardship and require a compliance plan. These are to be distinguished from “variances” provided in USEPA’s RCRA rules which sometimes are permanent on a specific showing other than arbitrary or unreasonable hardship. RCRA Procedural Rules, R84-10 (Jan. 10, 1989), slip op. at 5.

The Board grants solid waste determinations, non-waste determinations, and hazardous waste delistings using the Act’s adjusted standard procedure.<sup>33</sup> See 35 Ill. Adm. Code 720.122(n) & 720.133. Initially, the Board instituted the adjusted standard procedure of section 28.1 of the Act (Ill. Rev. Stat. ch. 111½, ¶ 1028.1 (1987), patterning the solid waste determinations after the federal variance procedure. RCRA Update, USEPA Regulations April 24, 1984 through June 30, 1985, R85-22 (Jan. 9, 1986). The Board originally anticipated adopting federally granted hazardous waste delistings by rulemaking by using incorporation by reference.<sup>34</sup> After USEPA authorized Illinois to grant hazardous waste delistings in 1990 (55

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<sup>33</sup> The Board did not draw from the federal variance procedure for hazardous waste delistings. Rather, the delisting procedure derives from 40 C.F.R. 260.22.

<sup>34</sup> The Board was uncertain of authority of the State to adopt hazardous waste delistings. RCRA Delistings, R90-17 (Feb. 28, 1991), slip op. at 3.

Fed. Reg. 7320 (Mar. 1, 1990)), and Board adoption of procedural rules for adjusted standards (Procedural Rules Revision 35 Ill. Adm. Code 101,106 (subpart G), and 107, R88-5(B) (June 8, 1989)), the Board began using the adjusted standard procedure to grant hazardous waste delistings. RCRA Delistings, R90-17 (Feb. 28, 1991), slip op. at 4-5.

Then, USEPA incorporated a “non-waste determination” into the provision for solid waste determinations with the 2008 DSWR amendments (*see* 73 Fed. Reg. 64668, 64670 (Oct. 30, 2008)), which the Board added to the Illinois rules in RCRA Subtitle C Update, USEPA Amendments (July 1, 2008 through December 31, 2008 and June 15, 2010), R09-16, RCRA Subtitle C Update, USEPA Regulations (January 1, 2009 through June 30, 2009), R10-4 (Oct. 7, 2010) (consol.). Now, the 2015 DSWR amendments have added a “variance from classifying as a solid waste” HSM that are transferred to a “verified recycler” or “verified intermediate facility” for reclamation. USEPA added the criteria for granting this “variance” to the non-waste determination and solid waste determination provisions. 80 Fed. Reg. 1694, 1706-11 (Jan. 13, 2015); *see* 40 C.F.R. 260.31(d), as added at 80 Fed. Reg. 1694 (Jan. 13, 2015) (corresponding with 35 Ill. Adm. Code 720.131(d)).

Due to its different meaning under Illinois law, the Board has refrained from using “variance” where it appears in the federal provisions. The Board has used the adjusted standard procedure to determine “verified recyclers” and “verified intermediate facilities.” *See* 35 Ill. Adm. Code 720.131(d) & 720.133 (derived from 40 C.F.R. 260.31(d) & 260.33 (2015), as amended at 80 Fed. Reg. 1694 (Jan. 13, 2015)).

**Use of the Term “Solid Waste Determination.”** Since USEPA has paired this administrative verified facility determination with the solid waste determination and applies the determination to the reclaimed HSM, rather than to the reclamation facility and any intermediate facility managing the HSM (*see* 40 C.F.R. 260.31(d) & 260.33(c), as amended at 80 Fed. Reg. 1694 (Jan. 13, 2015)), the Board has referred to this administrative determination as a “solid waste determination.” *See* 35 Ill. Adm. Code 720.131(d) & 721.104(a)(24)(E)(ii) (derived from 40 C.F.R. 260.31(d) & 261.4(a)(24)(v)(B) (2015), as added at 80 Fed. Reg. 1694 (Jan. 13, 2015)). The Board followed this usage also in the emergency preparedness and response provisions applicable to facilities operating under the second-party reclamation exclusion, substituting “solid waste determination” in the Illinois rules for each appearance of “verified recycler variance” in the federal rules. *See* 35 Ill. Adm. Code 721.500(a) & (b); 721.510(e), (f)(1) & (f)(2); 721.511(d)(3) & 721.520(a)(1) & (b)(2) (corresponding with 40 C.F.R. 261.400(a) & (b); 261.410(e), (f)(1) & (f)(2); 261.411(d)(3) & 261.420(a)(1) & (b)(2)).

**Uniform Use of the Term “Verified.”** The Board has further changed segments of the text to use “verified reclamation facility” and “verified intermediate facility” as defined terms. The Board believes that these changes add clarity to the exclusion for second-party reclaimed HSM. In 40 C.F.R. 261.4(a)(24)(v)(B), USEPA defines the phrase “verified reclamation facility” as one that has obtained the administrative determination provided by 40 C.F.R. 260.31(d). The Board added quotation marks to the defined term to make it clear that this provision defined the term in corresponding 35 Ill. Adm. Code 721.104(a)(24)(E)(ii). This provision in 40 C.F.R. 261.4(a)(24)(v)(B) continues to provide that any intermediate facility through which the HSM passes must have been granted the administrative determination provided by 40 C.F.R. 260.31(d). The Board reworded corresponding 35 Ill. Adm. Code

721.104(a)(24)(E)(ii) to require that the facility must be a “verified intermediate facility,” placing the phrase in quotation marks and making minor changes in the wording, to clarify that this segment defines the term. The Board also changed “verified reclamation facility or intermediate facility” in 40 C.F.R. 260.30(f) and 260.31(d) to “verified reclamation facility or verified intermediate facility” in corresponding 35 Ill. Adm. Code 720.130(f) and 720.131(d).

**Alternative Management at a T/S/D Facility.** The second-party reclamation exclusion provides an alternative to reclamation at a verified reclamation facility and management at a verified intermediate facility. The reclamation and/or management can occur at a T/S/D facility. This impacts the language used by USEPA in different provisions. In 40 C.F.R. 261.4(a)(24)(v)(B), management of the second-party reclaimed HSM can occur at a facility “where management of the hazardous secondary material is addressed under a RCRA Subpart B permit or interim status standards.” The Board changed the focus to uniformly refer to the applicable standards for hazardous waste management, 35 Ill. Adm. Code 724, 725, 726, and 727, in corresponding 35 Ill. Adm. Code 721.104(a)(24)(E)(ii). The Board assumes that USEPA intended to allow management of the HSM at a facility regulated under T/S/D facility standards, and does not intend to limit this to management under the standards of 40 C.F.R. 264 and 265 only.

The provisions for the administrative determination of a verified facility reflect that the determination is not necessary for a facility regulated under the T/S/D facility standards. Both 40 C.F.R. 260.30(f) and 260.31(d) provide that the solid waste determination is available only where management of the HSM “is not addressed under a RCRA Part B permit or interim status standards.” Similarly to the federal language in 40 C.F.R. 261.4(a)(23)(v)(B) discussed above, the Board changed the language in corresponding 35 Ill. Adm. Code 720.130(f) and 721.131(d) to state, “is not regulated by any of 35 Ill. Adm. Code 724, 725, 726, or 727.”

**Exclusion for Second-Party Solvent Remanufacturing.** The 2015 DSWR amendments established a separate exclusion from the definition of solid waste for HSM that is transferred to a second party for remanufacturing. It is possible that the remanufacturing exclusion derives from the broad 2008 exclusion for second-party reclamation, although the 2015 remanufacturing exclusion is highly specialized. In fact, even though the remanufacturing exclusion refers to HSM, nowhere does the exclusion use “reclaim” or any derivatives of that term. This is despite the fact that “reclaimed” is the only waste-management related term defined in the hazardous waste regulations that would apply to the activity.<sup>35</sup>

This exclusion is limited in its scope. In its simplest logical format, momentarily considering only the description of the HSM to which the exclusion applies (and ignoring the conditions), the exclusion pertains only to the following solvents:

- 1) The HSM is one or more of 18 specified commercial grade organic solvents;<sup>36</sup>

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<sup>35</sup> See *supra* note 9 and accompanying text.

<sup>36</sup> Toluene, xylenes, ethyl-benzene, 1,2,4-trimethyl-benzene, chloro-benzene, n-hexane, cyclo-hexane, methyl tert-butyl ether, aceto-nitrile, chloro-form, chloro-methane,

- 2) The HSM is generated from:
  - a) One of four specified uses;<sup>37</sup>
  - b) In one of four specified manufacturing sectors;<sup>38</sup>
- 4) Remanufacturing of the HSM occurs only at a remanufacturer in one of the four specified industry sectors; and
- 5) After remanufacturing, use of the resulting solvent product must be limited to:
  - a) Option 1:
    - i) One of the four specified uses; and
    - ii) In one of four specified manufacturing sectors; or
  - b) Option 2: Use as an ingredient in a product.
  - c) The allowed use must correspond with one of the Toxic Substances Control Act (TSCA)-specified (high value) chemical functional uses;<sup>39</sup> and
  - d) The use does not involve a specified low-value Toxic Substances Control Act (TSCA)-specified chemical functional use.<sup>40</sup>

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dichloro-methane, methyl iso-butyl ketone, N,N-dimethyl-form-amide, tetra-hydro-furan, n-butyl alcohol, ethanol, or methanol.

<sup>37</sup> Reacting, extracting, purifying, or blending chemicals (or for rinsing out the process lines associated with these chemical functional uses).

<sup>38</sup> Pharmaceutical manufacturing (NAICS 325412), basic organic chemical manufacturing (NAICS 325199), plastics and resins manufacturing (NAICS 325211), or paints and coatings manufacturing (NAICS 325510).

<sup>39</sup> Those specified in the TSCA regulations (*see* 40 CFR 711.15(b)(4)(i)(C) (2015), specifically including Industrial Function Category Code U015 (solvents consumed in a reaction to produce other chemicals) or U030 (solvents that become part of the mixture). 40 C.F.R. 261.4(a)(27)(iv), as added at 80 Fed. Reg. 1694 (Jan. 13, 2015) (corresponding with 35 Ill. Adm. Code 721.104(a)(27)(D)); *see* 40 CFR 711.15(b)(4)(i)(C) (2015) (list of industrial function category codes).

<sup>40</sup> Cleaning or degreasing oil, grease, or similar material from textiles, glassware, metal surfaces, or other articles, corresponding with Industrial Function Category Code U029 (solvents (for cleaning and degreasing). 40 C.F.R. 261.4(a)(27)(v), as added at 80 Fed. Reg. 1694 (Jan. 13, 2015) (corresponding with 35 Ill. Adm. Code 721.104(a)(27)(E)); *see* 40 CFR 711.15(b)(4)(i)(C) (2015) (list of industrial function category codes).

40 C.F.R. 261.4(a)(27), as added at 80 Fed. Reg. 1694 (Jan. 13, 2015) (corresponding with 35 Ill. Adm. Code 721.104(a)(27)).

Specified operational conditions apply to the generator and remanufacturer. Those conditions are listed in the entry for HSM transferred for remanufacturing in Table A below in this discussion. Chiefly, the HSM generator and the remanufacturer must (1) submit a notification of activity to USEPA;<sup>41</sup> (2) develop and maintain a written remanufacturing plan;<sup>42</sup> store the HSM in tanks and containers that meet specified standards;<sup>43</sup> and (3) not engage in speculative accumulation.<sup>44</sup> 40 C.F.R. 261.4(a)(27)(vi), as added at 80 Fed. Reg. 1694 (Jan. 13, 2015) (corresponding with 35 Ill. Adm. Code 721.104(a)(27)(F) & (a)(27)(G)).

USEPA drew heavily from the hazardous waste T/S/D facility standards for the tank and container standards that apply as conditions to the remanufacturing exclusion.<sup>45</sup> They add 51 new sections to the rules that span about 36 pages of *Federal Register* text. See 80 Fed. Reg. at 1777-1814. The Board has incorporated the HSM solvent remanufacturing exclusion into the Illinois regulations. The Board has done so with minimal deviation from the text of the federal exclusion. All deviations from the federal text are listed in Table 3 below in this opinion. The following segments of discussion include consideration of only the more significant deviations.

The Board has incorporated the exclusion for remanufactured solvent HSM into the Illinois regulations. The Board has done so with minimal deviation from the text of the federal exclusion. All deviations from the federal text are listed in Table 3 below in this opinion. The following segments of discussion include consideration of only the more significant deviations.

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<sup>41</sup> As required by 40 C.F.R. 260.42 (2015), as amended at 80 Fed. Reg. 1694 (Jan. 13, 2015) (corresponding with 35 Ill. Adm. Code 720.142). Using USEPA Form 8700-12, “Notification of RCRA Subtitle C Activity.” Each must repeat the notification biennially.

<sup>42</sup> That includes specified information and a certification statement.

<sup>43</sup> Prior to remanufacturing, the standards of new subparts I and J of 40 C.F.R. 261, as added at 80 Fed. Reg. 1694 (Jan. 13, 2015) (corresponding with 35 Ill. Adm. Code 721.Subparts I and J). Both prior to and during remanufacturing, the Clean Air Act standards of 40 C.F.R. 60, 61, and 63 or new subparts AA, BB, and CC of 40 C.F.R. 261, added at 80 Fed. Reg. 1694 (Jan. 13, 2015) (corresponding with 35 Ill. Adm. Code 721.Subparts AA, BB, and CC). See discussion below.

<sup>44</sup> As defined by 40 C.F.R. 261.1(c)(8) (2015), as amended at 80 Fed. Reg. 1694 (Jan. 13, 2015) (corresponding with 35 Ill. Adm. Code 721.101(c)(8)).

<sup>45</sup> USEPA explained that the management standards of subparts I and J of 40 C.F.R. 261 are “the same as” those of subparts I and J of 40 C.F.R. 264 and 265, and the air emissions control standards of subparts AA, BB, and CC of 40 C.F.R. 261 are “equivalent to” those of subparts AA, BB, and CC of 40 C.F.R. 264 and 265. USEPA made changes to conform rules drafted for the context of hazardous waste management to the new context of HSM remanufacturing. 80 Fed. Reg. at 1718-19.

Some aspects of the exclusion for solvent remanufacturing presented the Board with challenges. The challenges relate to USEPA drawing from TSCA provisions to define the scope of the exclusion and the air emissions control provisions borrowed from the T/S/D facility standards. In fact, dealing with the air emissions standards applicable to the remanufactured solvents disclosed problems with the T/S/D facility standards themselves.

**Defining Chemical Functional Uses.** The scope of the remanufacturing exclusion is limited to specified “chemical functional uses” and a group of chemical functional uses is excepted from the exclusion. USEPA identifies the chemical functional uses as follows:

These allowed uses correspond to chemical functional uses enumerated under the Chemical Data Reporting Rule of the Toxic Substances Reporting Rule or the Toxic Substances Control Act (40 CFR parts 704, 710-711), including Industrial Function Codes U015 (solvents consumed in a reaction to produce other chemicals) and U030 (solvents become part of the mixture). 40 C.F.R. 261.4(a)(27)(iv), as added at 80 Fed. Reg. 1694 (Jan. 13, 2015) (corresponding with 35 Ill. Adm. Code 721.104(a)(27)(D)).

The Board is compelled to define the chemical functional uses. This requires either incorporating descriptive language into the rule or incorporating by reference to descriptions of the chemical functional uses. USEPA refers to a TSCA rule and broadly cites to TSCA regulations. The Board’s examination of the TSCA regulations disclosed that nothing in 40 C.F.R. 704 or 710 describes chemical functional uses or Industrial Function Codes. One segment of 40 C.F.R. 711 lists use-based “Industrial Function Categories.” *See* 40 C.F.R. 711.15(b)(4)(i)(C) table 8 (2015).

The Board has assumed that the codes associated with the “Industrial Function Categories” set forth in the table in the TSCA Inventory Update Rule<sup>46</sup> are the “Industrial Function Codes” that USEPA intends to use to define “chemical functional uses” in 40 C.F.R. 261.4(a)(27)(iv) and (a)(27)(v). To add clarity, the Board has changed these references to “Industrial Function Category codes” in corresponding 35 Ill. Adm. Code 721.104(a)(27)(iv) and (a)(27)(v). The Board has then narrowed the reference to the TSCA Inventory Update Rule and incorporated by reference to 40 C.F.R. 711.15(b)(4)(i)(C).

The Board reads new 40 C.F.R. 261.4(a)(27)(iv) (corresponding with 35 Ill. Adm. Code 721.104(a)(27)(D)) as expansive. The Board believes that USEPA refers to all of the Industrial Function Category Codes (chemical functional uses) listed in 40 C.F.R. 711.15(b)(4)(i)(C) table 8. The Board interprets that the specific citations to Industrial Function Category Codes U015 and U030 are intended for special emphasis, not to limit consideration to those two chemical

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<sup>46</sup> In the proposed remanufacturing exclusion rule, USEPA relied on the then-proposed TSCA Inventory Update Rule for defining chemical functional uses. 76 Fed. Reg. 44094, 44133 (July 22, 2011). USEPA adopted the Inventory Update Rule, including 40 C.F.R. 711.15, shortly afterward. 76 Fed. Reg. 50816 (Aug. 16, 2011).

functional uses. This is underscored by subsection (a)(27)(v) (corresponding with 35 Ill. Adm. Code 721.104(a)(27)(E)), which describes, then excepts, one of the uses in table 8.<sup>47</sup>

Thus, the Board believes that all of the chemical functional uses are defined by the Industrial Function Categories in 40 C.F.R. 711.15(b)(4)(i)(C) table 8. The table associates a code with each of the Industrial Function Categories listed in that table. In 40 C.F.R. 261.4(a)(27)(v), USEPA has excepted only the chemical functional use associated in table 8 with the code “U029” (solvents for cleaning and degreasing) from the chemical functional uses that fall under the remanufacturing exclusion. The Board appended a Board note that states this view.

**Notification of Waste Activity.** The requirement for generator and remanufacturer notice, 40 C.F.R. 261.4(a)(27)(vi)(A) requires notice to “EPA or the State Director.” The referenced notice requirement in 40 C.F.R. 260.42, however, requires notice to the USEPA Regional Administrator using EPA Form 8700-12.<sup>48</sup> 40 C.F.R. 260.42(a) (2015), as amended at 80 Fed. Reg. 1694 (Jan. 13, 2015) (corresponding with 35 Ill. Adm. Code 720.142(a)).

The Board drafted the remanufacturing exclusion to require notification to both USEPA Region 5 and the Agency. 35 Ill. Adm. Code 721.104(a)(27)(vi)(A); *see also* 35 Ill. Adm. Code 721.296(c)(1) & (c)(3) (requiring parallel reporting of releases). This follows the language of 35 Ill. Adm. Code 720.142(a), which requires a facility that manages HSM to obtain Form 8700-12 from the Agency and submit notification to USEPA Region 5—presumably causing both the State and USEPA receive notification.

**Standards Applicable to Tanks and Containers Used to Manage HSM.** The 2015 DSWR amendments impose standards for use and management of tanks and containers as conditions of the remanufacturing exclusion.<sup>49</sup> *See* 40 C.F.R. 261.4(a)(27)(vi)(D), 261.170 & 261.190(a), as added at 80 Fed. Reg. 1694 (Jan. 13, 2015) (corresponding with 35 Ill. Adm. Code 721.104(a)(27)(F)(iv), 721.270 & 721.290(a)). USEPA appended a note to 40 C.F.R. 261.193(a) that explains the regulatory status of material collected by a secondary containment system. The note states that hazardous waste requirements apply to collected material that is hazardous waste, and Clean Water Act requirements apply to collected material discharged to waters of the United States or into the collection system of a publicly owned treatment works. The Board revised the citation to hazardous waste requirements to include the standardized permit facility standards of 35 Ill. Adm. Code 267, which USEPA omitted. The Board further revised the citations to Clean Water Act requirements to citations to Illinois law and regulations. This copies the language relating to Clean Water Act requirements that the Board used in the parallel provisions of the

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<sup>47</sup> The Board observes that both of these two chemical functional uses involve consumption of the solvent into the resulting product. *See* 76 Fed. Reg. , 44133 notes 33 & 34 (July 22, 2011).

<sup>48</sup> EPA Form 8700-12 itself allows notification to the State if USEPA has authorized the State program. Determining if You Must Notify, *Notification of RCRA Subtitle C Activity: Instructions and Form*, EPA Form 8700-12 (Jan. 2015) at p. 6.

<sup>49</sup> *See supra* note 45 and accompanying text.

T/S/D facility standards. *See* 35 Ill. Adm. Code 724.293(a) Board note & 725.293(c)(4) Board note.

The use of tanks provisions imposes the standards of the National Fire Protection Association's Flammable and Combustible Liquids Code (NFPA 30) on tanks used to manage HSM that is ignitable or reactive. USEPA uses the 1977 or 1981 versions of NFPA 30. 40 C.F.R. 261.198(b), as added at 80 Fed. Reg. 1694 (Jan. 13, 2015); *see* 40 C.F.R. 264.198(b) & 265.198(b) (2015) (the parallel provisions in the T/S/D facility standards using the 1977 or 1981 versions). For the purposes of the provision that the Board has added to correspond with this USEPA requirement, the Board has incorporated by reference the 1984, 1987, and supplemented 2003 versions of NFPA 30. The Board previously incorporated by reference the supplemented 2003 version of NFPA for the purposes of 35 Ill. Adm. Code 721.298 and 724.298. *See* 35 Ill. Adm. Code 720.111(a). The Board now adds the 1984 and 1987 versions, which are in the Board's library.<sup>50</sup>

**Constituent-Specific Adjustment Factors for Gauging Air Emissions.** An aspect of the requirements applicable to tanks and containers used to store HSM under the remanufacturing exclusion poses difficulty for the Board in incorporating these requirements. The 40 C.F.R. 261, subpart CC emissions control standards applicable provide for discretionary use of constituent-specific adjustment ( $f_{m25D}$ ) factors to adjust measured emissions before determining compliance.<sup>51</sup> 40 C.F.R. 261.1083(a)(3)(iii), as added at 80 Fed. Reg. 1694 (Jan. 13, 2015) (corresponding with 35 Ill. Adm. Code 721.983(a)(3)(C)). Application of the factor adjusts measured data to correspond with the average volatile organic (VO) concentration that would have been obtained using Clean Air Act Reference Method 25D, in Appendix A-7 to 40 C.F.R. 60 (New Source Performance Standards). *See* 40 C.F.R. 261.1083(a)(4)(iii), as added at 80 Fed. Reg. 1694 (Jan. 13, 2015) (corresponding with 35 Ill. Adm. Code 721.983(a)(4)(C)).

It is desirable that the owner or operator of a facility would be able to apply the constituent-specific adjustment factor. The Board sees three options for incorporating this flexibility into the Illinois rule: (1) incorporate the language of the federal provision into the Illinois rule; (2) omit the provision for use of  $f_{m25D}$  factors to adjust data; (3) incorporate by reference a list of  $f_{m25D}$  factors or codify the  $f_{m25D}$  factors in a table or appendix to the rules; or (4) allow the Agency to approve use of  $f_{m25D}$  factors in writing, which would flow from the

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<sup>50</sup> The Board has the July 14, 1984 and August 7, 1987 versions of NFPA 30 in folder 4 of the exhibits in R84-17.

<sup>51</sup> The standard requires summing the concentrations of all compounds that have volatility above a specified threshold. The  $f_{m25D}$  fractional factor is multiplied the measured concentration of higher-volatility compounds to discount the effect of lower-volatility compounds on the measured volatile organic material concentration in a sample. *See* 40 C.F.R. 261.1083(a)(3)(iii), as added at 80 Fed. Reg. 1694 (Jan. 13, 2015); *see also* 40 C.F.R. 265.1084(a)(3)(iii) (2015) (similar provision in T/S/D facility standards); Method 25D in Appendix A-7 to 40 C.F.R. 60 (2015) (the analytical method to whose results the factor is applied).

Agency's authority to issue permits.<sup>52</sup> Two significant problems eliminate the first and third of these options.

The first problem eliminates the option of using the language of 40 C.F.R. 261.1083(a)(3)(iii). The federal rule directs attention to a specified office within USEPA<sup>53</sup> to obtain the  $f_{m25D}$  factors. 40 C.F.R. 261.1083(a)(3)(iii), as added at 80 Fed. Reg. 1694 (Jan. 13, 2015) (corresponding with 35 Ill. Adm. Code 721.983(a)(3)(C)). This is flawed for two reasons. First, the Board cannot direct attention to USEPA to determine the scope and substance of Illinois rules. The Board must either codify a standard or direct attention by way of incorporation by reference to an existing, written standard. 5 ILCS 100/5-10 & 5-75(a) (2014); *see* 5 ILCS 100/1-70 (2014) (definition of "rule"). Even then, the Board is constrained to incorporate by reference to a specific version or edition, and later versions or editions cannot be included in the incorporation by reference. 5 ILCS 100/5-75(a) (2014). Second, the USEPA office identified in the federal rule appears to have disappeared after 2005.<sup>54</sup> To date, the Board has been unable to locate this office or a successor office within USEPA. *See* PC 1 & PC 2.

The second problem eliminates the option of incorporation by reference or incorporating a list of  $f_{m25D}$  factors into the Illinois rules. The Board has not located a written document that identifies  $f_{m25D}$  factors. Incorporation by reference would require reference to a document listing these factors, such as a rule or regulatory guidance document.<sup>55</sup> The Board found that USEPA proposed a listing of  $f_{m25D}$  factors for about 1,150 chemical compounds in 1998, but USEPA

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<sup>52</sup> The Board has not considered using Board rulemaking or adjusted standard authority for case-by-case basis because either would be cumbersome and resource-intensive. Further, as discussed below, case-by-case Board determinations are not necessary.

<sup>53</sup> The Waste and Chemical Processes Group, Office of Air Quality Planning and Standards, Research Triangle Park, NC.

<sup>54</sup> The last *Federal Register* notice published that refers the reader to this group for additional information appeared over 10 years ago. *See* 70 Fed. Reg. 77116, 77117 (Dec. 29, 2005). However, later notices have proposed rules that directed attention to the Waste and Chemical Processes Group for constituent-specific adjustment factors. *See* 80 Fed. Reg. 1693, 1799 (Jan. 13, 2015) (adding 40 C.F.R. 261.1083(a)(3)(iii) in the instant DSWR amendments); 71 Fed. Reg. 69011, 69021 (Nov. 29, 2006) (note e to revised table 1 to subpart GGGGG of 40 C.F.R. 63, directing attention for  $F_{m305}$  factors); 71 Fed. Reg. 25531, 25543 (May 1, 2006) (proposing revisions to GGGGG of 40 C.F.R. 63); *see also* note e to table 1 to subpart GGGGG of 40 C.F.R. 63 (2015) (still directing attention to this office).

<sup>55</sup> USEPA codified " $f_m$  305" factors for about 96 hazardous air pollutants (HAPs) in table 1 to subpart DD (Off-Site Waste and Recovery Operations) of 40 C.F.R. 63 (2015) and for about 106 HAPs in table 1 to subpart GGGGG (Site Remediation) of 40 C.F.R. 63 (2015), but those are associated with Method 305, in Appendix A to 40 C.F.R. 63, not Reference Method 24D. USEPA further codified " $f_m$ " factors for about 75 hazardous air pollutants in table 34 to subpart G (Synthetic Organic Chemical Manufacturing) of 40 C.F.R. 63 (2015), but those also are associated with Method 305.

never adopted the list.<sup>56</sup> The Board examined that proposed list,<sup>57</sup> but determined not to use the list as a source to create an appendix or table in the Illinois rules that can provide  $f_{m25D}$  factors for regulated entities.

The Board is reluctant to eliminate a feature of a federal rule that gives flexibility to regulated entities or which eases the burden of compliance. This eliminates the second option of omitting the provision that allows use of  $f_{m25D}$  factors.

The Board has chosen the fourth option, which allows Agency approval of  $f_{m25D}$  factors for use by regulated entities. As with other Agency determinations under the remanufacturing exclusion, discussed below, written Agency authorization of use of  $f_{m25D}$  factors is a required Agency determination in the nature of a permit decision made pursuant to section 39(a) of the Act (415 ILCS 5/39(a)),<sup>58</sup> that would be subject to appeal to the Board pursuant to section 40(a) of the Act (415 ILCS 5/40(a) (2014)).<sup>59</sup> *See* 35 Ill. Adm. Code 702.107. Further, the Agency authorizing use of  $f_{m25D}$  factors does not rise to the level of delegating standards to the Agency. *See Granite City Div. National Steel Co. v. Pollution Control Board*, 155 Ill. 2d 149, 613 N.E.2d 719, 184 Ill. Dec. 402 (Ill. 1993).

The Board discovered the above problem with  $f_{m25D}$  factors in an existing T/S/D facility standard while incorporating the provisions for use of  $f_{m25D}$  factors into 35 Ill. Adm. Code 721.983(a)(3)(C) and (a)(4)(D). USEPA drew from 40 C.F.R. 265.1084(a)(3)(iii) for the language of 40 C.F.R. 261.1083(a)(3)(iii). PC 1; *see* 80 Fed. Reg. 1693, 1718 (Jan. 13, 2015). For this reason, corresponding 35 Ill. Adm. Code 725.984(a)(3)(iii) refers regulated entities to the now-non-existent USEPA office for  $f_{m25D}$  factors. The Board revised this provision in the T/S/D facility standards to mirror that in new 35 Ill. Adm. Code 261.983(a)(3)(iii).

**Agency Determinations under the Remanufacturing Exclusion.** Just as the Board has drafted the rule so that the Agency will authorize use of  $f_{m25D}$  factors, the remanufacturing exclusion includes several provisions for decision-making by the regulatory authority. While the

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<sup>56</sup> USEPA proposed New Source Performance Standards (NSPS) for wastewater processes in the Synthetic Organic Chemical Manufacturing Industry sector. That rule would have added tables 1 and 2 in a new appendix J to 40 C.F.R. 60 for determining Henry's Law constants for chemicals. Appendix J would have listed "Fm 25D" and "Fm 305" factors for 235 low-volatility and 915 higher-volatility compounds. *See* 63 Fed. Reg. 67988, 68069-86 (Dec. 9, 1998).

<sup>57</sup> The Board found a separate draft version of that list, dated 2005, in a search of USEPA's website. <http://www3.epa.gov/ttn/atw/nsps/socww/pt60appj.pdf>. Although USEPA may have revised the list since 1998, brief examination did not indicate any changes.

<sup>58</sup> This would not be a RCRA permit issued under section 39(d) (415 ILCS 5/39(d)).

<sup>59</sup> Subsection (a)(2) would apply to any such appeal made under subsection (a). *See* 415 ILCS 5/40(a)(2) & (a)(3) (2014).

federal rules provide that the Regional Administrator will make the determinations,<sup>60</sup> the Board has provided that the Agency will make determinations that are not reserved to the Board. The following table outlines the Agency decision-making provisions:

35 Ill. Adm. Code 721.932(d), derived from 40 C.F.R. 261.1032(d): Provides for when the person managing HSM and the Regional Administrator do not agree on emissions, emissions reductions, or total organic compound concentrations.

35 Ill. Adm. Code 721.933(l)(1)(B)(ii), 721.952(e)(3), 721.953(i)(2), 721.957(f)(3), and 721.961(b)(1), derived from 40 C.F.R. 261.1033(l)(1)(ii)(B), 261.1052(e)(3), 261.1053(i)(2), 261.1057(f)(3), and 261.1061(b)(1): Provide for an Agency request for monitoring on a basis other than annually.

35 Ill. Adm. Code 721.934(c)(4), derived from 40 C.F.R. 261.1034(c)(4): Provides that the Agency may approve the use of averaging of results to determine compliance. The Board added explanation that the Agency approval or disapproval is subject to review by the Board under section 40 of the Act (415 ILCS 5/40).

35 Ill. Adm. Code 721.934(f), 721.963(f), and 721.983(a)(4)(D), derived from 40 C.F.R. 261.1034(f), 261.1063(f), and 261.1083(a)(4)(iv): Provide for when the person managing HSM and the Agency do not agree on the volatile organic content of the HSM.

35 Ill. Adm. Code 721.935(b)(4)(C), derived from 40 C.F.R. 261.1035(b)(4)(iii): Provides that any documentation of compliance must be based on engineering texts acceptable to the Agency.

35 Ill. Adm. Code 721.935(e) and 721.964(f), derived from 40 C.F.R. 261.1035(e) and 261.1064(f): Provide that the Agency will specify the appropriate recordkeeping requirements for emissions control equipment other than specified equipment.

35 Ill. Adm. Code 721.983(c)(3)(B)(v), derived from 40 C.F.R. 261.1083(c)(3)(ii)(E): Provides that the Agency may approve the use of alternative analytical methods.

35 Ill. Adm. Code 721.987(c)(6), derived from 40 C.F.R. 261.1087(c)(6): Provides for when the person managing HSM and the Agency do not agree on a demonstration of control device performance.

The fact that these determinations are required by the rules makes them subject to appeal or review by the Board as in the nature of permit determinations is not completely certain. The RCRA and underground injection control (UIC) permit rules provide that any Agency determination required by the RCRA or UIC rules is subject to Board review. 35 Ill. Adm. Code

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<sup>60</sup> The various provisions differ in terms, using “agree,” “request,” “approve,” “agree,” “acceptable,” “specify,” or “approve.” The common thread is that each involves an administrative determination.

702.107(a).<sup>61</sup> The Board has required that the Agency must submit the determination in writing. Each of the Agency determinations is required by a hazardous waste rule, which enables Board review of the Agency determination as provided by the RCRA and UIC permit rules. *See* 35 Ill. Adm. Code 702.107(a). That each determination is in the nature of a permit determination makes it subject to review by the Board, as is the Agency determination to allow use of  $f_{m25D}$  factors, discussed above.

### **Revisions to Administrative Exclusions**

In addition to adding an administrative determination for a verified reclamation facility and verified intermediate facility, USEPA revised segments of other reclamation-related administrative determination provisions. USEPA revised the partial reclamation exclusion and the procedures for granting administrative determinations.

**Exclusion for Partially Reclaimed HSM.** In 1985, USEPA added an exclusion from the definition of solid waste for HSM that has been reclaimed, but which requires further reclamation before recovery is completed. *See* 50 Fed. Reg. 614 (Jan. 4, 1985). This exclusion was available only by an administrative determination that the HSM is commodity-like after the initial reclamation processing. Factors considered for the determination included (1) the degree of processing the HSM has received and the further processing required; (2) the value of the material after reclamation; (3) how much the material is like an analogous material or raw material; (4) the extent to which a market for the reclaimed material is guaranteed; (5) the extent to which the reclaimed material is handled to minimize loss; and (6) other relevant factors. 40 C.F.R. 260.31(c) (2015) (corresponding with 35 Ill. Adm. Code 720.131(c)).

USEPA amended this partial reclamation exclusion in the 2015 DSWR amendments. The purpose was to clarify to when the exclusion for partially reclaimed HSM is available. USEPA intended that the exclusion applies at the point the partially reclaimed HSM has become “more like a commodity than a solid waste.” USEPA observed that states had inappropriately granted the exclusion because the degree of reclamation had not sufficiently enhanced the value of the HSM to a commodity-like status.<sup>62</sup> *See* 80 Fed. Reg. 1694, 1733-34 (Jan. 13, 2015).

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<sup>61</sup> Those rules further provide that any Agency determination not required by the RCRA or UIC rules may not be reviewable by the Board. 35 Ill. Adm. Code 702.107(b).

<sup>62</sup> The Board has granted several solid waste determinations under this exclusion. *See* Petition of Big River Zinc Corp. for an Adjusted Standard under 35 Ill. Adm. Code 720.131(c), AS 06-4 (May 2, 2002) (zinc oxide from electric arc furnace dust (EAFD)); Petition of World Recycling, Inc. d/b/a Planet Earth Antifreeze for an Adjusted Standard under 35 Ill. Adm. Code 720.131, AS 02-2 (May 2, 2002) (filtered used automotive antifreeze); Petition of Progressive Environmental Services, Inc. for an Adjusted Standard under 35 Ill. Adm. Code 720.131(c), AS 02-7 (Jan. 10, 2002) (filtered used automotive antifreeze); Petition of Horsehead Resource Development Company, Inc. for an Adjusted Standard Under 35 Ill. Adm. Code 720.131(c), AS 00-2 (Feb. 17, 2000) (zinc oxide from EAFD); Petition of Big River Zinc Corporation for an Adjusted Standard Under 35 Ill. Adm. Code 720.131(c), AS 99-3 (Apr. 15, 1999) (zinc oxide from EAFD); Petition

The Board has incorporated the revisions to the partially reclaimed HSM exclusion by administrative determination into the Illinois regulations. The Board has done so with minimal deviation from the text of the federal exclusion. All deviations from the federal text are listed in Table 3 below in this opinion. The following paragraphs outline the changes that USEPA has made. The Board adds explanation of the few ambiguities that the Board perceives in the federal language where appropriate in the following segments of discussion.

**Use of “Partially” Before “Reclaimed” and “Partial” Before “Reclamation.”** USEPA said that the focus of the value inquiry is on the HSM *after* the HSM has undergone partial reclamation processing, not after subsequent processing that completes the reclamation. *See* 80 Fed. Reg. 1694, 1734 (Jan. 13, 2015). By changing “reclaimed” to “partially reclaimed” and “reclamation” to “partial reclamation,” USEPA has removed possible confusion that the focus is on the HSM after all steps of reclamation are completed. As revised, the factors for consideration now require the following: the “partial reclamation” must have produced a commodity-like product; the “degree of partial reclamation” must be substantial; the “partially-reclaimed material” must have sufficient economic value; the “partially reclaimed material” must be a viable substitute for a product or intermediate; the “partially-reclaimed material” must have a market; and the “partially-reclaimed material” must be handled to avoid loss. *See* 40 C.F.R. 260.31(c) (2105), as amended at 80 Fed. Reg. 1694 (Jan. 13, 2015) (corresponding with 35 Ill. Adm. Code 720.131(c)).

The Board observes that USEPA hyphenated the compound adjective, “partially-reclaimed” in all appearances where it modifies the word “material.” *See* 40 C.F.R. 260.31(c)(2), (c)(3), (c)(4) & (c)(5) (2105), as amended at 80 Fed. Reg. 1694 (Jan. 13, 2015) (corresponding with 35 Ill. Adm. Code 720.131(c)(2), (c)(3), (c)(4) & (c)(5)). The general rule is that no hyphen is used for a compound adjective when the first element ends with “ly.” *See The Chicago Manual of Style* ¶ 6.41 at 204 & table 6.1 at 221 (14th ed. 1993). While the Board would ordinarily follow the hyphenation rule and omit the hyphen, the Board has not done so in this instance. The Board believes that the hyphen strengthens the connection between the two elements of the compound.

**Legitimate Recycling.** USEPA has added the requirement for legitimate recycling as a precondition to the partial reclamation exclusion. *See* 40 C.F.R. 260.31(c) (2105), as amended at 80 Fed. Reg. 1694 (Jan. 13, 2015) (corresponding with 35 Ill. Adm. Code 720.131(c)). As is discussed below, USEPA simultaneously amended the definition of legitimate recycling in 40 C.F.R. 260.43 (corresponding with 35 Ill. Adm. Code 720.143) in a way that incorporates elements that are already factors underlying the exclusion. Discussion of the amendments to that definition appears below.

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of Recycle Technologies, Inc. for an Adjusted Standard, AS 97-9 (Sep. 3, 1998) (filtered used automotive antifreeze). The Board has no indication that any of these solid waste determinations was inappropriate. The Board has also denied a solid waste determination for partially reclaimed HSM. *See* Petition of Chemetco, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 720.131(a) and (c), AS 97-2 (Mar. 19, 1998) (mixed metals-bearing wastewater treatment sludge, contaminated soils, and metals smelting slags from mixed metal scraps reclamation).

**Reclaimed by a Process Other than the Process That Generated the HSM.** Five criteria are now used to determine whether a partially reclaimed HSM is commodity-like. The first criterion formerly weighed the degree of processing the HSM had already received against the degree of processing remaining before reclamation is complete. USEPA significantly revised the criterion so that it now gauges whether the degree of processing the partially reclaimed HSM is “substantial as demonstrated by using a partial reclamation process other than the process that generated the hazardous waste.” 40 C.F.R. 260.31(c)(1) (2105), as amended at 80 Fed. Reg. 1694 (Jan. 13, 2015) (corresponding with 35 Ill. Adm. Code 720.131(c)(1)).

The Board made two revisions in this criterion. First, the Board views all that follows the word “substantial” as a parenthetical that describes or defines that word for this context. Second, the Board changed “hazardous waste” to “hazardous secondary material” because the material could not be hazardous waste if deemed not a solid waste by the administrative determination.

The Board sees two potential problems with this criterion. One problem is in the wording of the first criterion and the second is in USEPA’s *Federal Register* discussion of the criterion. These potential problems force the inference that USEPA has significantly limited this criterion and shifted its former balancing function onto other criteria.

USEPA worded the criterion in positive terms, but the meaning is best understood in negative terms. Formerly, this criterion balanced the degree of processing in partial reclamation against the degree of processing needed to complete the reclamation. USEPA replaced that balancing with a determinative statement: “the partial reclamation . . . is substantial as demonstrated by using a partial reclamation process other than the process that generated the [HSM].” 40 C.F.R. 260.31(c)(1) (2015), as amended at 80 Fed. Reg. 1694 (Jan. 13, 2015). Thus stated, and in the light of USEPA’s *Federal Register* discussion of this criterion, it is possible to maintain that partial reclamation in a process other than the process that generated the HSM makes the partial reclamation substantial.

USEPA explained as follows in the *Federal Register* notice:

The first criterion in 40 CFR 260.31(c)(1) asks whether the degree of partial reclamation the material has undergone is substantial as demonstrated by using a partial reclamation process other than the process that generated the hazardous waste. By using a partial reclamation process other than the process that generated the hazardous waste, the more likely that the material will be commodity-like. Changes from the original language of the criterion include (1) replacing the general word “processing” with the words “partial reclamation”; and (2) removing from the criterion ambiguity that could lead a regulatory authority to apply the variance after the initial partial reclamation process when a commodity-like material is not produced until completion of further reclamation. 80 Fed. Reg. at 1734.

The Board does not believe that USEPA intends that partial reclamation of HSM in a process other than that which generated it makes the partial reclamation substantial. The Board believes that partial reclamation in processes other than the process that generated the HSM can be *not* substantial.

The Board interprets this criterion in the reverse of the way stated: partial reclamation in the process that generated the HSM is determinative that the reclamation is *not* substantial. Thus, partial reclamation in the process that generated the HSM would force a conclusion that the partially reclaimed HSM is not commodity-like and end further inquiry.<sup>63</sup> The fact of partial reclamation by a process other than the process that generated the HSM would allow further evaluation of the other criteria to determine whether the partially reclaimed material is commodity-like.

**Other Criteria to Determine Partially Reclaimed HSM Commodity-Like.** The above-quoted segment of *Federal Register* discussion makes it appear that USEPA intended that the exclusion would not apply until after the final reclamation process is complete. The discussion appears to indicate that the HSM does not become commodity-like until all steps of reclamation processes have been completed. This is contrary to USEPA's assertion that the exclusion applies "only after partial reclamation has produced a commodity-like material." 80 Fed. Reg. at 1734. The former language made it clear that the product of the partial reclamation was commodity-like, under the assumption that a material handled like a commodity will be managed in a way that minimizes losses. *See* 50 Fed. Reg. 614, 641 (Jan. 4, 1985).

The Board believes that USEPA did not intend to shift the determination away from the point that the partial reclamation has made the HSM a commodity-like character. The Board believes that each of the five criteria has a preclusive effect like the first criterion discussed above.

The second criterion determines whether the partially reclaimed HSM has sufficient economic value that it will be purchased for further reclamation. USEPA stated that economic value after further processing cannot justify exclusion, and also states that economic value after the cost of transportation is considered. *See* 80 Fed. Reg. at 1734. Lacking present economic value would preclude exclusion of the partially reclaimed HSM.

The third criterion is whether the partially reclaimed HSM will be used as a viable substitute for a product or intermediate produced from virgin or raw materials. This requirement replaces the former consideration whether the partially reclaimed HSM is like an analogous raw material. USEPA intends that the determination be based on comparison of physical and chemical characteristics of the partially reclaimed HSM *vis-à-vis* the products or intermediates produced from virgin or raw materials. *Id.* While this would appear a determination that the partially reclaimed HSM is like an analogous raw material, the revisions shift the determination to whether the partially reclaimed HSM *will be used*. Thus, a determination that partially reclaimed HSM will not be used or may not be used would preclude exclusion.

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<sup>63</sup> USEPA said that the revisions clarify that the partial reclamation must meet all five criteria. 80 Fed. Reg. at 1733.

The fourth criterion determines that there is a market for the partially reclaimed HSM, as demonstrated by existing customers who further reclaim the partially reclaimed HSM.<sup>64</sup> USEPA added the phrase “as determined by known customer(s) who are further reclaiming the material.” 40 C.F.R. 260.31(c)(4) (2015), as amended at 80 Fed. Reg. 1694 (Jan. 13, 2015). USEPA stated that a market for further-reclaimed HSM cannot justify exclusion. *Id.* at 1735. Reading the revisions to this fourth criterion similarly to the revisions to the first criterion, that there is no present market for the partially reclaimed HSM would preclude exclusion of the material.

The fifth and final criterion is whether the partially reclaimed HSM is handled in a way that minimizes loss. Formerly, this criterion gauged “the extent to which the reclaimed material is handled to minimize loss.” 40 C.F.R. 260.31(c)(5) (2015). USEPA replaced the comparative “the extent to which” with the more determinative “whether.” This strengthens the point that failure to handle the partially reclaimed HSM in a way that minimizes loss would preclude exclusion.

**Revisions to Non-Waste Determinations.** USEPA made minor revisions to the provisions for non-waste determinations. A non-waste determination deems that HSM is not discarded. The HSM is therefore to be determined excluded from the definition of solid waste. 40 C.F.R. 260.34(a) (corresponding with 35 Ill. Adm. Code 720.134(a)). There are two types of non-waste determination: (1) one for HSM that is reclaimed in a continuous industrial process, upon administrative determination that the HSM is part of the process and not discarded (40 C.F.R. 260.34(b) (corresponding with 35 Ill. Adm. Code 720.134(b))); and (2) one for HSM that is indistinguishable in all relevant aspects from a product or intermediate, upon administrative determination that the HSM is comparable to a product or intermediate and not discarded (40 C.F.R. 260.34(c) (corresponding with 35 Ill. Adm. Code 720.134(c))).<sup>65</sup>

USEPA now requires that the petitioner demonstrate the need for the exclusion. The petitioner must show that the HSM cannot meet or should not have to meet the conditions for an exclusion codified in 40 C.F.R. 261.2 or 261.4 (corresponding with 35 Ill. Adm. Code 721.102 or 721.104). *See* 40 C.F.R. 260.34(b)(4) & (c)(5) (2015), as amended at 80 Fed. Reg. 1694 (corresponding with 35 Ill. Adm. Code 721.134(b)(4) & (c)(5)).

USEPA added the non-waste determination with the 2008 DSWR amendments. *See* 73 Fed. Reg. 64668 (Oct. 30, 2008). USEPA cited administrative economy and a need to inform states why a facility cannot meet an existing exclusion as the reasons for adding this criterion. *See* 80 Fed. Reg. at 1735.

The Board has incorporated the revisions to the HSM exclusion by administrative non-waste determination into the Illinois regulations. The Board has done so with minimal deviation

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<sup>64</sup> USEPA revised the language that formerly required a “guaranteed market,” allowing for market vagaries. 80 Fed. Reg. at 1734; *see* 40 C.F.R. 260.31(c)(4) (2015).

<sup>65</sup> This appears similar to the exclusion for partially reclaimed HSM, but the criteria for determination differ. *Compare* 40 C.F.R. 260.34(c) (corresponding with 35 Ill. Adm. Code 720.134(c)) *with* 40 C.F.R. 260.31(c) (corresponding with 35 Ill. Adm. Code 720.131(c)).

from the text of the federal exclusion. All deviations from the federal text are listed in Table 3 below in this opinion. The following paragraphs outline the changes that USEPA has made. The Board adds explanation of the few ambiguities that the Board perceives in the federal language where appropriate in the following segments of discussion.

The Board retained the Board note appended to 35 Ill. Adm. Code 720.134. The Board added the note with the 2008 DSWR amendments to explain that USEPA intended the non-waste determination as an alternative to the generator and reclaimer determining the legitimacy of reclamation under one of the then-codified exclusions. At that time, these were the exclusions codified as 40 C.F.R. 261.2(a)(2)(ii) or 261.4(a)(23), (a)(24), or (a)(25) (corresponding with 35 Ill. Adm. Code 721.102(a)(2)(B) or 721.104(a)(23), (a)(24), or (a)(25)).

As a result of the 2015 DSWR amendments, USEPA has removed the exclusions of 40 C.F.R. 261.2(a)(2)(ii) and 261.4(a)(25) and added the exclusion of 40 C.F.R. 261.2(a)(2)(ii) and 261.4(a)(27) (corresponding with 35 Ill. Adm. Code 721.102(a)(2)(B) and 721.104(a)(25) and (a)(27)). Although USEPA revised the exclusion of 40 C.F.R. 261.4(a)(24) (corresponding with 35 Ill. Adm. Code 721.104(a)(24)) to require an administrative determination relative to the nature of the intermediate and reclamation facilities managing the HSM, the determination of legitimacy still resides in the generator and owners and operators of facilities managing the HSM. The Board has revised the Board note to refer to the exclusions of 35 Ill. Adm. Code 721.104(a)(23), (a)(24), or (a)(27) (corresponding with 40 C.F.R. 261.4(a)(23), (a)(24), or (a)(27)).

The Board added the criterion pertaining to applicability and availability of a codified exclusion to each type of non-waste determination without substantive deviation from the federal text. The changes in cross-references and the revisions to the Board note are described in the appropriate entries in Table 3 below.

**Revised Procedures for Administrative Determinations.** USEPA revised the procedures for administrative determinations in ways that affect the several types of administrative determinations: solid waste determinations,<sup>66</sup> including the revised exclusion for partially reclaimed HSM<sup>67</sup> and new verified intermediate/reclamation facility determination for the second-party reclamation exclusion<sup>68</sup>; boiler determinations<sup>69</sup>; and non-waste determinations.<sup>70</sup> The provisions for two types of solid waste determinations<sup>71</sup> and boiler

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<sup>66</sup> 40 C.F.R. 260.31 (corresponding with 35 Ill. Adm. Code 720.131).

<sup>67</sup> 40 C.F.R. 260.31(c) (corresponding with 35 Ill. Adm. Code 720.131(c)).

<sup>68</sup> 40 C.F.R. 260.31(d) (corresponding with 35 Ill. Adm. Code 720.131(d)).

<sup>69</sup> 40 C.F.R. 260.32 (corresponding with 35 Ill. Adm. Code 720.132).

<sup>70</sup> 40 C.F.R. 260.34 (corresponding with 35 Ill. Adm. Code 720.134).

<sup>71</sup> A determination that HSM accumulated speculatively are not solid wastes because sufficient quantities will be recycled the following year and a determination that HSM that is reclaimed

determinations (40 C.F.R. 260.32 (corresponding with 35 Ill. Adm. Code 720.132)) are not otherwise affected by the 2015 DSWR amendments.

The Board has incorporated the revisions to the procedures for administrative determinations into the Illinois regulations. The Board has done so with minimal deviation from the text of the federal exclusion. All deviations from the federal text are listed in Table 3 below in this opinion. The following paragraphs outline the changes that USEPA has made. The Board adds explanation of the more significant deviations from the federal language where appropriate in the following segments of discussion.

**Changed Circumstances.** USEPA’s first revision to the procedures is a softening of the effects of changed circumstances. Formerly, the procedure required reapplication for the “variance”<sup>72</sup> (*i.e.*, the solid waste determination, boiler determination, or non-waste determination) when a change in circumstances affects how the HSM meets the criteria under which the variance was granted. 40 C.F.R. 260.33(c) (2015) (corresponding with 35 Ill. Adm. Code 720.133(c)). USEPA revised this to require the person holding the variance to send a description of the change in circumstances to the Regional Administrator for a determination whether the HSM continues to meet the relevant criteria. If the Regional Administrator determines that the HSM does not meet the criteria for the variance based on the changed circumstances, the person holding the variance must re-apply for the non-waste determination.

Differences in Illinois law and the Illinois regulatory scheme have required the Board to avoid revising this provision in the way USEPA drafted this requirement. The Board generally requires a new petition for for modification of an adjusted standard. For this reason, the existing text of 35 Ill. Adm. Code 720.133(c) requires formal re-application to the Board. This requires filing a new petition for adjusted standard. *See* 35 Ill. Adm. Code 720.133 preamble & (a). As revised by USEPA, the rule now provides for an informal preliminary determination whether the changed circumstances necessitate reapplication for full review of the determination. This provision for informal preliminary determination is problematic for the Board. The Board has no mechanism or authority for making informal preliminary determinations. *See* 415 ILCS 5/27, 28 & 28.1 (2014).

For this reason, the Board has retained the existing requirement for petition to the Board for an adjusted standard. The Board has revised 35 Ill. Adm. Code 720.133(c), however, to incorporate elements of the revised language of corresponding 40 C.F.R. 260.33(c). The Board has further divided the provision into two subsections. Subsection (c)(1) states the requirement for a petition that includes a description of the changed circumstances. Subsection (c)(2) describes the Board determination that will result from the petition.

A possible alternative format might allow a preliminary determination as contemplated by USEPA, but the Board has not used that alternative. It is possible that the Board could sub-

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then reused in the original production process where the reclamation is an essential part of the production process. *See* 40 C.F.R. 260.31(a) and (b) (corresponding with 35 Ill. Adm. Code 720.131(a) and (b)).

<sup>72</sup> *See supra* note 33 and accompanying text.

divide this provision into a two-step procedure. First, the Board could require the holder of the adjusted standard to send the description of changed circumstances to the Agency for preliminary determination whether the HSM continues to fulfill the criteria on which the adjusted standard was granted. If the Agency determines that the HSM does not fulfill the criteria, the Agency would notify the holder of the adjusted standard of that determination. Upon receipt of the Agency notification, the holder would re-apply for the adjusted standard. *See* 35 Ill. Adm. Code 720.133(c)(3).

The Board believes that this alternative format would be cumbersome. This alternative would negate any gains in administrative efficiency that USEPA sought to gain from it. *See* 80 Fed. Reg. at 1733.

The Board will ensure that any new or revised adjusted standard includes a maximum term that complies with subsection (d), the subject of the following discussion. This means that the Board will issue a new adjusted standard, and not deny granting a new adjusted standard on the basis that it is not necessary, if the previously granted adjusted standard does not include a provision stating a compliant maximum term for the adjusted standard.

**Fixed Term for Solid Waste and Non-Waste Determinations.** USEPA formerly did not impose a term limit on “variances” (solid waste determinations) and non-waste determinations. By the 2015 DSWR amendments, a solid waste, boiler, or non-waste determination is now subject to a maximum term limit of 10 years. A facility owner or operator must re-apply for the solid waste, boiler, or non-waste determination before expiration. If re-application occurs no later than six months prior to the expiration, the facility may continue to operate on the expired solid waste, boiler, or non-waste determination until final disposition of the re-application. *See* 40 C.F.R. 260.33(d) (corresponding with 35 Ill. Adm. Code 720.133(d)).

As for all administrative determinations discussed here, solid waste, boiler, and non-waste determinations are made by adjusted standard in Illinois. Re-application for an adjusted standard occurs by a new petition. Thus, the Board altered the language of the federal provision to reflect differences between the federal and Illinois regulatory schemes.

**Notification of a Grant of a Solid Waste or a Non-Waste Determination.** When a facility owner or operator is granted a solid waste or non-waste determination,<sup>73</sup> the federal rules now require notification of waste activity. The notification, made using a USEPA Notification of RCRA Subtitle C Activity form, is required before operation. The notification is also required before managing HSM under one of the codified exclusions affected by the 2015 DSWR amendments. 40 C.F.R. 260.42(a) (2015), as amended at 80 Fed. Reg. 1694. The facility owner or operator that has submitted notice of activity must submit a new notice when cessation of management of HSM for more than one year is anticipated. 40 C.F.R. 260.42(a) (2015), as amended at 80 Fed. Reg. 1694.

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<sup>73</sup> For the reasons outlined in note **Error! Bookmark not defined.** above, the Board is uncertain of the applicability of this provision to a boiler determination.

The 2008 DSWR amendments added the notification requirements, applicable to operating under one of the added reclamation-related exclusions from definition of solid waste. *See* 73 Fed. Reg. 64668 (Oct. 30, 2008). The 2015 DSWR amendments made clarifying and conforming amendments to the notice provision and expressly made compliance necessary for a facility that receives a solid waste, boiler, or non-waste determination. *See* 80 Fed. Reg. 1694 (Jan. 13, 2015).

**Applicability of the Revised Procedures to Existing Solid Waste, Boiler, or Non-Waste Determinations.** The revised procedures apply to solid waste determinations, boiler determinations, and non-waste determinations. The procedural changes are those in 40 C.F.R. 260.33(c) and (d) (corresponding with 35 Ill. Adm. Code 720.133(c) and (d)), which require (1) submitting a description of changed circumstances that could affect application of the factors for issuance of the solid waste, boiler, or non-waste determination; (2) impose a maximum 10-year term for these determinations; and (3) submission of notification of RCRA Subtitle C waste activity.

The references to 40 C.F.R. 260.31, 260.32, and 260.34 (corresponding with 35 Ill. Adm. Code 720.131, 720.132, and 720.134) in 40 C.F.R. 260.33(a) and (c) (corresponding with 35 Ill. Adm. Code 720.131(a) and (c)) embrace all forms of solid waste, boiler, and non-waste determinations. This is true even though USEPA has not otherwise revised all types of solid waste determinations, not revised boiler determinations at all, and the revisions to non-waste determinations were minor. In fact, the changed circumstances provision of 40 C.F.R. 260.33(c) formerly applied only to non-waste determinations. The 2015 DSWR amendments added express references to solid waste and boiler determinations.

The references to 40 C.F.R. 260.31, 260.32, and 260.34 in 40 C.F.R. 260.33(a) and (c) do not include 40 C.F.R. 260.21, 260.22, or 260.23 (corresponding with 35 Ill. Adm. Code 720.121, 720.122, and 720.123). Thus, the revised procedures do not apply to approval of alternative equivalent testing methods, hazardous waste delisting, or petition for regulation as universal waste.

### **Requirement for Legitimate Recycling**

Since inception of the RCRA Subtitle C regulations, USEPA has ever required that any use or reuse of hazardous waste must be “legitimate,” and not “sham recycling.”<sup>74</sup> USEPA, however, did not codify a definition of “legitimate recycling” until the 2008 DSWR amendments.<sup>75</sup> The 2015 DSWR amendments have revised the definition of “legitimate recycling.” *See* 40 C.F.R. 260.43, as amended at 80 Fed. Reg. 1694, 1736 (Jan. 13, 2015). The 2015 DSWR amendments have further added a definition of and prohibition against “sham

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<sup>74</sup> 80 Fed. Reg. 1694, 1719-20 (Jan. 13, 2015); *see* 45 Fed. Reg. 33084, 33093 (May 19, 1980) (initial adoption of 40 C.F.R. 261, temporarily deferring regulation of hazardous waste recycling that is legitimate); *see also* 50 Fed. Reg. 614 (Jan. 4, 1985) (adding regulations for recycling).

<sup>75</sup> *See* 73 Fed. Reg. 64668, 64700-10 (Oct. 30, 2008) (noting prior reliance on a 1989 policy directive).

recycling.” *See* 40 C.F.R. 261.2(b)(4) & (g), as added at 80 Fed. Reg. 1694, 1736 (Jan. 13, 2015).

The policy that requires legitimate recycling has always weighed four factors to determine legitimacy. USEPA summarized those factors as follows:

- Factor 1: Legitimate recycling must involve a hazardous secondary material that provides a useful contribution to the recycling process or to a product or intermediate of the recycling process.
- Factor 2: The recycling process must produce a valuable product or intermediate.
- Factor 3: The generator and the recycler must manage the hazardous secondary material as a valuable commodity when it is under their control.
- Factor 4: The product of the recycling process must be comparable to a legitimate product or intermediate.

80 Fed. Reg. at 1719-20; *see* 73 Fed. Reg. at 64701 (brief narrative description of the four factors).

USEPA said that these four factors are a simplification and clarification of old policy statements, but these factors are substantively the same as the legitimacy policy outlined in those policy statements. 80 Fed. Reg. at 1720.

Table B at the end of this discussion of the DSWR amendments compares the 2008 and 2015 versions of the definition of “legitimate recycling.” Comparative examination of the two versions reveals that USEPA has reworded and reorganized the material. The substance of the four factors appears unchanged, even if the focus of consideration under some may have shifted. The following are the more substantive revisions that comparison reveals.

**Expanded Applicability to All Recycling-Based Exclusions.** USEPA removed the references to the exclusions added by the 2008 DSWR amendments. The references formerly appeared in the section heading and the introductory statement of 40 C.F.R. 260.43(a). They included the exclusion by administrative non-waste determination of 40 C.F.R. 260.34 (corresponding with 35 Ill. Adm. Code 720.134), the codified generator-reclaimed HSM exclusions of 40 C.F.R. 261.2(a)(2)(ii) and 261.4(a)(23) (corresponding with 35 Ill. Adm. Code 721.102(a)(2)(B) and 721.104(a)(23)), and the second-party reclamation exclusions of 40 C.F.R. 261.4(a)(24) and (a)(25) (corresponding with 35 Ill. Adm. Code 721.104(a)(24) and (a)(25)).

USEPA explained that the legitimacy test now applies to all recycling of HSM.<sup>76</sup> 80 Fed. Reg. at 1720. The amended definition of “legitimate recycling” provides as follows: “Recycling

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<sup>76</sup> The legitimacy of recycling activity is relevant only in the context of an exclusion from the definition of solid waste or hazardous waste. The hazardous waste rules currently provide 20 codified recycling-based exclusions from the definition of solid waste. *See* 40 C.F.R. 261.2(e)(1)

of hazardous secondary materials for the purpose of the exclusions or exemptions from the hazardous waste regulations must be legitimate.” 40 C.F.R. 260.43(a) (2015), as amended at 80 Fed. Reg. 1964 (Jan. 13, 2015). It is possible that the scope of the requirement for legitimate recycling extends beyond exclusion from the definition of solid waste to exclusion from the definition of hazardous waste. The definition of “hazardous secondary material” added by the 2008 DSWR amendments is broad enough to embrace excluded hazardous waste also.<sup>77</sup> See 40 C.F.R. 260.10 (2015) (corresponding with 35 Ill. Adm. Code 720.110).

**Fulfilling All Four of the Legitimacy Factors Is Required.** USEPA made several changes that make fulfilling all four of the legitimacy factors necessary. First, all four factors for consideration are now presented in a coordinate format. The third and fourth factors are no longer codified separately from the first and second. The third and fourth factors are no longer called “other factors for consideration.” USEPA also removed the former statement that a determination of legitimacy was possible even where factors 3 and/or 4 were not met. Compare 40 C.F.R. 260.43(b)(1), (b)(2), (c)(1) & (c)(2) (2015) with 40 C.F.R. 260.43 (a)(1), (a)(2), (a)(3) & (a)(4) (2015), as amended at 80 Fed. Reg. 1694 (Jan. 13, 2015).

Further, changes in language now phrase each factor in more clearly mandatory terms. For example, USEPA removed the elements of the second factor from the recitation of the first factor, and stated the first factor in mandatory terms. Compare 40 C.F.R. 260.43(b)(1) & (b)(2) (2015) with 40 C.F.R. 260.43(a)(1) & (a)(2) (2015), as amended at 80 Fed. Reg. 1694 (Jan. 13, 2015). USEPA also replaced each of three former appearances of “should” in the third factor. Compare 40 C.F.R. 260.43(c)(1) (2015) with 40 C.F.R. 260.43(a)(3) (2015), as amended at 80 Fed. Reg. 1694 (Jan. 13, 2015). Finally, USEPA shifted from requiring consideration of the third and fourth factor to imposing requirements on the HSM and management of the HSM. Compare 40 C.F.R. 260.43(c) (2015) with 40 C.F.R. 260.43(a)(3) & (a)(4) (2015), as amended at 80 Fed. Reg. 1694 (Jan. 13, 2015).

**USEPA Added Flexibility in Fulfilling Factors 3 and 4.** USEPA added flexibility to factors 3 and 4. The revisions will allow determinations of legitimacy in instances where the hazardous constituent content and any hazardous characteristics of the HSM or the product of recycling would have not fulfilled factor 3 or factor 4.<sup>78</sup>

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& 261.4(a)(6)-(a)(14), (a)(16)-(a)(24), (a)(26) & (a)(27) (corresponding with 35 Ill. Adm. Code 721.102(e)(1) & 721.104(a)(6)-(a)(14), (a)(16)-(a)(24), (a)(26) & (a)(27)). The rules further provide about six exclusions available by administrative determination. See 40 C.F.R. 260.30 (corresponding with 35 Ill. Adm. Code 720.130).

<sup>77</sup> The regulations also provide three recycling-based exclusions from the definition of hazardous waste. See 40 C.F.R. 261.4(b)(2), (b)(12) & (b)(14) (corresponding with 35 Ill. Adm. Code 721.104(b)(2), (b)(12) & (b)(14)).

<sup>78</sup> As briefly noted above, USEPA removed the former statement that fulfilling factors 3 and 4 was not necessary to a determination of legitimacy. See 40 C.F.R. 260.43(c)(3) (2015). USEPA made fulfilling these factors necessary while adding flexibility for fulfilling them.

The focus of factor 3 is the hazardous constituent content and any hazardous characteristics of the HSM undergoing recycling. The HSM is compared to any analogous raw material. HSM Factor 3 formerly required that the HSM have hazardous characteristics comparable to those of the raw material for which it substitutes. *See* 40 C.F.R. 260.43(c)(2) (2015). It is now possible to fulfill factor 3 by managing the HSM “in a manner consistent with the management of the raw material or in an equally protective manner.” 40 C.F.R. 260.43(a)(3) (2015), as amended at 80 Fed. Reg. 1694 (Jan. 13, 2015).

The focus of factor 4 is the hazardous constituent content and any hazardous characteristics of the product of recycling. The product of recycling is compared to analogous products. USEPA revised factor 4 to allow a determination of legitimacy even “[i]f the product of the recycling process has levels of hazardous constituents that are not comparable to or unable to be compared to a legitimate product or intermediate . . . .” Documentation and certification of facts<sup>79</sup> “which show that the recycled product does not contain levels of hazardous constituents that pose a significant human health or environmental risk.” 40 C.F.R. 260.43(a)(4)(iii) (2015), as amended at 80 Fed. Reg. 1694 (Jan. 13, 2015) (corresponding with 35 Ill. Adm. Code 720.143(a)(4)(C)).

USEPA further revised factor 4 to allow a determination of legitimate recycling in two situations where there is no analogous product or intermediate. Legitimacy is possible where the product of recycling is a commodity that meets “widely recognized standards” for that commodity. Legitimacy is also possible where the HSM is recycled by being returned to the process that generated the HSM.<sup>80</sup> *See* 40 C.F.R. 260.43(a)(4)(ii) (2015), as amended at 80 Fed. Reg. 1694 (Jan. 13, 2015) (corresponding with 35 Ill. Adm. Code 720.143(a)(4)(B)).

The Board has incorporated the revisions to the definition of “legitimate recycling” into the Illinois regulations. The Board has done so with minimal deviation from the text of the federal definition. All deviations from the federal text are listed in Table 3 below in this opinion. The following paragraphs outline the changes that USEPA has made. No further explanation of any of the deviations from the federal language is necessary.

### **Applicability of the 2015 DSWR Amendments to Existing Exclusions**

The foregoing segments of discussion that pertain to applicability of the various new and modified exclusions from the definition of solid waste and procedural requirements related to

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<sup>79</sup> “[B]ased on lack of exposure from toxics in the product, lack of the bioavailability of the toxics in the product, or other relevant considerations.” 40 C.F.R. 260.43(a)(4)(iii) (2015), as amended at 80 Fed. Reg. 1694 (Jan. 13, 2015) (corresponding with 35 Ill. Adm. Code 720.143(a)(4)(C)).

<sup>80</sup> There are similar exclusions for recycling into the generating process. *See, e.g.*, 40 C.F.R. 260.31(b); 261.2(e)(1)(iii) & 261.4(a)(8) & (a)(9) (corresponding with 35 Ill. Adm. Code 720.131(b); 721.102(e)(1)(C) & 721.104(a)(8) & (a)(9)).

future applicability.<sup>81</sup> Applicability of the revised rules to existing exclusions and administrative determinations is another issue. USEPA outlined specific elements of the 2015 DSWR amendments that supersede prior exclusions and administrative determinations. Whether new requirements supersede elements of existing exclusions depends on the type of exclusion.

The following discussion considers codified exclusions separately from exclusions obtained by administrative determination—*i.e.*, solid waste determination, boiler determination, or non-waste determination. USEPA’s discussion of the exclusions prompts separate consideration.

**Applicability to an Existing Codified Exclusion.** USEPA divides existing codified exclusions into two groups: those determined excluded from the definition of solid waste before the 2008 DSWR amendments and those determined excluded by the 2008 amendments. USEPA’s treatment implies an understanding that the exclusions after the 2015 DSWR amendments are more stringent than the exclusions allowed by the 2008 DSWR amendments but less stringent than the pre-2008 DSWR. *See, e.g.*, 80 Fed. Reg. at 1736 (generator-reclaimed exclusions).

**Exclusions under Pre-2008 Rules.** With regard to exclusions under the pre-2008 DSWR rules, USEPA stated as follows:

The [2015] final rule does not supersede any of the pre-2008 solid waste exclusions or other prior solid waste determinations or variances, including determinations made in letters of interpretation and inspection reports. If a hazardous secondary material has been determined not to be a solid waste for whatever reason, such a determination remains in effect, unless the authorized state decides to revisit the regulatory determination under their current authority. 80 Fed. Reg. at 1735.

USEPA said that two of the 2015 DSWR revisions will apply to existing pre-2008 DSWR exclusions. These are the new term limits, notification requirements, and other requirements added by the 2015 DSWR amendments, which would apply to HSM excluded under pre-2008 DSWR rules:

1. The new recordkeeping requirement for the speculative accumulation rule of 40 C.F.R. 260.43 (corresponding with 35 Ill. Adm. Code 720.143) will apply. *Id.* at 1735-36; *see* 40 C.F.R. 261.1(c)(8) (corresponding with 35 Ill. Adm. Code 721.101(c)(8)).
2. The documentation, certification, and notification requirements for legitimate recycling of HSM that has hazardous constituent content not comparable to or which cannot be

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<sup>81</sup> Some of the foregoing segments of discussion considered ways some of the new requirements will affect matters outside the scope of HSM reclamation. Examples include the new procedures that apply to boiler determinations and application of the definition of “legitimate recycling” to all HSM reclamation activities, possibly including recycling specific hazardous wastes. Attention here is restricted to applicability to existing exclusions from the definition of solid waste.

compared with a legitimate product. *Id.* at 1736; *see* 40 C.F.R. 260.43(a)(4)(iii) (corresponding with 35 Ill. Adm. Code 720.143(a)(4)(C)).

**Exclusions under the 2008 Amendments.** With regard to the exclusions added by the 2008 DSWR amendments, compliance with the more stringent aspects of the rules as amended by the 2015 DSWR amendments is required:

1. For generator-controlled HSM reclamation exclusions under former 40 C.F.R. 261.2(a)(2)(ii) or 261.4(a)(23) (corresponding with 35 Ill. Adm. Code 721.102(a)(2)(B) or 721.104(a)(23)), compliance with the more stringent aspects of the 2015 DSWR amendments is required: (1) the new definition of “contained” (including container integrity, labeling and compatibility elements)<sup>82</sup>; (2) new requirements for maintenance of shipping records<sup>83</sup>; (3) new requirements for documenting legitimacy<sup>84</sup>; and the new emergency preparedness and response requirements.<sup>85</sup> *See* 80 Fed. Reg. at 1736-37.
2. For second-party reclaimed HSM exclusion under former 40 C.F.R. 261.4(a)(24) (corresponding with 35 Ill. Adm. Code 721.104(a)(24)), compliance with the more stringent verified intermediate facility and verified reclamation facility requirements added by the 2015 DSWR amendments is required, including: (1) the new definition of “contained” (including container integrity, labeling and compatibility elements)<sup>86</sup>; (2) new conditions and requirements for notice<sup>87</sup>; and (3) new requirements for verification of the reclamation facility and any intermediate facility managing the HSM.<sup>88</sup> *See* 80 Fed. Reg. at 1737.

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<sup>82</sup> In 40 C.F.R. 260.10 (2015), as amended at 80 Fed. Reg. 1694 (Jan. 13, 2015) (corresponding with 35 Ill. Adm. Code 720.110).

<sup>83</sup> In 40 C.F.R. 261.4(a)(23)(i) (2015), as amended at 80 Fed. Reg. 1694 (Jan. 13, 2015) (corresponding with 35 Ill. Adm. Code 721.104(a)(23)(A)).

<sup>84</sup> In 40 C.F.R. 261.4(a)(23)(ii)(E) (2015), as amended at 80 Fed. Reg. 1694 (Jan. 13, 2015) (corresponding with 35 Ill. Adm. Code 721.104(a)(23)(B)(v)); *see* 40 C.F.R. 260.43(a) (2015), as amended at 80 Fed. Reg. 1694 (Jan. 13, 2015) (corresponding with 35 Ill. Adm. Code 720.143(a)).

<sup>85</sup> In 40 C.F.R. 261.4(a)(23)(ii)(F) (2015), as amended at 80 Fed. Reg. 1694 (Jan. 13, 2015) (corresponding with 35 Ill. Adm. Code 721.104(a)(23)(B)(vi)); *see* subpart M of 40 C.F.R. 261, as added at 80 Fed. Reg. 1694 (Jan. 13, 2015) (corresponding with subpart M of 35 Ill. Adm. Code 721).

<sup>86</sup> *See supra* note 82.

<sup>87</sup> In 40 C.F.R. 261.4(a)(24)(v)-(a)(24)(vii) (2015), as amended at 80 Fed. Reg. 1694 (Jan. 13, 2015) (corresponding with 35 Ill. Adm. Code 721.104(a)(23)(E)-(a)(24)(G)).

<sup>88</sup> In 40 C.F.R. 261.4(a)(24)(ii) (2015), as amended at 80 Fed. Reg. 1694 (Jan. 13, 2015) (corresponding with 35 Ill. Adm. Code 721.104(a)(24)(B)); *see* 40 C.F.R. 260.31(d) (2015), as

3. For HSM exported from the U.S. for reclamation under former 40 C.F.R. 261.4(a)(25) (corresponding with 35 Ill. Adm. Code 721.104(a)(25), operations must cease, and the generator must notify USEPA of that cessation. *Id.*

USEPA's *Federal Register* explanation of how more stringent requirements of the 2015 DSWR amendments apply to pre-existing exclusions focused on the changed burden of compliance. If requirements of an exclusion revised by the 2015 amendments do not change the burden of compliance, there was no change for USEPA to discuss. The Board does not believe that USEPA intends to imply selective application of the specific new, more stringent requirements discussed. The Board believes that *all* requirements of the exclusions revised by the 2015 DSWR amendments apply going forward.

**Applicability to an Exclusion by Administrative Determination.** The segment of text relating to exclusions granted under the pre-2008 DSWR rules, quoted above, and the accompanying discussion make it clear that only the more stringent requirements imposed by the 2015 DSWR amendments supersede existing exclusions, including those granted by an administrative determination.

This is not full explanation of the impact of the 2015 DSWR amendments on existing exclusions. USEPA's discussion does not consider the effect of the newly revised procedural requirements. Specifically, are the requirements for the changed circumstances, limited term, and required notice provisions imposed on these exclusion by 40 C.F.R. 260.33(c), (d), and (e) (corresponding with 35 Ill. Adm. Code 720.133(c), (d), and (e))?

If the changed circumstances and new term limit requirements apply to the existing exclusions granted by administrative determinations, this would include all of the solid waste determinations and boiler determinations that the Board has granted to date by adjusted standard.<sup>89</sup> Must the persons to whom the Board granted these adjusted standards now submit an explanation of changed circumstances to the Agency? Must these persons apply to the Board for modification of the adjusted standard for review and addition of a fixed term limit? Will these adjusted standards expire by operation of law 10 years after the date they issued or after the effective date of the present amendments?

USEPA's discussion of the substantive criteria for exclusion indicates that *all* of the more stringent substantive aspects of the 2015 DSWR amendments apply to existing exclusions in the same way. Did USEPA intend this to include the more stringent procedural requirements in 40 C.F.R. 260.33(c), (d), and (e) (corresponding with 35 Ill. Adm. Code 720.133(c), (d), and (e)) to apply to existing administrative determinations also—even though USEPA did not discuss applicability of the new procedural requirements?

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amended at 80 Fed. Reg. 1694 (Jan. 13, 2015) (corresponding with 35 Ill. Adm. Code 720.131(d)). Operation under this exclusion must cease until verification is granted. *See* 80 Fed. Reg. at 1737.

<sup>89</sup> The Board has granted several solid waste determinations and two boiler determinations. *See infra* note 90. To date, the Board has granted no non-waste determinations.

Under a more conservative interpretation, 40 C.F.R. 260.33(c) would require that a person operating under a “variance” or non-waste determination must send a description of the change in circumstances that affects how its HSM meets the criteria in 40 C.F.R. 260.31, 260.32, or 260.34 upon which the “variance” or non-waste determination issued. The salient change of circumstances is embodied in the new requirements of 40 C.F.R. 260.33(c), (d), and (e). This is especially true of the 10-year maximum term limit now imposed on a “variance” or non-waste determination by 40 C.F.R. 260.33(d) (corresponding with 35 Ill. Adm. Code 720.133(d)).

This would require that a person issued a solid waste determination (under 35 Ill Adm. Code 720.131), boiler determination (under 35 Ill Adm. Code 720.132), or non-waste determination (under 35 Ill Adm. Code 720.134) to, at a minimum, send the Agency a description of how the changed circumstances of the 2015 DSWR amendments have affected the availability of the existing adjusted standard if sought today. At a minimum, the new 10-year term limit (35 Ill. Adm. Code 720.133(d)) affects how the Board would issue an adjusted standard today for a solid waste determination, boiler determination, or non-waste determination.<sup>90</sup>

**Applicability to a Determination of Legitimate Recycling.** The definition of “legitimate recycling” is self-implementing for all exclusions but those obtained by administrative determination. The Board would determine legitimacy in the context of a solid waste or non-waste determination. *See* 35 Ill. Adm. Code 720.131(c) & (d)(1) & 720.134(b)

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<sup>90</sup> Of the solid waste determinations, the Board granted several more than 10 years ago that the Board has not subsequently revised within the past 10 years. *See* Petition of Big River Zinc Corp. for an Adjusted Standard under 35 Ill. Adm. Code 720.131(c), AS 06-4 (May 2, 2002) (zinc oxide from electric arc furnace dust (EAFD)); Petition of World Recycling, Inc. d/b/a Planet Earth Antifreeze for an Adjusted Standard under 35 Ill. Adm. Code 720.131, AS 02-2 (May 2, 2002) (filtered used automotive antifreeze); Petition of Progressive Environmental Services, Inc. for an Adjusted Standard under 35 Ill. Adm. Code 720.131(c), AS 02-7 (Jan. 10, 2002) (filtered used automotive antifreeze); Petition of Horsehead Resource Development Company, Inc. for an Adjusted Standard Under 35 Ill. Adm. Code 720.131(c), AS 00-2 (Feb. 17, 2000) (zinc oxide from EAFD); Petition of Recycle Technologies, Inc. for an Adjusted Standard, AS 97-9 (Sep. 3, 1998) (filtered used automotive antifreeze). The Board has no indication that any of these solid waste determinations was inappropriate. The Board has also denied a solid waste determination for partially reclaimed HSM. *See* Petition of Chemetco, Inc. for an Adjusted Standard form 35 Ill. Adm. Code 720.131(a) and (c), AS 97-2 (Mar. 19, 1998) (mixed metals-bearing wastewater treatment sludge, contaminated soils, and metals smelting slags from mixed metal scraps reclamation). The Board revised one solid waste determination within the last 10 years. *See* Petition of Big River Zinc Corp. for and Adjusted Standard Under 35 Ill. Adm. Code 721.131(c), AS 08-9 (Sep. 4, 2008) (revising the solid waste determination for EAFD granted in Petition of Big River Zinc Corp. for and Adjusted Standard Under 35 Ill. Adm. Code 721.131(c), AS 99-3 (May 6, 1999)). The Board granted two boiler determinations about 10 years ago. *See* Petition of LaFarge Midwest, Inc. for Boiler Determination Through Adjusted Standard Proceedings Pursuant to 35 Ill. Adm. Code 720.132 and 720.133, AS 06-3 (June 1, 2006) (raw mill dryers); Petition of LaFarge Midwest, Inc. for Boiler Determination Pursuant to 35 Ill. Adm. Code 720.132 and 720.133, AS 06-1 (Apr. 20, 2006) (a slag dryer).

(2015), as amended at 80 Fed. Reg. 1604 (Jan. 13, 2015) (derived from 40 C.F.R. 260.31(c) & (d) & 260.34(b)). The definition of “legitimate recycling” is now a self-implementing provision that applies to all recycling activities. *See* 35 Ill. Adm. Code 720.143(a) & 721.102(g) (2015), as amended at 80 Fed. Reg. 1604 (Jan. 13, 2015) (derived from 40 C.F.R. 260.43(a) & 261.2(g)). Thus, the generator or reclamation facility would determine legitimacy under any codified exclusion, subject to possible enforcement action for an inappropriate determination.

As discussed above, the codified definition of legitimate recycling formerly applied only to the reclamation-based exclusions added by the 2008 DSWR amendments. One of those exclusions was by administrative determination, and four were codified exclusions. USEPA combined two of the codified exclusions and revised their conditions,<sup>91</sup> changed the conditions for a third codified exclusion,<sup>92</sup> and eliminated a fourth codified exclusion.<sup>93</sup> USEPA further made minor revisions to the exclusion obtained by administrative determination.<sup>94</sup>

The legitimacy determination would have been made for each of these exclusions. To the extent the definition of legitimate recycling imposes more stringent requirements, the Board believes that the regulated entity will be required to make that determination again under the revised definition.<sup>95</sup> The Board further believes that it will be necessary to apply the legitimacy determination to all of the recycling-based exclusions to which the revised definition of legitimate recycling now applies.

The Board reads the *Federal Register* discussion of the 2015 DSWR amendments as requiring the application of more stringent requirements of those amendments to existing exclusions. This includes those aspects of the definition of legitimate recycling that impose more stringent requirements on recycling activities previously not expressly covered by the definition.

The Board has incorporated the revisions to the definition of “legitimate recycling” into the Illinois regulations. The Board has done so with minimal deviation from the text of the federal definition. All deviations from the federal text are listed in Table 3 below in this opinion.

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<sup>91</sup> Compare 40 C.F.R. 261.2(a)(2)(ii) & 261.4(a)(23) (2015) (corresponding with 35 Ill. Adm. Code 721.102(a)(2)(B) & 721.104(a)(23)) with 40 C.F.R. 261.4(a)(23) (2015), as amended at 80 Fed. Reg. 1694 (Jan. 13, 2015) (corresponding with 35 Ill. Adm. Code 721.104(a)(23)).

<sup>92</sup> Compare 40 C.F.R. 261.2(a)(2)(ii) & 261.4(a)(23) (2015) (corresponding with 35 Ill. Adm. Code 721.102(a)(2)(B) & 721.104(a)(23)) with 40 C.F.R. 261.4(a)(23) (2015), as amended at 80 Fed. Reg. 1694 (Jan. 13, 2015) (corresponding with 35 Ill. Adm. Code 721.104(a)(23)).

<sup>93</sup> See 40 C.F.R. 261.4(a)(25) (2015) (corresponding with 35 Ill. Adm. Code 721.104(a)(25)).

<sup>94</sup> Compare 40 C.F.R. 260.34 (2015) (corresponding with 35 Ill. Adm. Code 720.134) with 40 C.F.R. 260.34 (2015) (corresponding with 35 Ill. Adm. Code 720.134).

<sup>95</sup> The Board granted no non-waste determinations, so the Board does not address the effect of the revised definition on that type of exclusion.

The following paragraphs outline the changes that USEPA has made. No further explanation of any of the deviations from the federal language is necessary.

### **Requests for Public Comment**

As the foregoing segments of discussion show, there are aspects of the 2015 DSWR amendments that would benefit from clarification. The Board requests comments on the amendments generally and specifically on the following matters:

1. Do the revisions to the federal language that change “material” to “hazardous secondary material” and “discarded” to “discarded material” in the exclusions clarify USEPA’s intent? [Discussion at p. 13 & 35 Ill. Adm. Code 721.104(a)(23)(B)(i), (a)(23)(B)(iv), (a)(24)(B), (a)(24)(C) & (a)(24)(E)(i)]
2. Does calling the determination that deems a facility a “verified reclamation facility” or “verified intermediate facility” a “solid waste determination” (for the sake of consistency with the name for the existing procedure that USEPA chose to use) cause confusion? If so, what alternative designation could the Board use? [Discussion at pp. 14-16 & 35 Ill. Adm. Code 720.131(d) & 721.104(a)(24)(E)(ii), 721.500(a) & (b); 721.510(e), (f)(1) & (f)(2); 721.511(d)(3) & 721.520(a)(1) & (b)(2)]
3. Does uniform use of “verified reclamation facility” and “verified intermediate facility” in the provision for second-party reclaimed HSM clarify USEPA’s intent? [Discussion at p. 16 & 35 Ill. Adm. Code 720.130(f), 720.131(d) & 721.104(a)(24)(E)(ii)]
4. Has the Board appropriately narrowed the references to TSCA to the Industrial Function Codes listed in 40 C.F.R. 711.15(b)(4)(i)(C) table 8 for definition of “chemical functional uses”? [Discussion at pp. 19-20 & 35 Ill. Adm. Code 721.104(a)(27)(iv) & (a)(27)(v)]
5. Is the Board correct in interpreting that USEPA intended to include within the solvent remanufacturing exclusion all Industrial Function Codes other than that expressly excepted? [Discussion at pp. 19-20 & 35 Ill. Adm. Code 721.104(a)(27)(iv) & (a)(27)(v)]
6. Has the Board appropriately directed regulated entities to the Agency for approval of any constituent-specific adjustment factors that the entities may wish to use in determining air emissions? [Discussion at pp. 21-24 & 35 Ill. Adm. Code 721.983(a)(3)(C) & 725.984(a)(3)(iii)]
7. Is there any reliable, comprehensive reference that the Board could incorporate by reference for constituent-specific adjustment factors? [Discussion at pp. 21-24 & 35 Ill. Adm. Code 721.983(a)(3)(C) & 725.984(a)(3)(iii)]
8. Did the Board appropriately refer the regulated entity to the Agency for a written determination under section 39 of the Act (415 ILCS 5/39) that is subject to appeal under section 40 of the Act (415 ILCS 5/40) before the Board for the several operational determinations that the rules provide? (Including disagreement on emissions, volatile organic content, recordkeeping requirements for alternative emissions control equipment,

or demonstration of control device performance; alternative monitoring frequency or analytical methods; use of results averaging; or appropriate use of engineering texts.) [Discussion at pp. 24- & 35 Ill. Adm. Code 721.932(d), 721.933(l)(1)(B)(ii), 721.934(c)(4) & (f), 721.935(b)(4)(C) & (e), 721.952(e)(3), 721.953(i)(2), 721.957(f)(3), 721.961(b)(1), 721.963(f), 721.964(f), 721.983(a)(4)(D) & (c)(3)(B)(v) & 721.987(c)(6)]

9. Does uniform use of “partially-reclaimed” and “partial reclamation” in the provision for partially reclaimed HSM clarify USEPA’s intent? [Discussion at pp. 25-27 & 35 Ill. Adm. Code 720.131(c)(2), (c)(3), (c)(4) & (c)(5)]
10. Does the Board correctly perceive that USEPA intends that partial reclamation of HSM in the process that generated it is deemed not “substantial,” and the HSM partially reclaimed in the process that generated it is ineligible for exclusion? [Discussion at pp. 27-28 & 35 Ill. Adm. Code 720.131(c)(1)]
11. Does the Board correctly perceive that USEPA does not intend that reclamation in another process is necessarily “substantial”? [Discussion at pp. 27-28 & 35 Ill. Adm. Code 720.131(c)(1)]
12. Is the Board correct in asserting that partial reclamation is “substantial” at the point the HSM acquires sufficient value that it will likely be purchased for further reclamation? [Discussion at pp. 27-28 & 35 Ill. Adm. Code 720.131(c)(1)]
13. Does the Board correctly perceive that the new procedural requirement “changed circumstances” will require reopening an existing solid waste determination, boiler determination, or non-waste determination? [Discussion at pp. 31-33 & 35 Ill. Adm. Code 720.133(c)]
14. Does the mechanism of requiring initial Agency review of “changed circumstances,” rather than requiring a petition directly to the Board, confer administrative economy without losing what USEPA intended to gain by review? [Discussion at pp. 31-32 & 35 Ill. Adm. Code 720.133(c)]
15. Does the Board correctly perceive that USEPA intended the maximum 10-year fixed maximum term for solid waste determinations, boiler determinations, and non-waste determinations to apply to relief previously granted by the Board by existing orders? [Discussion at pp. 32-33 & 35 Ill. Adm. Code 720.133(d)]
16. Is the advent of the 10-year fixed maximum term for solid waste determinations, boiler determinations, and non-waste determinations a “changed circumstance” that would require the holder of such a Board order to submit that order to the Agency for review and recommendation? [Discussion at pp. 31-33 & 35 Ill. Adm. Code 720.133(c) & (d)]
17. Are the revisions to the definition of “legitimate recycling” and/or the broadened applicability of the definition of a nature that they are “changed circumstances,” where that requirement exists, and, if so, would the “changed circumstances” require the holder of such a Board order to submit that order to the Agency for review and recommendation? [Discussion at pp. 31-40 & 35 Ill. Adm. Code 720.133(c) & 720.143]

18. Are the revisions to the definition of “legitimate recycling” and/or the broadened applicability of the definition of a nature that will require regulated entities operating under a codified exclusion to comply and assemble any required documentation? [Discussion at pp. 37-39 & 35 Ill. Adm. Code 720.143]
19. Are the revisions to the definition of “legitimate recycling” and/or the broadened applicability of the definition of a nature that will require application to exclusions from the definition of hazardous waste? [Discussion at pp. 37-41 & 35 Ill. Adm. Code 720.143]

**Removal of Comparable Fuels Rule and the Gasification Rule—  
Sections 720.110, 721.104 & 721.138**

USEPA adopted the Comparable Fuels Rule (Comparable Fuels Exclusion) in 1998. The Rule conditionally excluded fuels derived from hazardous waste that are comparable to currently used fossil fuels from the definition of solid waste. *See* 63 Fed. Reg. 33782 (June 19, 1998). The court vacated the rule in Natural Resources Defense Council v. EPA, 755 F.3d 1010 (D.C. Cir. 2014).

USEPA adopted the Gasification Rule in 2008 to exclude the oil-bearing HSM that is managed in a gasification system at a petroleum refinery. *See* 73 Fed. Reg. 57 (Jan. 2, 2008). The court vacated the Gasification Rule in Sierra Club v. EPA, 755 F.3d 968 (D.C. Cir. 2014).

USEPA removed the Comparable Fuels Rule and the Gasification Rule on April 8, 2015. *See* 80 Fed. Reg. 18777 (Apr. 8, 2015). This involved removing the exclusion at 40 C.F.R. 721.104(a)(16), revising the exclusion for oil-bearing HSM to remove the reference to gasification at 40 C.F.R. 721.104(a)(12)(i), and removing the conditions for exclusion at 40 C.F.R. 261.38.

Any persons interested in the USEPA actions should refer to the appropriate *Federal Register* notices. Any persons interested in the court opinions and orders that vacated the rules should refer to the appropriate judicial opinion.

The Board has made comparable revisions to the Illinois rules. The Board replaced 35 Ill. Adm. Code 721.104(a)(16) with a statement that maintains structural consistency with the USEPA rules, revised 35 Ill. Adm. Code 721.104(a)(12)(A), and repealed 35 Ill. Adm. Code 721.138. The Board did not deviate from the text of the USEPA text, except to replace the provision marked “reserved” with an explanatory statement. This single deviation from the text of the federal rules is listed in Table 3 below.

**Uniquely Associated Wastes—  
Section 721.104**

USEPA adopted the Coal Combustion Residuals (CCR) rule on April 17, 2015. By that rule, USEPA determined not to regulate CCR waste as hazardous waste at this time. USEPA instead established RCRA Subtitle D non-hazardous solid waste rules applicable to disposal of CCR waste. Those Subtitle D requirements are not pertinent to this Board action. USEPA

revised the effective date of the CCR rule on July 2, 2015. That revision does not affect the segment of the CCR rule involved in this proceeding. *See* 80 Fed. Reg. 37988 (July 2, 2015).

One aspect of the CCR rule relating to “uniquely associated wastes” prompts Board action. Uniquely associated wastes are low-volume wastes that are excluded from regulation as hazardous waste when they are co-disposed with CCR waste. They include coal-pile runoff, boiler cleaning solutions, boiler blowdown, process water treatment and demineralizer wastes, cooling tower blowdown, air heater and precipitator washes, floor and yard drain and sump effluents, and wastewater treatment sludges. *See* 80 Fed. Reg. 21302, 21460-62 (Apr. 17, 2015). USEPA amended the exclusion from the definition of hazardous waste for residuals from combustion of fossil fuels to also exclude uniquely associated wastes when co-disposed with CCR.

The Board refers persons interested in the substance of the amendments to exclude uniquely associated wastes from the definition of hazardous waste to the *Federal Register* notice of April 17, 2015. The Board incorporated the exclusions into the Illinois regulations at 35 Ill. Adm. Code 721.4(b)(4) without substantive deviation from the federal text of corresponding 40 C.F.R. 261.4(b)(4). The single deviation does not merit discussion. That deviation is listed in Table 3 below.

**Revised List of OECD Member Countries—**  
**Section 722.158**

USEPA revised the list of member countries of the Organization for Economic Cooperation and Development (OECD) on July 2, 2015. The U.S. is signatory to an OECD agreement on the trans-boundary movement of hazardous waste, universal waste, or spent lead-acid batteries. The agreement governs trans-boundary movement among OECD member countries. *See* OECD decision C(2001)107/FINAL (June 14, 2001), as amended by C(2001)107/ADD1 (February 28, 2002), C(2004)20 (March 9, 2004), C(2005)141 (December 2, 2005), and C(2008)156 (December 4, 2008). Estonia, Israel, and Slovenia are now among the 31 member countries that are now parties to the agreement.

Although this USEPA action is outside the nominal time-frame of this update docket, the Board included this action for administrative economy. This obviated separate action and allowed the Board to dismiss reserved RCRA Subtitle C Update, USEPA Amendments (July 1, 2015 through December 31, 2015, R16-15 (Feb. 4, 2016).

The Board incorporated the USEPA revisions to 40 C.F.R. 262.58(a)(1) into corresponding 35 Ill. Adm. Code 722.158(a)(1). The Board did not deviate from the literal text of the USEPA amendments.

**USEPA-Prompted Corrections—  
Parts 721, 722, 724 through 726 & 728<sup>96</sup>**

USEPA has been engaged in review of the Illinois RCRA Subtitle C hazardous waste regulations for the purpose of authorization of the Illinois program. *See* 42 U.S.C. §§ 6926 & 6929 (2013) (RCRA Subtitle C state primacy requirements). USEPA has pointed out a number of differences between the Illinois requirements and their federal counterparts. *See* PC 3 & PC 4. Correction of some of the differences is required because they render the affected Illinois provisions less stringent than the corresponding federal rule. Correction of others is desirable because the differences make the Illinois provision more stringent. Some of the differences have no effect on the relative stringency of the Illinois and federal rules. Finally, USEPA submitted queries.

USEPA has divided the differences into three groups, identifying them as follows:

- Tier 1: The Illinois rule is less stringent than the corresponding federal rule, and prompt correction of the Illinois rule is necessary for authorization of a segment of the Illinois program currently under review.
- Tier 2: The already-authorized Illinois rule is different from the corresponding federal rule, and correction of the Illinois rule is desirable at any future time. The difference will not affect authorization of any segment of the Illinois program currently under review.
- Tier 3: The Illinois rule is different from the corresponding federal rule, in some instances in a way that makes the Illinois provision more stringent. Correction of the Illinois rule is at the discretion of the Board because the difference will not affect authorization of the Illinois program.

The Board has included in the record all communications that relate to any non-procedural aspects of a rule.

The Board has chosen to use introduction to the docket as public comments as the mechanism for making these communications part of the record. Other options might include introduction as filings or as exhibits. Introduction as public comments seems more appropriate than either option.

The Board understands that the term “comment” may have a particular meaning under federal authorities. *See, e.g.*, 40 C.F.R. 271.19 (2015) (USEPA comment on state RCRA permit actions). The Board intends that filing this input as comments reflects its own practice.

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<sup>96</sup> Sections 721.103, 721.104, 721.107, 721.132, 721.133, 721.135, 721.Appendix H, 722.132, 722.158, 724.194, 724.244, 724.245, 724.414, 724.670, 724.671, 724.989, 724.1102, 725.173, 725.440, 725.502, 725.964, 725.983, 725.986, 726.203, 726.Appendix G, 727.290, 728.101, 728.107, 728.Appendices C & G & 728.Table T

Table 1 below lists the various USEPA suggestions and queries. Each entry briefly summarizes the USEPA suggestion or query and the Board's response. Most entries outline the source of any differences between the Illinois and federal regulations. Table 4 below lists all of the corrections made in this rulemaking that are not directly derived from current federal amendments as "Board Housekeeping Amendments." The revisions made based on USEPA suggestions are parenthetically designated as originated from USEPA.

### **Board-Initiated Corrections and Updates**

The Board routinely examines federal amendments and the base text of rules open for amendments to find any areas that need correction or clarification. The Joint Committee on Administrative Rules (JCAR) and the Office of the Secretary of State also routinely examine the text and suggest corrections and clarifications. Sometimes suggestions arise from the Illinois Environmental Protection Agency, USEPA, or members of the regulated community. The Board often makes revisions as a result.

The revisions thus made are not directly derived from federal amendments. The Board is ever mindful of the limited discretion authorized in the context of an identical-in-substance proceeding. The Board is limited to (1) "those changes that are necessary for compliance with the Illinois Administrative Code"; (2) "technical changes that in no way change the scope or meaning of any portion of the regulations"; (3) "USEPA rules that are not applicable to persons or facilities in Illinois"; (4) "things which are outside the Board's normal functions"; and (5) "apparent typographical and grammatical errors." *See* 415 ILCS 5/7.2(a), (a)(1), (a)(2), and (a)(7) (2012). Thus, the Board will only make minor, non-substantive corrections and clarifications in this context.

The Board is including a limited number of corrections and clarifications in this docket. The Board has cataloged a small number of necessary corrections and clarifications since the last RCRA Subtitle C update docket, RCRA Subtitle C Update, USEPA Amendments (January 1, 2014 through June 30, 2014), R15-1 (Dec. 18, 2014).

The Board has made a limited number of changes in the text of various rules that are not directly based on USEPA actions during January 1, 2015 through June 30, 2015. The following segments of discussion consider the amendments added by the Board. The Board will not discuss most of the particular corrective amendments in detail. All corrections are itemized in Table 4, which appears at the end of the opinion segment of this opinion and order. The following segments briefly discuss what the Board believes are the more salient of the corrections. There is no discussion of the rest of the corrections that appear in Table 4.

The Board requests that the Agency, JCAR, USEPA and the regulated community review the table and the text of the corrections and comment as necessary. The Board also requests ongoing assistance of the Agency, JCAR, and the regulated community in the process of spotting and correcting errors or omissions in the rules. The Board requests that interested persons submit suggestions for the correction of any errors of which they become aware. The Board will either include the corrections in this docket or catalog them for future revisions if the suggestions relate to segments of the text that are not already involved in this proceeding.

### **Completing Revisions Intended in Prior Amendments—Section 724.171**

The Board intended to correct two cross-references in the prior RCRA Subtitle C update docket. See RCRA Subtitle C Update, USEPA Amendments (January 1, 2014 through June 30, 2014), R15-1 (Dec. 18, 2014), slip op. at pp. 38, 41-42, 181, 192. The Board inadvertently omitted these corrections from the text of the amendments filed with the Secretary of State. JCAR pointed out the omission and requested correction. See PC 5 (dated January 28, 2015) in RCRA Subtitle C Update, USEPA Amendments (January 1, 2014 through June 30, 2014), R15-1 (Dec. 18, 2014).

The Board now corrects the oversight and revises the cross-references in 35 Ill. Adm. Code 724.171(a)(2)(B) and (j). The minor revisions in the corresponding text are listed in Table 4 below.

### **Removing the Financial Assurance Forms from the Standardized Permit Rules—Appendix A to Part 727**

The Board included the financial assurance forms prescribed by USEPA when adopting the Standardized Permit Rule in UIC Update, USEPA Amendments (July 1, 2005 through December 31, 2005), R06-16, RCRA Subtitle D Update, USEPA Amendments (July 1, 2005 through December 31, 2005), R06-17, RCRA Subtitle C Update, USEPA Amendments (July 1, 2005 through December 31, 2005 and March 23, 2006), R06-18 (Nov. 16, 2006) (consol.). Illustration A in Appendix A to 35 Ill. Adm. Code 727 sets forth the prescribed letter of the Chief Financial Officer for financial assurance for facility closure. Illustration B in Appendix A to 35 Ill. Adm. Code 727 sets forth the prescribed letter of the Chief Financial Officer for financial assurance for liability coverage. At that time, 35 Ill. Adm. Code 727.240(l) required use of financial instruments worded as provided in those forms.

The Board later revised 35 Ill. Adm. Code 727.240(l) to require use of designated forms for all types and mechanisms of financial assurance. The Board further required the Agency to develop forms for dissemination to and use by regulated entities. The Board left Illustrations A and B of Appendix A intact. See RCRA Subtitle C Update, USEPA Amendments (July 1, 2012 through December 31, 2012), R13-15 (Sep. 5, 2013), slip op. at pp. 30-33.

The Board now repeals Illustrations A and B of Appendix A to 35 Ill. Adm. Code 727. Both provisions are obsolete and unused. Letting them remain may cause confusion. This further causes the Board to remove the entries for these provisions from the correlation tables Table A and Table B in Appendix B. The revisions are indicated in Table 4 below.

### **Addition of Systematic Names and CAS Numbers—Appendix C to Part 728**

Chemical substances are identified in a number of ways. There are common chemical names, systematic names, and various symbolic and numerical identifiers. One chemical compound can have multiple common names, and there are various systematic, symbolic and

coded,<sup>97</sup> and numeric naming schemes. The most widely used systematic naming scheme is the International Union of Pure and Applied Chemistry (IUPAC)<sup>98</sup> scheme.<sup>99</sup> The most widely used numeric naming scheme is the Chemical Abstract Service (CAS) number.<sup>100</sup>

The Board has determined to begin use of standardized naming for chemical compounds and to sharpen that identification with a CAS number. A chemical name and symbolic or coded chemical identifier can convey knowledge of structure. The systematic naming schemes do so consistently. A CAS number conveys no information about the chemical whatsoever, unless the number is used to reference the chemical. A CAS number refers only to a specific chemical, isomer, mixtures, or mixtures of isomers. The following simple example illustrates the multiplicity of chemical names and the need for specificity when identifying chemicals by name.

The common name butyl alcohol (generic structural formula C<sub>4</sub>H<sub>8</sub>OH) can identify four distinct chemical isomers:

*n*-butyl alcohol<sup>101</sup> (common name of specific isomer with structural formula CH<sub>3</sub>CH<sub>2</sub>CH<sub>2</sub>CH<sub>2</sub>OH):  
 alternative common names: *n*-butanol, butyric alcohol, propylcarbinol, etc.  
 systematic names: butan-1-ol (IUPAC) or 1-butanol (EPA SRS and TSCAINV)  
 CAS Number: 71-36-3

*sec*-butyl alcohol<sup>102</sup> (common name of specific isomer with structural formula CH<sub>3</sub>CH(OH)CH<sub>2</sub>CH<sub>3</sub>):  
 alternative common names: *sec*-butanol, 1-methyl propanol, etc.  
 systematic names: butan-2-ol (IUPAC) or 2-butanol (EPA SRS and TSCAINV)  
 CAS Number: 78-92-2

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<sup>97</sup> Examples include the International Chemical Identifier (InChI) and InChIKey from IUPAC (website: <http://www.iupac.org/home/publications/e-resources/inchi.html>) and simplified molecular-input line-entry system (SMILES), initially developed by USEPA (website: <http://www.opensmiles.org/>).

<sup>98</sup> Website: [www.iupac.org](http://www.iupac.org). Other systems are used by USEPA, including the Substance Registry System (SRS) (website: [http://ofmpub.epa.gov/sor\\_internet/registry/substreg/home/overview/home.do](http://ofmpub.epa.gov/sor_internet/registry/substreg/home/overview/home.do)) and the Chemical Substance Inventory (TSCAINV) (website: <http://www.epa.gov/tsca-inventory>).

<sup>99</sup> An online guide to IUPAC nomenclature: <http://www.acdlabs.com/iupac/nomenclature/>.

<sup>100</sup> Website: <http://www.cas.org/content/chemical-substances>.

<sup>101</sup> InChI: 1S/C4H10O/c1-2-3-4-5/h5H,2-4H2,1H3. InChIKey: LRHPLDYGYMGRHN-UHFFFAOYSA-N. SMILES: C(CC)CO.

<sup>102</sup> InChI: 1S/C4H10O/c1-3-4(2)5/h4-5H,3H2,1-2H3. InChIKey: BTANRVKWQNVYAZ-UHFFFAOYSA-N. SMILES: CCC(C)O.

*tert*-butyl alcohol<sup>103</sup> (common name of specific isomer with structural formula (CH<sub>3</sub>)<sub>3</sub>COH):  
 alternative common names: *tert*-butanol, 2-methyl-2-propanol, isopropyl carbinol, etc.  
 systematic names: 2-methylpropan-2-ol (IUPAC) or 2-methyl-2-propanol (EPA SRS and TSCAINV)  
 CAS Number: 75-65-0

*iso*-butyl alcohol<sup>104</sup> (common name of specific isomer with structural formula (CH<sub>3</sub>)<sub>2</sub>CHCH<sub>2</sub>OH):  
 alternative common names: isobutyl alcohol, *iso*-butanol, 2-methyl-1-propanol, isopropylcarbinol, etc.  
 systematic names: 2-methylpropan-1-ol (IUPAC) or 2-methyl-1-propanol (EPA SRS and TSCAINV)  
 CAS Number: 78-83-1

The Board wishes to instill greater certainty as to the chemical substances indicated by the regulations. As a first step, the Board has revised the listing of regulated halogenated organic compounds in Appendix C to 35 Ill. Adm. Code 728 and the list of maximum concentrations of constituents for groundwater protection in table 1 in 35 Ill. Adm. Code 724.194(a). The Board parenthetically added the CAS number for each chemical named in the list. In Appendix C, the Board further parenthetically added a systematic name for each chemical where the name already listed is not already a systematic name. For the arochlors and PCBs not otherwise specified, adding the systematic chemical name was not possible because these are mixtures of chemical isomers. Any attempt to add a systematic chemical name would have excluded isomers not named.

Adding the CAS number for one of the chemicals illustrates this potential pitfall. The Board added two CAS numbers for the entry for tetrachlorodibenzofuran. CAS number 30402-14-3 relates to the 1,2,3,4-tetrachlorodibenzofuran congener. CAS No. 55722-27-5 refers to the 2,3,7,8-tetrachlorodibenzofuran congener. The Board did not find a single CAS number that would embrace both congeners. The Board added both CAS numbers to avoid excluding either congener.

The Board notes that this treatment is consistent with the listing of hazardous constituents in Appendix H to 35 Ill. Adm. Code 721, which is also open for amendment in this proceeding. Appendix H, however, uses the CAS name instead of the IUPAC name or USEPA systematic name. The lists of commercial and off-specification chemical products and manufacturing chemical intermediates listed in 35 Ill. Adm. Code 721.133(e) and (f) includes the CAS number and a mix of common and systematic names to identify the chemicals. In the lists in Appendix H or Section 721.133(e) and (f), there is specificity in identification of the chemicals. The Board is

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<sup>103</sup> InChI: 1S/C4H10O/c1-4(2,3)5/h5H,1-3H3. InChIKey: DKGAVHZHDRPRBM-UHFFFAOYSA-N. SMILES: CC(C)(C)O.

<sup>104</sup> InChI: 1S/C4H10O/c1-4(2)3-5/h4-5H,3H2,1-2H3. InChIKey: ZXEKIIBDNHEJCQ-UHFFFAOYSA-N. SMILES: C(CO)(C)C.

not now making any conforming changes in Appendix H and Section 721.133. The Board may do so in the future—in these provisions and other lists chemicals.

### **Requests for Comments**

The Board asks that the Agency, the regulated community, and any other interested persons review the several Board-initiated changes listed in Table 4. The Board generally requests comments on those corrections. The Board further requests comments on specific aspects of the corrections:

1. After the 2013 amendment that directs attention to the Agency for financial assurance forms, is there any purpose for retaining Illustrations A and B in Appendix A to 35 Ill. Adm. Code 727?
2. Does adding systematic names and CAS numbers for the chemicals listed in Appendix C to 35 Ill. Adm. Code 728 enhance the clarity of the chemicals identified?
3. Is there any reason the Board should not parenthetically add systematic names and CAS numbers for the chemicals listed in Appendix C to 35 Ill. Adm. Code 728?

### **Historical Summaries of the RCRA Subtitle C and UIC Regulations**

While the Board formerly included a historical summary of the Illinois RCRA Subtitle C and underground injection control (UIC) regulations and programs in the opinion segment of every update to these regulations, the Board ended that practice in RCRA Subtitle C Update, USEPA Amendments (January 1, 2011 through June 30, 2011), R12-7 (Apr. 19, 2012). Persons wishing to review the historical summary of the Illinois RCRA Subtitle C and UIC regulations and programs as it stood on March 1, 2016 must consult the Board's website to do so.

### **General Explanations of Board Deviation from the Literal Text of Federal Rules**

When incorporating the federal rules into the Illinois system, the Board cannot always follow their literal text. Some deviation from the literal federal text is unavoidable. There are a variety of reasons that copying the federal text is not possible.

Deviation arises through differences between the federal and state regulatory structure and systems. In Illinois, the responsibilities are divided among several entities—principally between the Board and the Agency.<sup>105</sup> See 415 ILCS 5/4 and 5 (2014). The scope of the

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<sup>105</sup> Many other State agencies have some role to play in many functions under the Environmental Protection Act: the Department of Commerce and Community Affairs (*see* 415 ILCS 5/22, 22.23, 22.34, 25, 27, 55, 55.2, 55.6, 55.7, 55.14, 55.14a, and 55.15 (2012)), the Department of Natural Resources (*see* 415 ILCS 5/17.1-17.3, 27, and 55.6 (2012)), the Department of Agriculture (*see* 415 ILCS 5/14.3, 14.6, 22.2, 22.34, 22.35, 39.4, and 55.6 (2012)), the Illinois Department of Transportation (*see* 415 ILCS 5/3.135, 22.51, 39, and 39.2 (2012)), the Office of the State Fire Marshall (*see* 415 ILCS 5/22.12, 57.3-57.6, 57.9, and 57.11 (2012)), the Illinois

particular identical-in-substance mandate may not embrace all aspects of the USEPA action involved in a particular proceeding. Further, the Illinois environmental regulations are organized differently than are the more extensive rules of USEPA, sometimes requiring the Board to adapt many of the federal requirements into segments of the Illinois rules. Finally, the Board must comply with the Illinois Administrative Procedure Act (5 ILCS 100 (2012)) and codification requirements of the Office of the Secretary of State (1 Ill. Adm. Code 100) when incorporating the federal requirements.

Another source of deviation from the literal federal text of a rule relates to updating incorporations by reference and references and source-citations to federal rules. Sometimes this involves federal rules that are part of the USEPA action that prompts the Board amendments. The Board has incorporated many segments of USEPA rules by reference, so that updating the references completes the amendments without use of the literal text of federal amendments. At other times, the deviation is the result of updated federal regulations that are not directly involved in an underlying USEPA action within the timeframe of the docket. The Board has incorporated federal regulations not directly involved by reference because USEPA has cited to unrelated USEPA rules or rules of other federal agencies. As a result, the Board routinely examines federal regulations that are incorporated by reference or source-cited in the Illinois rules and updates the references and citations to ensure reliance on the most recent versions, unless incorporation of an earlier version is required.

Some deviation also arises through errors in and problems with the federal text itself. The language of many federal rules differs stylistically from the Board's preferences. The Board also sometimes finds segments of federal text that are less than clear or which contain errors. The Board conforms the federal text to the Illinois rules and regulatory scheme and corrects errors found in the text in the course of these routine update rulemakings.

The following discussion segments explain in broad terms some of the changes to the literal text of federal rules that the Board makes on a more routine basis. What follows are general consideration of deviation from the literal text of federal rules that are prompted by three sources: (1) the divisions of authority between the Board and Agency under the Act; (2) routine updating of incorporations by reference of and citations to the *Code of Federal Regulations*; and (3) stylistic changes, clarifications, and corrections routinely made.

The Board will not further discuss changes prompted by three other causes: (1) differences in regulatory structure; (2) the scope of an identical-in-substance mandate, or (3) Illinois rulemaking procedure and codification requirements. The Board includes discussion of deviation caused by these considerations in substantive segments of opinions when issues arise.

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Emergency Management Agency (*see* 415 ILCS 5/13.6, 25a-1, 25b, and 57.5 (2012)), the Department of Public Health (*see* 415 ILCS 5/13.2, 22.55, 25d-6, 55.2, and 55.6 (2012)), and the Department of Labor (*see* 415 ILCS 5/52 (2012)). Although the Board must remain mindful of the roles of every State agency in a particular subject matter area, the major divisions of authority of concern in identical-in-substance proceedings are those between the Board and the Agency.

**Agency or Board Action.** Section 7.2(a)(5) of the Act requires the Board to specify those portions of the program over which USEPA will retain decision making authority. Based on the general division of functions within the Act and other Illinois statutes, the Board is also to specify which State agency is to make decisions.

In situations in which the Board has determined that USEPA will retain decision-making authority, the Board has replaced “Regional Administrator” with USEPA, so as to avoid specifying which office within USEPA is to make a decision.

In some identical-in-substance rules, certain decisions pertaining to a permit application are not appropriate for the Agency to consider. In determining the general division of authority between the Agency and the Board, the following factors should be considered:

1. Whether the entity making the decision is applying a Board regulation, or taking action contrary to, *i.e.*, “waiving,” a Board regulation. It generally takes some form of Board action to “waive” a Board regulation.
2. Whether there is a clear standard for action such that the Board can give meaningful review to an Agency decision.
3. Whether the action would result in exemption from the permit requirement itself. If so, Board action is generally required.
4. Whether the decision amounts to “determining, defining or implementing environmental control standards” within the meaning of Section 5(b) of the Act. If so, it must be made by the Board.

There are four common classes of Board decisions: variance, adjusted standard, general and site-specific rulemaking, and enforcement. The first three are methods by which a regulation can be temporarily postponed (variance) or adjusted to meet specific situations (adjusted standard or site-specific rulemaking). There often are differences in the nomenclature for these decisions between the USEPA and Board regulations.

**Routine Board Stylistic Changes, Clarifications, and Corrections.** In addition to the amendments derived from federal amendments, the Board often makes necessary alterations in the text of various passages of the existing rules as provisions are opened for update in response to USEPA actions. This involves correcting deficiencies, clarifying provisions, and making other changes that are necessary to establish a clear set of rules that closely parallel the corresponding federal requirements within the codification scheme of the *Illinois Administrative Code*.

The Board substituted “or” for “/” in most instances where this appeared in the federal base text, using “and” where more appropriate. The Board further used this opportunity to make a number of corrections to punctuation, grammar, spelling, and cross-reference format throughout the opened text. The Board changed “who” to “that” and “he” or “she” to “it,” where the person to which the regulation referred was not necessarily a natural person, or to “he or she,” where a natural person was evident; changed “which” to “that” for restrictive relative

clauses; substituted “must” for “shall”; capitalized the section headings and corrected their format where necessary; and corrected punctuation within sentences.

In addition, the federal rules have been edited to establish a uniform usage throughout the Board’s regulations. For example, with respect to “shall,” “will,” and “may,” “must” is used when an action is required by the rule, without regard to whether the action is required of the subject of the sentence or not. “Shall” is no longer used, since this word is not used in everyday language. Thus, where a federal rule uses “shall,” the Board substitutes “must.” This is a break from our former practice where “shall” was used when the subject of a sentence has a duty to do something. “Will” is used when the Board obliges itself to do something. “May” is used when choice of a provision is optional. “Or” is used rather than “and/or,” and denotes “one or both.” “Either . . . or” denotes “one but not both.” “And” denotes “both.”

The Joint Committee on Administrative Rules has requested that the Board refer to the United States Environmental Protection Agency in the same manner throughout all of our bodies of regulations—*i.e.*, air, water, drinking water, RCRA Subtitle D (municipal solid waste landfill), RCRA Subtitle C (hazardous waste), underground injection control (UIC), etc. The Board has decided to refer to the United States Environmental Protection Agency as “USEPA.” The Board will continue this conversion in future rulemakings as additional sections become open for amendment. The Board will further convert “EPA” used in federal text to “USEPA,” where USEPA is clearly intended.

The Board has assembled tables to aid in the location of these alterations and to briefly outline their intended purpose. These are explained in the introductory paragraph of the following opinion segment.

### **Tables Appended to the Opinion in Support of the Discussion**

#### **Table A: List of Exclusions from the Definition of Solid Waste**

HSM when reclaimed under the control of the generator and managed only in non-land-based units.

Citation: Formerly 40 C.F.R. 261.2(a)(2)(ii) (corresponding with 35 Ill. Adm. Code 721.102(a)(2)(B)).

Adopted by USEPA: October 30, 2008 (at 73 Fed. Reg. 64668).

Revised and combined into 40 C.F.R. 261.4(a)(23) by USEPA: January 13, 2015 (at 80 Fed. Reg. 1694). See entry for HSM reclaimed under the control of the generator below.

Conditions:

- The HSM must be generated and reclaimed within the U.S.
- The HSM must not be subject to another exclusion.
- The HSM must not be a spent lead-acid battery.
- The HSM must not be USEPA hazardous waste number K171 or K172.
- No speculative accumulation.
- Attention directed to notice requirements (40 C.F.R. 260.42, corresponding with 35 Ill. Adm. Code 720.142).
- The HSM must be contained.

- Must be legitimate reclamation (as determined pursuant to 40 C.F.R. 260.42, corresponding with 35 Ill. Adm. Code 720.142).

HSM when reclaimed under the control of the generator and managed in land-based units.

Citation: Formerly 40 C.F.R. 261.4(a)(23) (corresponding with 35 Ill. Adm. Code 721.104(a)(23)).

Adopted by USEPA: October 30, 2008 (at 73 Fed. Reg. 64668).

Revised and combined with 40 C.F.R. 261.2(a)(2)(iv) by USEPA: January 13, 2015 (at 80 Fed. Reg. 1694). See entry for HSM reclaimed under the control of the generator below.

Conditions:

- The HSM must be generated and reclaimed within the U.S.
- The HSM must be generated and reclaimed under the control of the generator.
- The HSM must not be subject to another exclusion.
- The HSM must not be a spent lead-acid battery.
- The HSM must not be USEPA hazardous waste number K171 or K172.
- No speculative accumulation.
- Must be legitimate reclamation (as determined pursuant to 40 C.F.R. 260.42, corresponding with 35 Ill. Adm. Code 720.142).
- Must submit notice before starting reclamation (as required by 40 C.F.R. 260.42, corresponding with 35 Ill. Adm. Code 720.142).
- The HSM must be contained.

HSM reclaimed under the control of the generator.

Citation: Now 40 C.F.R. 261.4(a)(23) (corresponding with 35 Ill. Adm. Code 721.104(a)(23)).

Revised version of two formerly separate exclusions now combined by USEPA: January 13, 2015 (at 80 Fed. Reg. 1694).

Conditions:

- The HSM must be generated and reclaimed within the U.S.
- The HSM must be (1) generated and reclaimed at the generating facility, (2) reclaimed at a facility under the control of the generator if a different facility; or (3) reclaimed by a tolling contractor under a written contract between a tolling manufacturer and the tolling contractor.
- The HSM must be contained.
- No speculative accumulation.
- The HSM must not be subject to another exclusion.
- The HSM must not be a spent lead-acid battery.
- A facility managing the HSM has provided notice (as required by 40 C.F.R. 260.42, corresponding with 35 Ill. Adm. Code 720.142).
- The recycling facility must document that the recycling is legitimate (how the recycling meets the four criteria of 40 C.F.R. 260.43(a), corresponding with 35 Ill. Adm. Code 720.143(a)).
- Must comply with emergency preparedness and response requirements (in subpart M of 40 C.F.R. 721, corresponding with Subpart M of 35 Ill. Adm. Code 721).

HSM when transferred to a person other than the generator for reclamation.

Citation: Former 40 C.F.R. 261.4(a)(24) (corresponding with 35 Ill. Adm. Code 721.104(a)(24)).

Adopted by USEPA: October 30, 2008 (at 73 Fed. Reg. 64668).

Revised by USEPA: January 13, 2015 (at 80 Fed. Reg. 1694). See the entry for HSM transferred to a verified reclamation facility for reclamation below.

Conditions:

- The HSM must be generated and reclaimed within the U.S.
- The HSM must not be subject to another exclusion.
- The HSM must not be a spent lead-acid battery.
- The HSM must not be USEPA hazardous waste number K171 or K172.
- No speculative accumulation.
- The HSM must not be handled by any person other than the generator, the transporter, an intermediate facility, or the reclaimer.
- The HSM must not be stored more than 10 days at a transfer facility.
- The HSM must be packaged in compliance with U.S. DOT requirements.
- Generator must make reasonable efforts to ensure that the reclamation is legitimate and that the reclaimer will manage the material to protect human health and the environment, where the reclaimer is not a hazardous waste T/S/D facility.
- Generator must make contractual arrangements with the intermediate facility to ensure that the HSM will be sent to the reclamation facility indicated, that the intermediate facility will manage the HSM to protect human health and the environment, where the intermediate facility is not a hazardous waste T/S/D facility.
- Generator must document its reasonable efforts and maintain records as specified.
- Generator must document offsite shipments of HSM and maintain records as specified.
- Reclaimer and intermediate facility must document all receipts and offsite shipments of HSM and maintain records as specified.
- Intermediate facility must forward all shipments of HSM to the reclamation facility specified by the generator.
- Reclaimer and intermediate facility must send specified confirmations of receipt to the generator for all off-site shipments of HSM.
- Reclaimer and intermediate facility must manage HSM as protective of human health and the environment as management of analogous raw material.
- Must be legitimate reclamation (as determined pursuant to 40 C.F.R. 260.42, corresponding with 35 Ill. Adm. Code 720.142).
- Reclaimer must manage residues of reclamation in a way that is protective of human health and the environment, and residuals are hazardous waste if themselves specifically listed as such or if they exhibit a characteristic of hazardous waste.
- Reclaimer and intermediate facility must maintain specified financial assurance.
- Anyone claiming exclusion must submit notice before starting reclamation (as required by 40 C.F.R. 260.42, corresponding with 35 Ill. Adm. Code 720.142).
- The HSM must be contained.

HSM transferred to a verified reclamation facility for reclamation.

Citation: Revised 40 C.F.R. 261.4(a)(24) (corresponding with 35 Ill. Adm. Code 721.104(a)(24)).

Revised by USEPA: January 13, 2015 (at 80 Fed. Reg. 1694).

Conditions:

- No speculative accumulation.
- The HSM must not be stored more than 10 days at a transfer facility.
- The HSM must be packaged in compliance with U.S. DOT requirements.
- The HSM must not be subject to another exclusion.
- The HSM must not be a spent lead-acid battery.
- Must be legitimate reclamation (as determined pursuant to 40 C.F.R. 260.42, corresponding with 35 Ill. Adm. Code 720.142).
- The HSM must be contained.
- The reclamation must occur at a verified reclamation facility (granted a solid waste determination pursuant to 40 C.F.R. 260.31(d), corresponding with 35 Ill. Adm. Code 720.131(d)), or a RCRA-regulated hazardous waste, used oil, or universal waste facility within the U.S.
- Any intermediate facility through which the HSM passes must be a verified intermediate facility (granted a solid waste determination pursuant to 40 C.F.R. 260.31(d), corresponding with 35 Ill. Adm. Code 720.131(d)), or a RCRA-regulated hazardous waste, used oil, or universal waste facility within the U.S.
- The HSM generator must have a contract with any verified intermediate facility to ensure delivery to the reclamation facility named in the shipping papers.
- The HSM generator must document offsite shipments of HSM and maintain records as specified.
- The HSM generator must retain confirmations of receipt for offsite shipments of HSM and maintain records as specified.
- The HSM generator must comply with emergency preparedness and response requirements (in subpart M of 40 C.F.R. 721, corresponding with Subpart M of 35 Ill. Adm. Code 721).
- The intermediate facility and reclamation facility must document offsite shipments of HSM and maintain records as specified.
- The intermediate facility must forward all shipments of HSM to the reclamation facility specified by the generator.
- The intermediate facility and reclamation facility must send specified confirmations of receipt to the generator for all off-site shipments of HSM.
- The intermediate facility and reclamation facility must manage HSM as protective of human health and the environment as management of analogous raw material.
- The reclamation facility must manage residues of reclamation in a way that is protective of human health and the environment, and residuals are hazardous waste if themselves specifically listed as such or if they exhibit a characteristic of hazardous waste.
- The intermediate facility and reclamation facility must maintain specified financial assurance.

- The intermediate facility and reclamation facility must have obtained an administrative determination (a solid waste determination pursuant to 40 C.F.R. 260.31(d), corresponding with 35 Ill. Adm. Code 720.131(d))
- Anyone claiming exclusion must submit notice before starting reclamation (as required by 40 C.F.R. 260.42, corresponding with 35 Ill. Adm. Code 720.142).

HSM exported for reclamation.

Citation: Formerly 40 C.F.R. 261.4(a)(25) (corresponding with 35 Ill. Adm. Code 721.104(a)(25)).

Adopted by USEPA: October 30, 2008 (at 73 Fed. Reg. 64668).

Removed by USEPA: January 13, 2015 (at 80 Fed. 1694).

Conditions:

- The HSM must not be subject to another exclusion.
- The HSM must not be a spent lead-acid battery.
- The HSM must not be USEPA hazardous waste number K171 or K172.
- No speculative accumulation.
- The HSM must not be handled by any person other than the generator, the transporter, an intermediate facility, or the reclaimer.
- The HSM must not be stored more than 10 days at a transfer facility.
- The HSM must be packaged in compliance with U.S. DOT requirements.
- Generator must make reasonable efforts to ensure that the reclamation is legitimate and that the reclaimer will manage the HSM to protect human health and the environment, where the reclaimer is not a hazardous waste T/S/D facility.
- Generator must make contractual arrangements with the intermediate facility to ensure that the HSM will be sent to the reclamation facility indicated, that the intermediate facility will manage the material to protect human health and the environment, where the intermediate facility is not a hazardous waste T/S/D facility.
- Generator must document its reasonable efforts and maintain records as specified.
- Generator must document offsite shipments of HSM and maintain records as specified.
- Generator must submit Notification of Intent to Export to USEPA and receive Acknowledgement of Consent to Export before export. (Implicit consent may be inferred as to any Organization for Economic Co-operation and Development (OECD) member country that has not responded to the Notification.)
- Generator must maintain records of Notifications and Acknowledgements and file reports with USEPA as specified.
- Must be legitimate reclamation (as determined pursuant to 40 C.F.R. 260.42, corresponding with 35 Ill. Adm. Code 720.142).
- Anyone claiming the exclusion must submit notice before starting reclamation (as required by 40 C.F.R. 260.42, corresponding with 35 Ill. Adm. Code 720.142).
- The HSM must be contained.

HSM transferred for remanufacturing.

Citation: New 40 C.F.R. 261.4(a)(27) (corresponding with 35 Ill. Adm. Code 721.104(a)(27)).

Adopted by USEPA: January 13, 2015 (at 80 Fed. 1694).

## Conditions:

- The HSM must be one or more of 18 specified hazardous spent solvents.
- The HSM must have originated from using one or more of the 18 specified solvents in a commercial grade for reacting, extracting, purifying, or blending chemicals in any of four specified industries.
- The HSM generator must send the HSM to a remanufacturer in one of the four specified industries.
- After remanufacturing, the remanufactured hazardous spent solvents must be used for reacting, extracting, purifying, or blending chemicals in any of four specified industries or for use as ingredients in a product.
- After remanufacturing, use of the remanufactured solvent must not involve cleaning, degreasing oil, grease, or similar material from textiles, glassware, metal surfaces, or other articles.
- The HSM generator and the reclaimer must submit and update notice (as required by 40 C.F.R. 260.42, corresponding with 35 Ill. Adm. Code 720.142).
- The HSM generator and the reclaimer must maintain a written remanufacturing plan that includes specified information.
- The HSM generator and the reclaimer must retain records of shipments and confirmations of receipts of hazardous spent solvents.
- The HSM generator and the reclaimer must store hazardous spent solvents in tanks and containers that meet specified requirements.
- The HSM generator and the reclaimer must certify compliance with Clean Air Act emissions control requirements during storage and remanufacturing.
- No speculative accumulation.

**Table B: USEPA Amendments to the  
Definition of Legitimate Recycling**

§ 260.43 Legitimate recycling of hazardous secondary materials ~~regulated under § 260.34, § 261.2(a)(2)(ii), and § 261.4(a)(23), (24), or (25).~~

~~(a) Persons regulated under § 260.34 or claiming to be excluded from hazardous waste regulation under § 261.2(a)(2)(ii), § 261.4(a)(23), (24), or (25) because they are engaged in reclamation must be able to demonstrate that the recycling is~~ Recycling of hazardous secondary materials for the purpose of the exclusions or exemptions from the hazardous waste regulations must be legitimate. Hazardous secondary material that is not legitimately recycled is discarded material and is a solid waste. In determining if their recycling is legitimate, persons must address all the requirements of ~~§ 260.43(b) and must consider the requirements of § 260.43(c) below~~ this paragraph.

~~(b1)~~ Legitimate recycling must involve a hazardous secondary material that provides a useful contribution to the recycling process or to a product or intermediate of the recycling process, ~~and the recycling process must produce a valuable product or intermediate.~~ The hazardous secondary material provides a useful contribution if it:

~~(1) The hazardous secondary material provides a useful contribution if it~~

(i) Contributes valuable ingredients to a product or intermediate; or

(ii) Replaces a catalyst or carrier in the recycling process; or

(iii) Is the source of a valuable constituent recovered in the recycling process;

or

(iv) Is recovered or regenerated by the recycling process; or

(v) Is used as an effective substitute for a commercial product.

(2) The recycling process must produce a valuable product or intermediate. The product or intermediate is valuable if it is:

(i) Sold to a third party; or

(ii) Used by the recycler or the generator as an effective substitute for a commercial product or as an ingredient or intermediate in an industrial process.

~~(e) The following factors must be considered in making a determination as to the overall legitimacy of a specific recycling activity.~~

~~(13) The generator and the recycler should must manage the hazardous secondary material as a valuable commodity when it is under their control. Where there is an analogous raw material, the hazardous secondary material should must be managed, at a minimum, in a manner consistent with the management of the raw material or in an equally protective manner. Where there is no analogous raw material, the hazardous secondary material should must be contained. Hazardous secondary materials that are released to the environment and are not recovered immediately are discarded.~~

(4) The product of the recycling process must be comparable to a legitimate product or intermediate:

(i) Where there is an analogous product or intermediate, the product of the recycling process is comparable to a legitimate product or intermediate if:

~~(2A) The product of the recycling process does not~~

~~(i) Contain significant concentrations of any hazardous constituents found in appendix VIII of part 261 that are not found in analogous products; or~~

~~(ii) Contain concentrations of any hazardous constituents found in appendix VIII of part 261 at levels that are significantly elevated from those found in analogous products; or~~

~~(iii) Exhibit exhibit a hazardous characteristic (as defined in part 261 subpart C) that analogous products do not exhibit, and~~

(B) The concentrations of any hazardous constituents found in appendix VIII of part 261 of this chapter that are in the product or intermediate are at levels that are comparable to or lower than those found in analogous products or at levels that meet widely-recognized commodity standards and specifications, in the case where the commodity standards and specifications include levels that specifically address those hazardous constituents.

(ii) Where there is no analogous product, the product of the recycling process is comparable to a legitimate product or intermediate if:

(A) The product of the recycling process is a commodity that meets widely recognized commodity standards and specifications (e.g., commodity specification grades for common metals), or

(B) The hazardous secondary materials being recycled are returned to the original process or processes from which they were generated to be reused (e.g., closed loop recycling).

~~(3iii) In making a determination that a hazardous secondary material is legitimately recycled, persons must evaluate all factors and consider legitimacy as a whole. If, after careful evaluation of these other considerations, one or both of the factors are not met, then this fact may be an indication that the material is not legitimately recycled. However, the factors in this paragraph do not have to be met for the recycling to be considered legitimate. In evaluating the extent to which these factors are met and in determining whether a process that does not meet one or both of these factors is still legitimate, persons can consider the protectiveness of the storage methods. If the product of the recycling process has levels of hazardous constituents that are not comparable to or unable to be compared to a legitimate product or intermediate per paragraph (a)(4)(i) or (ii) of this section, the recycling still may be shown to be legitimate, if it meets the following specified requirements. The person performing the recycling must conduct the necessary assessment and prepare documentation showing why the recycling is, in fact, still legitimate. The recycling can be shown to be legitimate based on lack of exposure from toxics in the product, lack of the bioavailability of the toxics in the product, and/or other relevant considerations which show that the recycled product does not contain levels of hazardous constituents that pose a significant human health or environmental risk. The documentation must include a certification statement that the recycling is legitimate and must be maintained on-site for three years after the recycling operation has ceased. The person performing the recycling must notify the Regional Administrator of this activity using EPA Form 8700-12.~~

**Tables of Deviations from the Federal Text and  
Corrections to and Clarifications of the Base Text**

The tables below list numerous corrections and amendments that are not based on current federal amendments. Some of the entries in these tables are discussed further in appropriate segments of the general discussion beginning in this opinion, but this opinion includes no further information other than what is stated in the tables for the vast majority of the entries. The contents of the tables are described as follows:

- Table 1 lists the several corrections that USEPA has recommended or suggested based on primacy review of the Illinois hazardous waste rules. Table 1 indicates the deficiency noted by USEPA and the Board's response to each deficiency noted. Some of the responses indicate no change was made because USEPA erred. Some of the responses attempt to explain the historical context and/or origin of the deficiency.
- Table 2 lists a number of federal amendments that the Board has not made in this docket. Table 2 gives a brief explanation why the Board has not made each.
- Table 3 lists and describes deviations made in this proposal for public comment from the verbatim text of the federal amendments that underlie this proceeding.
- Table 4 lists corrections and clarifications that the Board made in the base text involved in this proposal. The amendments listed in Table 4 are not directly derived from the federal amendments that underlie this proceeding, although the Board has included corrections made at the request of USEPA in Table 4.

**Table 1:  
Corrections Suggested by USEPA  
As a Result of State Authorization Review**

35 Ill. Adm. Code 721.103(g)(4); corresponding with 40 C.F.R. 261.3(g)(4)

USEPA (PC 4): The exemption from the mixtures rule is missing from the Illinois rule.

Board: The Board added the federal text, edited as indicated in Table 3 below. See the entry in Table 4 below.

Note: USEPA omitted this paragraph from revisions to the Mixtures and Derived-From Rules in 2001. *See* 66 Fed. Reg. 27266 (May 16, 2001). USEPA later corrected the error and added the paragraph. 66 Fed. Reg. 50332 (Oct. 3, 2001). The Board inadvertently overlooked this correction when incorporating the federal amendments into the Illinois regulations. *See* RCRA Subtitle C Update, USEPA Amendments (January 1, 2001 through June 30, 2001), R02-1, RCRA Subtitle C Update, USEPA Amendments (July 1, 2001 through December 31, 2001), R02-12, UIC Update, USEPA Amendments (July 1, 2001 through December 31, 2001), R02-17 (Apr. 18, 2002) (consol.).

35 Ill. Adm. Code 721.104(a)(17)(E); corresponding with 40 C.F.R. 261.4(a)(17)(v)

USEPA (PC 4): The federal rule states “land-based units,” but the Illinois rules states “non-land-based units.”

Board: The Board has made the correction to “land-based units.” See the entry in Table 4 below.

Note: USEPA adopted as “land-based units” (63 Fed. Reg. 28555, 28637-38 (May 26, 1998)), changed it to “non land-based units” (64 Fed. Reg. 25407, 25414 (May 11, 1999)), then corrected it to “land-based units” (67 Fed. Reg. 11251, 11253-54 (Mar. 13, 2002)). The Board missed this correction in RCRA Subtitle C Update, USEPA Amendments (January 1, 2002 through June 30, 2002), R03-7 (Jan. 9, 2003).

35 Ill. Adm. Code 721.107(b)(1)(C)(i); corresponding with 40 C.F.R. 261.7(b)(1)(iii)(A)

USEPA (PC 4): The federal rule states “119 gallons,” which is 450 liters, but the Illinois rule states “110 gallons (416 liters).”

Board: The Board has corrected this to “119 gallons (450 liters).” See the entry in Table 4 below.

Note: USEPA adopted this as “110 gallons” (47 Fed. Reg. 36092, 36097 (Aug. 18, 1982)), and later changed it to “119 gallons” (70 Fed. Reg. 10776, 10815 (Mar. 4, 2005)). Due to a delayed effective date for the federal revision, the Board made a change to “110 gallons (416 liters) . . . until September 5, 2006, or 119 gallons (450 liters) . . . effective September 5, 2006” in UIC Corrections, USEPA Amendments (January 1, 2005 through June 30, 2005), R06-5, RCRA Subtitle D Update, USPEA Amendments (January 1, 2005 through June 30, 2005 and August 1, 2005) R06-6, RCRA Subtitle C Update, USEPA Amendments (January 1, 2005 through June 30, 2005 and August 1, 2005), R06-7 (Jan. 5, 2006) (consol.). While intending to remove the obsolete volume and past effective date, the Board inadvertently changed the text to “110 gallons (416 liters)” in RCRA Subtitle C Update, USEPA Amendments (January 1, 2010 through June 30, 2010), R11-2, RCRA Subtitle C Update, USEPA Amendments (July 1, 2010 through December 31, 2010), R11-16 (Aug. 18, 2011) (consol.).

35 Ill. Adm. Code 721.107(b)(1)(C)(ii); corresponding with 40 C.F.R. 261.7(b)(1)(iii)(B)

USEPA (PC 4): The federal rule states “119 gallons,” which is 450 liters, but the Illinois rule states “110 gallons (416 liters).”

Board: The Board has corrected this to “119 gallons (450 liters).” See the entry for 721.107(b)(1)(C)(i) above. See the entry in Table 4 below.

35 Ill. Adm. Code 721.132(a) table, K013; corresponding with 40 C.F.R. 261.32(a) table, K013

USEPA (PC 4): The hazard code “R” is missing from the entry for K113.

Board: The Board has added the hazard code “R” to the entry for K013, which is the entry from which it was missing. See the entry in Table 4 below.

Note: The Board inadvertently omitted the hazard code from initial adoption of this waste listing.

35 Ill. Adm. Code 721.132(a) table, K111; corresponding with 40 C.F.R. 261.32(a) table, K111

USEPA (PC 4): The federal listing states “product washwaters,” but the Illinois rule states “product wastewaters.”

Board: The Board has corrected “wastewaters” to “washwaters” in the entry for K111. See the entry in Table 4 below.

Note: The Board inadvertently used “wastewaters” in the initial adoption of this waste listing.

35 Ill. Adm. Code 721.133(e) table, P054; corresponding with 40 C.F.R. 261.33(e) table, P054

USEPA (PC 4): The federal listings name “ethyleneimine,” but the Illinois rule names “ethylenimine.”

Board: The Board has corrected “ethylenimine” to “ethyleneimine” in two entries for P054. See the entry in Table 4 below.

35 Ill. Adm. Code 721.133(e) table, P114; corresponding with 40 C.F.R. 261.33(e) table, P054

USEPA (PC 4): One of the federal numerical listings for P114 names “tetraethyldipyrrophosphate,” but the corresponding entry in the Illinois rule names “thallium (I) selenite.”

Board: The Board has made no correction because use of the name “tetraethyldipyrrophosphate” in the federal listing is an error. Tetraethyldipyrrophosphate is hazardous waste number P109, CAS no. 3689-24-5.

35 Ill. Adm. Code 721.133(f) table, U248; corresponding with 40 C.F.R. 261.33(f) table, U248

USEPA (PC 4): The Illinois rule states “P 81-81-2” as the CAS number in four entries for hazardous waste number U248.

Board: The Board has corrected the CAS number to “81-81-2.” See the entry in Table 4 below.

35 Ill. Adm. 721.133(f) table, U164; corresponding with Code 40 C.F.R. 261.33(f) table, U164

USEPA (PC 4): The Illinois rule states “58-04-2” as the CAS number in two entries for hazardous waste number U248, but the correct CAS number is 56-04-2.

Board: The Board has corrected the CAS number to “56-04-2.” See the entry in Table 4 below.

35 Ill. Adm. Code 721.135; corresponding with 40 C.F.R. 261.135

USEPA (PC 4): Illinois lacks an equivalent provision.

Board: The Board restored the provision that was inadvertently omitted from the on-line copy of the text on the Board’s website.

Note: USEPA adopted this provision in 1990 (55 Fed. Reg. 50450 (Dec. 6, 1990)), and the Board a counterpart in 1991 (RCRA Update, USEPA Regulations (July 1, 1990 through December 31, 1990), R91-1 (August 8, 1991)). The Board last amended the provision in 2006. See UIC Corrections, USEPA Amendments (January 1, 2005 through June 30, 2005), R06-5, RCRA Subtitle D Update, USEPA Amendments (January 1, 2005 through June 30, 2005 and August 1, 2005), R06-6, RCRA Subtitle C Update, USEPA Amendments (January

1, 2005 through June 30, 2005 and August 1, 2005), R06-7 (Jan. 5, 2006) (consol.). This provision is on file with the Office of the Secretary of State.

35 Ill. Adm. Code 721.Appendix H, ammonium vanadate; corresponding with 40 C.F.R. 261, appendix VIII, ammonium vanadate

USEPA (PC 3): The Illinois table entry assigns hazardous waste code U119 to ammonium vanadate, but the correct code is P119.

Board: The Board corrected the waste code to “P119.” See the entry in Table 4 below.

35 Ill. Adm. Code 721.Appendix H, benzene; corresponding with 40 C.F.R. 261, appendix VIII, benzene

USEPA (PC 3): The Illinois table entry assigns hazardous waste code U018 to benzene, but the correct code is U019.

Board: The Board corrected the waste code to “U019.” See the entry in Table 4 below.

35 Ill. Adm. Code 721.Appendix H, ethylene dichloride; corresponding with 40 C.F.R. 261, appendix VIII, ethylene dichloride

USEPA (PC 3): The Illinois table is missing the CAS number “U077” for ethylene dichloride.

Board: The Board added the CAS number U077 for ethylene dichloride. See the entry in table 4 below.

Note: The Board deleted the CAS number without explanation in RCRA Update, USEPA Regulations (July 1, 1995 through December 31, 1995), R96-10, UIC Update, USEPA Regulations (January 1, 1996 through June 30, 1996), R97-3, RCRA Update, USEPA Regulations (January 1, 1996 through June 30, 1996), R97-5 (Nov. 6, 1997) (consol.).

35 Ill. Adm. Code 721.Appendix H, nitrobenzene; corresponding with 40 C.F.R. 261, appendix VIII, nitrobenzene

USEPA (PC 3): The Illinois table entry assigns hazardous waste code P078 to nitrobenzene, but the correct code is U169.

Board: The Board corrected the waste code to “U169.” See the entry in table 4 below.

35 Ill. Adm. Code 722.132(b); corresponding with 40 C.F.R. 262.32(b)

USEPA (PC 4): The federal rule states “119 gallons,” which is 450 liters, but the Illinois rule states “450 liters (110 gallons).”

Board: The Board has corrected this to “119 gallons (450 liters).” See the entry in table 4 below.

Note: See the entry for 721.107(b)(1)(C)(i) above.

35 Ill. Adm. Code 722.158(a)(1); corresponding with 40 C.F.R. 262.58(a)(1)

USEPA (PC 4): The Illinois listing of OECD countries is missing the entry for Poland.

Board: The Board added the entry for Poland. See the entry in table 4 below.

35 Ill. Adm. Code 724.194(a)(3) table 1, methoxychlor; corresponding with 40 C.F.R. 264.94(a)(3) table 1, methoxychlor

USEPA (PC 4): Correct “1,1,1-trichloro-2,2'-bis(p-methoxyphenyl)ethane” to “1,1,1-trichloro-2,2-bis(p-methoxyphenyl)ethane.”

Board: The Board removed the apostrophe from “2,2,” but could not remove the closing parenthesis mark after “phenyl” because the mark offsets the p-methoxyphenyl moiety in the IUPAC name. The Board further removed the hyphen after “bis.” See the entry in table 4 below.

35 Ill. Adm. Code 724.194(a)(3) table 1, toxaphene; corresponding with 40 C.F.R. 264.94(a)(3) table 1, toxaphene

USEPA (PC 4): Add the empirical formula “C<sub>10</sub>H<sub>10</sub>Cl<sub>6</sub>” to the entry for toxaphene.

Board: The Board added the empirical formula, even though it is not necessary to further identify the chemical intended. See the entry in table 4 below.

35 Ill. Adm. Code 724.244(a); corresponding with 40 C.F.R. 264.144(a)

USEPA (PC 4): The cross-reference to “724.603” should be “724.703.”

Board: The Board corrected the cross-reference to “724.703.” See the entry in table 4 below.

35 Ill. Adm. Code 724.245(a)(4); corresponding with 40 C.F.R. 264.145(a)(4)

USEPA (PC 4): The Illinois provision is missing language providing for accelerated payments into the trust fund or deposit of the full amount into the fund upon creation and requiring that the owner of operator maintain the value of the fund. See the entry in table 4 below.

Board: The Board has added the missing language with minimal deviation from the federal text. See the entry in Table 4 below.

Note: The Board removed the language in RCRA Update, USEPA Regulations (April 1, 1986 through June 30, 1986), R86-28 (Feb. 5, 1987), slip or. at 86. The reasons for the change are unclear. The amendment may have been an effort to cure defects in the rules relating to administrative orders. See RCRA Update, USEPA Regulations (April 1, 1986 through June 30, 1986), R86-28 (Feb. 5, 1987), slip op. at 13. While the proceeding included USEPA amendments to financial assurance requirements, USEPA did not revise corresponding 40 C.F.R. 264.145(a)(4) at that time. See 51 Fed. Reg. 16422, 16449 (May 2, 1986).

35 Ill. Adm. Code 724.414(d); corresponding with 40 C.F.R. 264.314(d)

USEPA (PC 4): The cross-reference to “subsection (e)(2)” should appear as “subsection (d)(2).”

Board: The Board has corrected the cross-reference to “subsection (d)(2).” See the entry in table 4 below.

35 Ill. Adm. Code 724.670(b); corresponding with 40 C.F.R. 264.570(b)

USEPA (PC 4): The cross-reference to “Section 724.672(e) or (f)” should appear as “Section 724.673(e) or (f).”

Board: The Board has corrected the cross-reference to “Section 724.673(e) or (f).” See the entry in table 4 below.

35 Ill. Adm. Code 724.671(d); corresponding with 40 C.F.R. 264.571(d)

USEPA (PC 4): The cross-reference to “Section 724.672(m)” should appear as “Section 724.673(m).”

Board: The Board has corrected the cross-reference to “Section 724.673(m).” See the entry in table 4 below.

35 Ill. Adm. Code 724.989(f)(1); corresponding with 40 C.F.R. 264.1089(f)(1)

USEPA (PC 4): The Illinois rule allows the exemptions of Section 724.982(c)(2)(A) through (c)(2)(E), but the corresponding federal rule would allow the exemptions of 264.1082(c)(2)(i) through (c)(2)(vi). Thus, Illinois does not also allow the exemption of subsection (c)(2)(F).

Board: No change is needed. The Board corrected the provision in RCRA Subtitle C Update, USEPA Amendments (July 1, 2012 through December 31, 2012), R13-15 (Sep. 5, 2013). It now states “Section 724.982(c)(1) or (c)(2)(A) through (c)(2)(F).”

35 Ill. Adm. Code 724.1102(a); corresponding with 40 C.F.R. 264.1102(a)

USEPA (PC 4): The Illinois provision cross-references “Subparts G and H of 35 Ill. Adm. Code 739,” but the corresponding federal provision cross-references “subparts G and H of this part.”

Board: The Board has corrected the cross-reference to “Subparts G and H of this Part.” See the entry in table 4 below.

Note: This error occurred upon initial adoption in RCRA Update, USEPA Regulations (July 1, 1992 through December 31, 1992), R93-4 (Sep. 23, 1993). Although USEPA does not expressly mention the same error in subsection (b), the Board has corrected that cross-reference also.

35 Ill. Adm. Code 725.173(b)(6); corresponding with 40 C.F.R. 265.73(b)(6)

USEPA (PC 4): The Illinois provision cross-references “725.1083 through 725,990,” but 725.1083 does not exist.

Board: The Board has corrected the cross-reference to “725.983 through 725,990.” See the entry in table 4 below.

35 Ill. Adm. Code 725.173(b)(15); corresponding with 40 C.F.R. 265.73(b)(15)

USEPA (PC 4): The Illinois provision cross-references “725.196(f),” which does not exist.

Board: The Board has corrected the cross-reference to “725.296(f).” See the entry in table 4 below.

35 Ill. Adm. Code 725.440(b)(1); corresponding with 40 C.F.R. 265.340(b)(1)

USEPA (PC 4): The Illinois provision cross-references “63.1210(b),” but the corresponding federal provision references “63.1210(d).”

Board: The Board has corrected the cross-reference to “63.1210(d).” See the entry in table 4 below.

35 Ill. Adm. Code 725.502(b); corresponding with 40 C.F.R. 265.402(a)(2)(ii)

USEPA (PC 4): The end of the Illinois provision is missing the statement “to show that this proposed treatment will meet all applicable requirements of 725.501(a) and (b).”

Board: No change is necessary; the language appears as the introductory clause of subsection (b).

Note: The Board restructured the provision by (1) making the conditional first segment the entire text of subsection (a); (2) moving the objective second segment into an independent subsection (b); and moving the ending prepositional phrase to become the introductory clause to the objective segment in subsection (b) in Proposed Regulations for RCRA, R81-22 (Feb. 4, 1982).

The logical structure of 40 C.F.R. 265.402 is as follows:

(a) In addition to the waste analysis required by § 265.13, whenever:

(1) A hazardous waste which is substantially different from waste previously treated in a treatment process or equipment at the facility is to be treated in that process or equipment, or

(2) A substantially different process than any previously used at the facility is to be used to chemically treat hazardous waste;

the owner or operator must, before treating the different waste or using the different process or equipment:

(i) Conduct waste analyses and trial treatment tests (e.g., bench scale or pilot plant scale tests); or

(ii) Obtain written, documented information on similar treatment of similar waste under similar operating conditions;

to show that this proposed treatment will meet all applicable requirements of § 265.401 (a) and (b).

The Board’s restructuring more clearly follows the logical structure.

35 Ill. Adm. Code 725.964(k)(2); corresponding with 40 C.F.R. 265.1064(k)(2)

USEPA (PC 4): The Illinois provision cross-references only Section 725.960, but following the corresponding federal provision would cross-reference Sections 725.952 through 725.960.

Board: The Board has corrected the cross-reference to “Sections 725.952 through 725.960.” See the entry in table 4 below.

Note: The Board omitted reference to Sections 725.952 through 725.959 upon initial adoption. See RCRA Update, USEPA Regulations (April 1, 1990 through June 30, 1990),

R90-11 (Apr. 11, 1991), slip op. at 236. There was no explanation of the omission. See RCRA Update, USEPA Regulations (April 1, 1990 through June 30, 1990), R90-11 (Apr. 11, 1991), slip op. at 34.

35 Ill. Adm. Code 725.983(c)(2)(F); corresponding with 40 C.F.R. 265.1083(c)(2)(vi)

USEPA (PC 4): The Illinois provision cross-references Section 724.983, but following the corresponding federal provision would cross-reference Section 725.984.

Board: The Board has corrected the cross-reference to “Sections 725.984(b) and 725.984(a), respectively.” See the entry in table 4 below.

Note: The Board omitted reference to Sections 725.952 through 725.959 upon initial adoption. See RCRA Update, USEPA Regulations (April 1, 1990 through June 30, 1990), R90-11 (Apr. 11, 1991), slip op. at 236. There was no explanation of the omission. See RCRA Update, USEPA Regulations (April 1, 1990 through June 30, 1990), R90-11 (Apr. 11, 1991), slip op. at 34. See the entry in Table 4 below.

35 Ill. Adm. Code 725.983(d)(5)(B); corresponding with 40 C.F.R. 265.1083(d)(5)(ii)

USEPA (PC 4): The Illinois provision cross-references “subsection (d)(4)(C),” which does not exist. The corresponding federal provision would cross-reference “subsection (d)(5)(C).”

Board: The Board has corrected the cross-reference to “subsection (d)(5)(C).” See the entry in table 4 below.

35 Ill. Adm. Code 725.985(h)(3)(B); corresponding with 40 C.F.R. 265.1085(h)(3)(ii)

USEPA (PC 4): The Illinois provision cross-references “Section 724.987.” The corresponding federal provision would cross-reference “Section 725.988.”

Board: The Board has corrected the cross-reference to “Section 725.988.” See the entry in table 4 below.

35 Ill. Adm. Code 726.203(c)(1)(F); corresponding with 40 C.F.R. 265.103(c)(1)(vi)

USEPA (PC 4): The Illinois provision cross-references “Section 726.207(b) or (e).” The corresponding federal provision would cross-reference “Section 726.206(b) or (e).”

Board: The Board has corrected the cross-reference to “Section 726.206(b) or (e).” See the entry in table 4 below.

35 Ill. Adm. Code 726.203(c)(1)(H); corresponding with 40 C.F.R. 265.103(c)(1)(viii)

USEPA (PC 4): The Illinois provision is missing the statement “and the total chlorine and chloride feed rate screening limits under Section 726.207(b) or (e),” which the corresponding federal provision would include.

Board: The Board has added the statement “and the total chlorine and chloride feed rate screening limits under Section 726.207(b) or (e)” at the end of the provision. See the entry in table 4 below.

Note: The Board omitted the statement without explanation upon initial adoption in RCRA Update, USEPA Regulations (January 1, 1991 through June 30, 1991), R91-13 (Apr. 9, 1992), slip op. at 63-65.

35 Ill. Adm. Code 276.Appendix G, dichlorobenzene; corresponding with 40 C.F.R. 266, appendix G, dichlorobenzene

USEPA (PC 4): Remove the decimal point from the concentration limit, “0.07.5.”

Board: The Board corrected the concentration limit to “0.075.” See the entry in table 4 below.

Note: The number was correct when initially adopted in RCRA Update, USEPA Regulations (July 1, 1991 through June 30, 1991), R91-13 (Apr. 9, 1992). The error arose when the Board converted to standard number format in RCRA Update, USEPA Regulations (July 1, 1993 through December 31, 1993), R94-7 (June 23, 1994).

35 Ill. Adm. Code 276.Appendix G, diethylstilbesterol; corresponding with 40 C.F.R. 266, appendix G, diethylstilbesterol

USEPA (PC 4): Correct the concentration limit, “0.0000001” to “0.0000007.”

Board: The Board corrected the concentration limit to “0.0000007.” See the entry in table 4 below.

Note: The number was correct when initially adopted in RCRA Update, USEPA Regulations (July 1, 1991 through June 30, 1991), R91-13 (Apr. 9, 1992). The error arose when converting to standard number format and number became truncated in text on file to “0.0000000” in RCRA Update, USEPA Regulations (July 1, 1993 through December 31, 1993), R94-7 (June 23, 1994). Then the Board changed the truncated number to “0.0000001” in RCRA Update, USEPA Amendments (July 1, 2002 through December 31, 2002), R03-18 (June 5, 2003).

35 Ill. Adm. Code 276.Appendix G, ethylene dibromide; corresponding with 40 C.F.R. 266, appendix G, ethylene dibromide

USEPA (PC 4): Correct the concentration limit, “0.0000001” to “0.0000004.”

Board: The Board corrected the concentration limit to “0.0000004.” See the entry in table 4 below.

Note: The number was correct when initially adopted in RCRA Update, USEPA Regulations (July 1, 1991 through June 30, 1991), R91-13 (Apr. 9, 1992). The error arose when converting to standard number format and number became truncated in text on file to “0.0000000” in RCRA Update, USEPA Regulations (July 1, 1993 through December 31, 1993), R94-7 (June 23, 1994). Then the Board changed the truncated number to “0.0000001” in RCRA Update, USEPA Amendments (July 1, 2002 through December 31, 2002), R03-18 (June 5, 2003).

35 Ill. Adm. Code 276.Appendix G, hexachlorodibenzo-p-dioxins; corresponding with 40 C.F.R. 266, appendix G, hexachlorodibenzo-p-dioxins

USEPA (PC 4): Correct the concentration limit, “0.0000001” to “0.0000006.”

Board: The Board corrected the concentration limit to “0.0000006.” See the entry in table 4 below.

Note: The number was correct when initially adopted in RCRA Update, USEPA Regulations (July 1, 1991 through June 30, 1991), R91-13 (Apr. 9, 1992). The error arose when

converting to standard number format and number became truncated in text on file to “0.0000000” in RCRA Update, USEPA Regulations (July 1, 1993 through December 31, 1993), R94-7 (June 23, 1994). Then the Board changed the truncated number to “0.0000001” in RCRA Update, USEPA Amendments (July 1, 2002 through December 31, 2002), R03-18 (June 5, 2003).

35 Ill. Adm. Code 727.290(f)(1)(A); corresponding with 40 C.F.R. 267.195(a)(1)

USEPA (PC 4): The Illinois is missing the language, “any migration of wastes or accumulated liquid out of the system to” between “prevent” and “any soil.”

Board: The Board added the missing words “any migration of wastes or accumulated liquid out of the system to” in the appropriate location. See the entry in table 4 below.

Note: The Board inadvertently omitted the words upon initial adoption in UIC Update, USEPA Amendments (July 1, 2005 through December 31, 2005), R06-16, RCRA Subtitle D Update, USEPA Amendments (July 1, 2005 through December 31, 2005), R06-17, RCRA Subtitle C Update, USEPA Amendments (July 1, 2005 through December 31, 2005 and March 23, 2006), R06-18 (Nov. 16, 2006) (consol.).

35 Ill. Adm. Code 728.101(e)(5); corresponding with 40 C.F.R. 268.1(e)

USEPA (PC 4): USEPA eliminated the exemption formerly at 40 C.F.R. 268.1(e)(5), but Illinois has retained the exemption as 35 Ill. Adm. Code 728.101(e)(5).

Board: The Board has removed this provision in its entirety. See the entry in table 4 below.

Note: USEPA removed the exclusion for laboratory wastes at 61 Fed. Reg. 15566, 15597 (Apr. 8, 1996). The Board missed the amendment in RCRA Update, USEPA Regulations (July 1, 1995 through December 31, 1995), R96-10, UIC Update, USEPA Regulations (January 1, 1996 through June 30, 1996), R97-3, RCRA Update, USEPA Regulations (January 1, 1996 through June 30, 1996), R97-5 (Nov. 6, 1997) (consol.).

35 Ill. Adm. Code 728.107(d)(1)(C); corresponding with 40 C.F.R. 268.7(d)(1)(iii)

USEPA (PC 4): The cross-reference “721.103(e)(1)” should refer to “721.103(f)(1)” for the debris exclusion.

Board: The Board corrected the cross-reference to “721.103(f)(1).” See the entry in table 4 below.

Note: USEPA adopted this as “261.3(e)(1)” at 57 Fed. Reg. 37194 (Aug. 18, 1992). The Board initially adopted the reference as “721.103(f)(2)” in RCRA Update, USEPA Regulations (July 1, 1992 through December 31, 1992), R93-4 (Sep. 23, 1993). The Board changed it to “721.103(e)(1)” in RCRA Update, USEPA Regulations (July 1, 1995 through December 31, 1995), R96-10, UIC Update, USEPA Regulations (January 1, 1996 through June 30, 1996), R97-3, RCRA Update, USEPA Regulations (January 1, 1996 through June 30, 1996), R97-5 (Nov. 6, 1997) (consol.). USEPA corrected this to “261.3(f)(1)” at 71 Fed. Reg. 40254, 40257 (July 14, 2006). The Board missed the federal change in the amendments in RCRA Subtitle C Update, USEPA Amendments (March 5, 2005, September 8, 2005, and January 1, 2006 through June 30, 2006), R07-5, Subtitle C Update, USEPA Amendments (July 1, 2006 through December 31, 2006), R07-14 (June 5, 2008) (consol.).

35 Ill. Adm. Code 728.107(d)(2); corresponding with 40 C.F.R. 268.7(d)(2)

USEPA (PC 4): The cross-reference “721.102(f)(1)” should refer to “721.103(f)(1)” for the debris exclusion.

Board: The Board corrected the cross-reference to “721.103(f)(1).” See the entry in table 4 below.

Note: USEPA adopted this as “261.2(e)(1)” at 57 Fed. Reg. 37194 (Aug. 18, 1992). The Board initially adopted the reference as “721.102(d)(1)” in RCRA Update, USEPA Regulations (July 1, 1992 through December 31, 1992), R93-4 (Sep. 23, 1993). The Board changed it to “721.103(e)(2)” in RCRA Update, USEPA Regulations (July 1, 1996 through December 31, 1996), R97-21, UIC Update, USEPA Regulations (January 1, 1997 through June 30, 1997), R98-3, RCRA Update, USEPA Regulations (January 1, 1997 through June 30, 1997), R98-5 (Aug. 20, 1998) (consol.). USEPA erroneously corrected this to “261.2(f)(1)” at 71 Fed. Reg. 40254, 40257 (July 14, 2006). The Board changed it to “721.102(f)(1)” in RCRA Subtitle C Update, USEPA Amendments (March 5, 2005, September 8, 2005, and January 1, 2006 through June 30, 2006), R07-5, Subtitle C Update, USEPA Amendments (July 1, 2006 through December 31, 2006), R07-14 (June 5, 2008) (consol.). 40 C.F.R. 268.7(d)(2) (2015) still recites “261.2(f)(1).”

35 Ill. Adm. Code 728.107(d)(3); corresponding with 40 C.F.R. 268.7(d)(3)

USEPA (PC 4): The cross-reference “721.102(f)(1)” should refer to “721.103(f)(1)” for the debris exclusion.

Board: The Board corrected the cross-reference to “721.103(f)(1).” See the entry in table 4 below.

Note: USEPA adopted this as “261.3(e)(1)” at 57 Fed. Reg. 37194 (Aug. 18, 1992). The Board initially adopted the reference as “721.103(f)(2)” in RCRA Update, USEPA Regulations (July 1, 1992 through December 31, 1992), R93-4 (Sep. 23, 1993). 40 C.F.R. 268.7(d)(2) (2015) still recites “261.2(f)(1).” The Board changed it to “721.103(e)(1)” in RCRA Update, USEPA Regulations (July 1, 1996 through December 31, 1996), R97-21, UIC Update, USEPA Regulations (January 1, 1997 through June 30, 1997), R98-3, RCRA Update, USEPA Regulations (January 1, 1997 through June 30, 1997), R98-5 (Aug. 20, 1998) (consol.). USEPA erroneously corrected this to “261.3(f)(1)” at 71 Fed. Reg. 40254, 40257 (July 14, 2006). The Board changed it to “721.102(f)(1)” in RCRA Subtitle C Update, USEPA Amendments (March 5, 2005, September 8, 2005, and January 1, 2006 through June 30, 2006), R07-5, Subtitle C Update, USEPA Amendments (July 1, 2006 through December 31, 2006), R07-14 (June 5, 2008) (consol.).

35 Ill. Adm. Code 728.Appendix C, I.20; corresponding with 40 C.F.R. 268, appendix III, II.20

USEPA (PC 4): The entry should be “hexachloroprophene,” as it appears in the federal appendix III.

Board: The Board has made no change; the federal text errs. There is no chemical named “hexachloroprophene,” as listed in appendix III to 40 C.F.R. 268. The list of hazardous constituents in appendix VIII to 40 C.F.R. 261 lists hexachlorophene and hexachloropropene. Entry 20 in this table is hexachloropropene.

35 Ill. Adm. Code 728.Appendix G, Table 1, K088; corresponding with 40 C.F.R. 268, appendix VII, , table 1, K088

USEPA (PC 4): The Illinois provision includes a listing for K088, “mixed with radioactive wastes,” that does not appear in the federal appendix VII, and the Illinois provision does not include a second listing for K088, “all others,” that states and effective date of January 8, 1997.

Board: The Board has deleted the listing for K088 “mixed with radioactive wastes” and added a second listing for K088 “all others” that states an effective date of January 8, 1997. See the entry in table 4 below.

Note: In 1997, USEPA added two entries for K088 in table 1 in appendix VII to 40 C.F.R. 268, one for “mixed with radioactive wastes” effective April 8, 1998 and the other for “all others” effective January 8, 1997, at 62 Fed. Reg. 25998, 26029 (May 12, 1997). See appendix VII to 40 C.F.R. 268 (1997). USEPA removed the first entry (“mixed with radioactive wastes) and added a second entry for “all others” with an effective date of October 8, 1997 at 63 Fed. Reg. 28555, 28751-52 (May 26, 1998). The Board inadvertently changed the January 8, 1997 date of the existing “all others” entry to October 8, 1997, instead of removing the first entry and adding a second “all others” entry with the October 8, 1997 date.

35 Ill. Adm. Code 728.Table T, D010; corresponding with 40 C.F.R. 728.140 table, D010

USEPA (PC 3): The entry in the “wastewaters” column in the Illinois provision is missing the words “and meet Section 728.148 standards<sup>8</sup>.”

Board: The Board has added the missing words “and meet Section 728.148 standards<sup>8</sup>.” See the entry in table 4 below.

35 Ill. Adm. Code 728.Table T, F039; corresponding with 40 C.F.R. 728.140 table, F039

USEPA (PC 3): The Illinois provision is missing the entry for 1,2,3,4,6,7,8,9-octachlorodibenzofuran (OCDF).

Board: The Board has added the entry for 1,2,3,4,6,7,8,9-octachlorodibenzofuran. See the entry in table 4 below.

Note: USEPA added treatment standards for OCDF and six other hazardous constituents to the F039 and another hazardous waste code at 65 Fed. Reg. 67068 (Nov. 8, 2000). The Board inadvertently omitted the entry for OCDF in the F039 entry in UIC Update, USEPA Amendments (July 1, 2000 through December 31, 2000), R01-21, RCRA Subtitle C Update, USEPA Regulations (July 1, 2000 through December 31, 2000), R01-23 (May 17, 2001).

35 Ill. Adm. Code 728.Table T, K049; corresponding with 40 C.F.R. 728.140 table, K049

USEPA (PC 3): The Illinois provision states the CAS number for chrysene as “2218-01-9,” but the actual CAS number for this chemical is 218-01-9.

Board: The Board has corrected the CAS number for chrysene to “218-01-9.” See the entry in table 4 below.

Note: USEPA used the CAS number “2218-01-9” chrysene in initial adoption of the K049 treatment standards at 59 Fed. Reg. 47982 (Sep. 19, 1994). The Board adopted the treatment

standard using the erroneous CAS number in UIC Update, USEPA Regulations (July 1, 1994 through December 31, 1994), R95-4, RCRA Update, USEPA Regulations (July 1, 1994 through December 31, 1994), R95-6 (June 1, 1995). USEPA corrected the CAS number at 71 Fed. Reg. 40254, 40278 (July 14, 2006). The Board inadvertently missed the correction when adopting the federal revisions in RCRA Subtitle C Update, USEPA Amendments (March 5, 2005, September 8, 2005, and January 1, 2006 through June 30, 2006), R07-5, Subtitle C Update, USEPA Amendments (July 1, 2006 through December 31, 2006), R07-14 (June 5, 2008) (consol.).

35 Ill. Adm. Code 728.Table T, K051; corresponding with 40 C.F.R. 728.140 table, K051

USEPA (PC 3): The Illinois provision states the CAS number for chrysene as “2218-01-9,” but the actual CAS number for this chemical is 218-01-9.

Board: The Board has corrected the CAS number for chrysene to “218-01-9.” See the entry in table 4 below.

Note: See the explanation in the entry for 728.Table T, K049 above.

35 Ill. Adm. Code 728.Table T, K156; corresponding with 40 C.F.R. 728.140 table, K156

USEPA (PC 3): The Illinois provision states the CAS number for carbaryl as “63-25-21,” but the actual CAS number for this chemical is 63-25-2.

Board: The Board has corrected the CAS number for carbaryl to “63-25-2.” See the entry in table 4 below.

35 Ill. Adm. Code 728.Table T, K158; corresponding with 40 C.F.R. 728.140 table, K158

USEPA (PC 3): The Illinois provision is missing an entry for benomyl.

Board: The Board has added an entry for benomyl to the treatment standards for K158 waste. See the entry in table 4 below.

Note: USEPA included an entry for benomyl when adopting the K158 treatment standards at 61 Fed. Reg. 43924, 43928 (Aug. 26, 1996). An entry for benomyl remained in the treatment standards listing for K158 waste in the 1997 through 2011 editions of the *Code of Federal Regulations*. Although USEPA did not amend the table in 40 C.F.R. 268.40 during the period July 1, 2011 through June 30, 2012, the format of the table changed in the 2012 version of the *Code*, and the entry for benomyl disappeared. The entry has been missing since the 2012 version of the *Code*.

35 Ill. Adm. Code 728.Table T, P056; corresponding with 40 C.F.R. 728.140 table, P056

USEPA (PC 3): The Illinois provision states the CAS number for fluoride as “16964-48-8,” but the actual CAS number for this chemical is 16984-48-8.

Board: The Board has corrected the CAS number for fluoride to “16984-48-8.” See the entry in table 4 below.

35 Ill. Adm. Code 728.Table T, U085; corresponding with 40 C.F.R. 728.140 table, U085

USEPA (PC 3): The Illinois provision states the chemical name “1,2:3,4-diepoxybutane,” but the actual name for this chemical is 1,2,3,4-diepoxybutane.

Board: The Board has corrected the chemical name to “1,2,3,4-diepoxybutane.” See the entry in table 4 below.

35 Ill. Adm. Code 728.Table T, U404; corresponding with 40 C.F.R. 728.140 table, U404

USEPA (PC 3): The Illinois provision states the CAS number for triethylamine as “101-44-8,” but the actual CAS number for this chemical is 121-44-8.

Board: The Board has corrected the CAS number for triethylamine to “121-44-8.” See the entry in table 4 below.

**Table 2:  
Federal Amendments That Are  
Not Necessary in This Docket**

40 C.F.R. 257.1

This amendment to a RCRA Subtitle D solid waste disposal rule does not lie within the scope of any Board identical-in-substance mandate.

40 C.F.R. 257.2

This amendment to a RCRA Subtitle D solid waste disposal rule does not lie within the scope of any Board identical-in-substance mandate.

40 C.F.R. 257, subpart C

The addition of a “reserved” provision to the RCRA Subtitle D solid waste disposal rules does not lie within the scope of any Board identical-in-substance mandate.

40 C.F.R. 257, subpart D (40 C.F.R. 257.50, 257.51, 257.52, 257.53, 257.60, 257.61, 257.62, 257.63, 257.64, 257.70, 257.71, 257.72, 257.73, 257.74, 257.80, 257.81, 257.82, 257.83, 257.84, 257.90, 257.91, 257.92, 257.93, 257.94, 257.95, 257.96, 257.97, 257.98, 257.100, 257.101, 257.102, 257.103, 257.104, 257.105, 257.106 & 257.107)

This addition of RCRA Subtitle D solid waste disposal rules does not lie within the scope of any Board identical-in-substance mandate.

40 C.F.R. 257, appendix III

This addition of a RCRA Subtitle D solid waste disposal rule does not lie within the scope of any Board identical-in-substance mandate.

40 C.F.R. 257, appendix IV

This addition of a RCRA Subtitle D solid waste disposal rule does not lie within the scope of any Board identical-in-substance mandate.

40 C.F.R. 261.192

USEPA added this section as “reserved.” Illinois codification requirements do not allow “reserved” provisions.

40 C.F.R. 261.195

USEPA added this section as “reserved.” Illinois codification requirements do not allow “reserved” provisions.

40 C.F.R. 261,subparts K & L

USEPA added these subparts as “reserved.” Illinois codification requirements do not allow “reserved” provisions.

40 C.F.R. 261,subparts N-Z

USEPA added these subparts as “reserved.” Illinois codification requirements do not allow “reserved” provisions.

40 C.F.R. 261.1036-261.1049

USEPA added these sections as “reserved.” Illinois codification requirements do not allow “reserved” provisions.

40 C.F.R. 261.1065-261.1079

USEPA added these sections as “reserved.” Illinois codification requirements do not allow “reserved” provisions.

40 C.F.R. 261.1085

USEPA added this section as “reserved.” Illinois codification requirements do not allow “reserved” provisions.

40 C.F.R. 261.1090

USEPA added this section as “reserved.” Illinois codification requirements do not allow “reserved” provisions.

**Table 3:  
Deviations from the Text of the Federal Amendments**

35 Ill. Adm. Code 720.110 (“contained”); derived from 40 C.F.R. 260.10 (“contained”)

Put the defined term, “contained,” in quotation marks; added a comma before “as defined” to offset the parenthetical; changed “the following criteria” to “either of the following containment situations”; added the descriptive heading, “containment situation 1 (non-hazardous waste containment)” with a colon; removed the subsection number (four times); added “unpermitted” before “releases” for consistency in usage; put the defined term “unpermitted releases” in quotation marks; added the descriptive heading, “containment situation 1 (non-hazardous waste containment)” with a colon; added the descriptive heading, “containment situation 2 (hazardous waste containment)” with a colon.

35 Ill. Adm. Code 720.110 (“remanufacturing”); derived from 40 C.F.R. 260.10 (“remanufacturing”)

Put the defined term, “remanufacturing,” in quotation marks.

35 Ill. Adm. Code 720.111(a), API, “Evaporative Loss from External Floating Roof Tanks”; derived from 40 C.F.R. 260.11(e)(1)

Added 35 Ill. Adm. Code 721.983 to the list of referencing provisions.

35 Ill. Adm. Code 720.111(a), API, “Guide for Inspection of Refinery Equipment”; derived from 40 C.F.R. 261.191, note to paragraph (b)(5)(ii) note

Added 35 Ill. Adm. Code 721.291 to the list of referencing provisions.

35 Ill. Adm. Code 720.111(a), ASTM, “ASTM D 1946-90”; derived from 40 C.F.R. 260.11(b)(2)

Changed the method version from “D 1946-82” to “D 1946-90”; added 35 Ill. Adm. Code 721.963 to the list of referencing provisions.

35 Ill. Adm. Code 720.111(a), ASTM, “ASTM D 2267-88”; derived from 40 C.F.R. 260.11(b)(3)

Added 35 Ill. Adm. Code 721.963 to the list of referencing provisions.

35 Ill. Adm. Code 720.111(a), ASTM, “ASTM D 2879-92”; derived from 40 C.F.R. 260.11(b)(5)

Added 35 Ill. Adm. Code 721.963 and 721.983 to the list of referencing provisions.

35 Ill. Adm. Code 720.111(a), ASTM, “ASTM E 168-88”; derived from 40 C.F.R. 260.11(b)(7)

Added 35 Ill. Adm. Code 721.963 to the list of referencing provisions.

35 Ill. Adm. Code 720.111(a), ASTM, “ASTM E 169-87”; derived from 40 C.F.R. 260.11(b)(8)

Added 35 Ill. Adm. Code 721.963 to the list of referencing provisions.

35 Ill. Adm. Code 720.111(a), ASTM, “ASTM E 260-85”; derived from 40 C.F.R. 260.11(b)(9)

Added 35 Ill. Adm. Code 721.963 to the list of referencing provisions.

35 Ill. Adm. Code 720.111(a), NFPA, “Flammable and Combustible Liquids Code”; derived from 40 C.F.R. 261.198(a)

Added 35 Ill. Adm. Code 721.298 to the list of referencing provisions. See the entry in Table 4 below.

35 Ill. Adm. Code 720.111(a), NTIS, “North American Industry Classification System”; derived from 40 C.F.R. 260.11(c)(3)

Added 35 Ill. Adm. Code 721.104 to the list of referencing provisions.

35 Ill. Adm. Code 720.111(a), NTIS, “Test Methods for Evaluating Solid Waste, Physical/Chemical Methods,” Method 9060A; derived from 40 C.F.R. 261.1034(d)(1)(iii) & 261.1063(d)(2)

Added 35 Ill. Adm. Code 721.934 and 721.963 to the list of referencing provisions.

35 Ill. Adm. Code 720.111(b), appendix B to 40 C.F.R. 52.741; derived from 40 C.F.R. 261.1084(i)(1), 261.1086(e)(2)(A) & 261.1089(b)(2)(iv)(A) & (d)(1)

Added 35 Ill. Adm. Code 721.984, 721.986, and 721.989 to the list of referencing provisions. See the entry in Table 4 below.

35 Ill. Adm. Code 720.111(b), 40 C.F.R. 60; derived from 40 C.F.R. 261.104(a)(27)(vi)(E), 261.1050, 261.1064(m), 261.1080 & 261.1081 (“point of material origination”)

Added 35 Ill. Adm. Code 721.293, 721.1064, 721.980, and 721.981 to the list of referencing provisions. See the entry in Table 4 below.

35 Ill. Adm. Code 720.111(b), subpart VV of 40 C.F.R. 60; derived from 40 C.F.R. 261.1089(h)

Added 35 Ill. Adm. Code 721.989 to the list of referencing provisions.

35 Ill. Adm. Code 720.111(b), appendix A to 40 C.F.R. 60, Method 2; derived from 40 C.F.R. 261.1033(e)(3) & 261.1034(c)(1)(i)

Added 35 Ill. Adm. Code 721.933 to the list of referencing provisions.

35 Ill. Adm. Code 720.111(b), appendix A to 40 C.F.R. 60, Method 2A; derived from 40 C.F.R. 261.1033(e)(3)

Added 35 Ill. Adm. Code 721.933 to the list of referencing provisions.

35 Ill. Adm. Code 720.111(b), appendix A to 40 C.F.R. 60, Method 2C; derived from 40 C.F.R. 261.1033(e)(3)

Added 35 Ill. Adm. Code 721.933 to the list of referencing provisions.

35 Ill. Adm. Code 720.111(b), appendix A to 40 C.F.R. 60, Method 2D; derived from 40 C.F.R. 261.1033(e)(3)

Added 35 Ill. Adm. Code 721.933 to the list of referencing provisions.

35 Ill. Adm. Code 720.111(b), appendix A to 40 C.F.R. 60, Method 18; derived from 40 C.F.R. 261.1033(e)(2) & 261.1034(c)(1)(ii)

Added 35 Ill. Adm. Code 721.933 and 721.934 to the list of referencing provisions.

35 Ill. Adm. Code 720.111(b), appendix A to 40 C.F.R. 60, Method 21; derived from 40 C.F.R. 261.1034(b)(1), 261.1035(c)(10)(iv), 261.1063(b)(1) & 261.1083(d)(1)

Added 35 Ill. Adm. Code 721.934, 721.935, 721.963, and 721.983 to the list of referencing provisions.

35 Ill. Adm. Code 720.111(b), appendix A to 40 C.F.R. 60, Method 22; derived from 40 C.F.R. 261.1033(e)(1)

Added 35 Ill. Adm. Code 721.933 to the list of referencing provisions.

35 Ill. Adm. Code 720.111(b), appendix A to 40 C.F.R. 60, Method 25A; derived from 40 C.F.R. 261.1034(c)(1)(ii)

Added 35 Ill. Adm. Code 721.934 to the list of referencing provisions.

35 Ill. Adm. Code 720.111(b), appendix A to 40 C.F.R. 60, Method 25D; derived from 40 C.F.R. 261.1083(a)(3)(ii)(C), (a)(3)(iii), (a)(4)(iii) & (c)(3)(i)

Added 35 Ill. Adm. Code 721.983 to the list of referencing provisions.

35 Ill. Adm. Code 720.111(b), appendix A to 40 C.F.R. 60, Method 25E; derived from 40 C.F.R. 261.1083(c)(3)(ii)(A)

Added 35 Ill. Adm. Code 721.983 to the list of referencing provisions.

35 Ill. Adm. Code 720.111(b), appendix A to 40 C.F.R. 60, Method 27; derived from 40 C.F.R. 261.1086(d)(1)(iii) & (h)

Added 35 Ill. Adm. Code 721.986 to the list of referencing provisions.

35 Ill. Adm. Code 720.111(b), 40 C.F.R. 61; derived from 40 C.F.R. 261.104(a)(27)(vi)(E), 261.1033(n)(1)(iii), 261.1050, 261.1064(m), 261.1080, 261.1081 (“point of material origination”)

Added 35 Ill. Adm. Code 721.293, 721.933, 721.1064, 721.980, and 721.981 to the list of referencing provisions. See the entry in Table 4 below.

35 Ill. Adm. Code 720.111(b), subpart V of 40 C.F.R. 61; derived from 40 C.F.R. 261.1089(h)

Added 35 Ill. Adm. Code 721.989 to the list of referencing provisions. See the entry in Table 4 below.

35 Ill. Adm. Code 720.111(b), 40 C.F.R. 63; derived from 40 C.F.R. 261.104(a)(27)(vi)(E), 261.1033(n)(1)(iii), 261.1050, 261.1064(m), 261.1080 & 261.1081 (“point of material origination”)

Added 35 Ill. Adm. Code 721.293, 721.933, 721.1064, 721.980, and 721.981 to the list of referencing provisions. See the entry in Table 4 below.

35 Ill. Adm. Code 720.111(b), subpart RR of 40 C.F.R. 63; derived from 40 C.F.R. 261.1084(j)(1)

Added 35 Ill. Adm. Code 721.984 to the list of referencing provisions. See the entry in Table 4 below.

35 Ill. Adm. Code 720.111(b), Method 301 in appendix A to 40 C.F.R. 63; derived from 40 C.F.R. 261.1083(a)(3)(iii)(B) & (a)(4)(ii)

Added 35 Ill. Adm. Code 721.983 to the list of referencing provisions. See the entry in Table 4 below.

35 Ill. Adm. Code 720.111(b), appendix D to 40 C.F.R. 63; derived from 40 C.F.R. 261.1083(a)(3)(iii)(A)

Added 35 Ill. Adm. Code 721.983 to the list of referencing provisions. See the entry in Table 4 below.

35 Ill. Adm. Code 720.111(b), 40 C.F.R. 302; derived from 40 C.F.R. 261.193(a) note

Added the incorporation by reference, including citation to the referencing provision.

35 Ill. Adm. Code 720.111(b), 40 C.F.R. 711.15(a)(4)(i)(C); derived from 40 C.F.R. 261.104(a)(27)(iv) & (a)(27)(v)

Added the incorporation by reference, including citation to the referencing provision.

35 Ill. Adm. Code 720.111(b), 49 C.F.R. 107; derived from 40 C.F.R. 261.1086(f)(2)

Added 35 Ill. Adm. Code 721.986 to the list of referencing provisions.

35 Ill. Adm. Code 720.111(b), 49 C.F.R. 172; derived from 40 C.F.R. 261.1086(f)(2)

Added 35 Ill. Adm. Code 721.986 to the list of referencing provisions. See the entry in Table 4 below.

35 Ill. Adm. Code 720.111(b), 49 C.F.R. 173; derived from 40 C.F.R. 261.1086(f)(2)

Added 35 Ill. Adm. Code 721.986 to the list of referencing provisions. See the entry in Table 4 below.

35 Ill. Adm. Code 720.111(b), 49 C.F.R. 178; derived from 40 C.F.R. 261.1086(f)(1)

Added 35 Ill. Adm. Code 721.986 to the list of referencing provisions. See the entry in Table 4 below.

35 Ill. Adm. Code 720.111(b), 49 C.F.R. 179; derived from 40 C.F.R. 261.1086(f)(1)

Added 35 Ill. Adm. Code 721.986 to the list of referencing provisions. See the entry in Table 4 below.

35 Ill. Adm. Code 720.111(b), 49 C.F.R. 180; derived from 40 C.F.R. 261.1086(f)(2)

Added 35 Ill. Adm. Code 721.986 to the list of referencing provisions. See the entry in Table 4 below.

35 Ill. Adm. Code 720.111(c), sections 301, 304, 307, and 402 of the Clean Water Act; derived from 40 C.F.R. 261.193(a) note

Added the incorporation by reference, including citation to the referencing provision.

35 Ill. Adm. Code 720.111(c), section 1004 of the Resource Conservation and Recovery Act; derived from 40 C.F.R. 261.1051 & 261.1081

Added the incorporation by reference, including citation to the referencing provision.

35 Ill. Adm. Code 720.130(f); derived from 40 C.F.R. 261.30(f)

Added “verified” before “intermediate facility”; changed “not addressed under a RCRA Part B permit or interim status standards” to “not regulated by any of 35 Ill. Adm. Code 724, 725, 726, or 727.”

35 Ill. Adm. Code 720.131(c); derived from 40 C.F.R. 261.31(c)

Changed “the Administrator may grant requests for variance from classifying as solid waste” to “The Board will determine, as provided in Section 720.133, that”; changed “variance” to “determination”; added commas before and after “as specified in Section 720.143” to offset it as a parenthetical.

35 Ill. Adm. Code 720.131(c)(1); derived from 40 C.F.R. 261.31(c)(1)

Added a comma before “as demonstrated” to offset the parenthetical; changed “hazardous waste” to “hazardous secondary material.”

35 Ill. Adm. Code 720.131(c)(4); derived from 40 C.F.R. 261.31(c)(4)

Added a comma before “as demonstrated” to offset the parenthetical; changed “customer(s)” to “customers”; changed “and/or” to “or”; added the ending conjunction “and.”

35 Ill. Adm. Code 720.131(d); derived from 40 C.F.R. 261.31(d)

Changed “the hazardous secondary materials” to singular “a hazardous secondary material” and “not addressed under a RCRA Subpart B permit or interim status standards” to “not regulated by any of 35 Ill. Adm. Code 724, 725, 726, or 727” and moved the clause “where the management is not regulated . . . 726, or 727” from after “intermediate facility” to become an introductory clause offset by a comma; changed “the Administrator may grant requests for variance from classifying as solid waste” to “The Board will grant a solid waste determination, as provided in Section 720.133,”; changed “and are managed” to “and which are managed” for a restrictive relative clause; added “verified” before “intermediate facility”; changed “Administrator’s decision” to “Board’s determination.”

35 Ill. Adm. Code 720.131(d)(1); derived from 40 C.F.R. 261.31(d)(1)

Changed “must demonstrate” to “has demonstrated.”

35 Ill. Adm. Code 720.131(d)(2); derived from 40 C.F.R. 261.31(d)(2)

Changed “must satisfy” to “satisfies.”

35 Ill. Adm. Code 720.131(d)(3); derived from 40 C.F.R. 261.31(d)(3)

Changed “must not be subject to” to “must not been subject to”; added “must” before “not be classified”; changed “must provide” to “the facility has provided.”

35 Ill. Adm. Code 720.131(d)(4); derived from 40 C.F.R. 261.31(d)(4)

Changed “must have the equipment” to “has the equipment”; added a comma before and changed “and must meet” to “the facility meets.”

35 Ill. Adm. Code 720.131(d)(5); derived from 40 C.F.R. 261.31(d)(5)

Changed “must have the permits” to “has the permits”; changed “and have a contract” to “the facility has a contract”; added a comma before and changed “or present credible evidence” to “or the facility has presented credible evidence.”

35 Ill. Adm. Code 720.131(d)(6); derived from 40 C.F.R. 261.31(d)(6)

Changed “must address” to “has adequately addressed”; changed “and must include” to “and the facility has included” for an independent clause.

35 Ill. Adm. Code 720.133(c); derived from 40 C.F.R. 260.33(c)

Subdivided the provision into two subsections, adding the topical subheading, “Changed Circumstances.”

35 Ill. Adm. Code 720.133(c)(1); derived from 40 C.F.R. 260.33(c)

Used the first sentence as the first subsection; changed “variance or non-waste determination” to “solid waste or non-waste determination”; changed “Administrator” to “Agency.”

35 Ill. Adm. Code 720.133(c)(2); derived from 40 C.F.R. 260.33(c)

Used the beginning of the second sentence as the second subsection; changed “the Administrator may issue a determination” to “if the Agency determines based on the description submitted pursuant to subsection (c)(1) or any other information that the Agency has in its possession”; changed “continues to meet” to “no longer meets”; changed “of the variance or non-waste determination” to “upon which the Board based the solid waste determination or non-waste determination”; added “the Agency must notify the applicant of this determination in writing” offset by a comma.

35 Ill. Adm. Code 720.133(c)(3); derived from 40 C.F.R. 260.33(c)

Used the ending clause of the second sentence as the third subsection; changed “may require the facility” to “upon receipt of the notice . . . , the applicant must submit a new petition for solid waste, boiler, or non-waste determination”; changed “variance or non-waste determination” to “solid waste, boiler, or non-waste determination.”

35 Ill. Adm. Code 720.133 Board note; derived from 40 C.F.R. 260.33

Added explanation of requiring a new petition for modification of an adjusted standard; added explanation the differences from the corresponding federal provision.

35 Ill. Adm. Code 720.133(d); derived from 40 C.F.R. 261.33(d)

Changed “variances and non-waste determinations shall be effective” to singular “a solid waste, boiler, or non-waste determination is effective”; changed “variance or non-waste determination” to “solid waste, boiler, or non-waste determination” (three times); added “owner or operator” after “facility”; changed “within six months” to “no later than six months prior to expiration of a solid waste, boiler, or non-waste determination”; changed “Administrator” to “Board.”

35 Ill. Adm. Code 720.133(e); derived from 40 C.F.R. 261.33(e)

Changed “facilities receiving a variance and non-waste determination” to singular “a facility that receives a solid waste, boiler, or non-waste determination”; changed “variance or non-waste determination” to “solid waste, boiler, or non-waste determination”; added a comma before “as required by” to offset the parenthetical.

35 Ill. Adm. Code 720.134 Board note; derived from 40 C.F.R. 260.34

Removed the references to 35 Ill. Adm. Code 721.102(a)(2)(B) and 721.104(a)(25); added a reference to 35 Ill. Adm. Code 721.104(a)(27).

35 Ill. Adm. Code 720.142(a); derived from 40 C.F.R. 260.42(a)

Retained the singular “a facility.”

35 Ill. Adm. Code 720.142(b); derived from 40 C.F.R. 260.42(b)

Changed “facility managing” to “facility that manages”; changed “the regulation(s) listed” to singular “a regulation listed”; changed “the regulation(s)” to singular “the regulation”; change numeric “1 year” to written “one year.”

35 Ill. Adm. Code 720.143(a)(1); derived from 40 C.F.R. 260.43(a)(1)

Added “it fulfills one of the following criteria.”

35 Ill. Adm. Code 720.143(a)(1)(A); derived from 40 C.F.R. 260.43(a)(1)(i)

Added “the material”; removed the ending conjunction “or.”

35 Ill. Adm. Code 720.143(a)(1)(B); derived from 40 C.F.R. 260.43(a)(1)(ii)

Added “the material”; removed the ending conjunction “or.”

35 Ill. Adm. Code 720.143(a)(1)(C); derived from 40 C.F.R. 260.43(a)(1)(iii)

Added “the material”; removed the ending conjunction “or.”

35 Ill. Adm. Code 720.143(a)(1)(D); derived from 40 C.F.R. 260.43(a)(1)(iv)

Added “the material.”

35 Ill. Adm. Code 720.143(a)(1)(E); derived from 40 C.F.R. 260.43(a)(1)(v)

Added “the material.”

35 Ill. Adm. Code 720.143(a)(2); derived from 40 C.F.R. 260.43(a)(2)

Changed “if it is” to “if either of the following is true.”

35 Ill. Adm. Code 720.143(a)(2)(A); derived from 40 C.F.R. 260.43(a)(2)(i)

Added “the product or intermediate is.”

35 Ill. Adm. Code 720.143(a)(2)(B); derived from 40 C.F.R. 260.43(a)(2)(ii)

Added “the product or intermediate is.”

35 Ill. Adm. Code 720.143(a)(3); derived from 40 C.F.R. 260.43(a)(3)

Changed “and are not recovered” to “asn which are not recovered” for a restrictive relative clause; changed “are discarded” to “are discarded material” to harmonize with subsections (a) and (c)(1).

35 Ill. Adm. Code 720.143(a)(4); derived from 40 C.F.R. 260.43(a)(4)

Added “as follows.”

35 Ill. Adm. Code 720.143(a)(4)(A); derived from 40 C.F.R. 260.43(a)(4)(i)

Added “both of the following conditions are true.”

35 Ill. Adm. Code 720.143(a)(4)(B); derived from 40 C.F.R. 260.43(a)(4)(ii)

Added “either of the following conditions is true.”

35 Ill. Adm. Code 720.143(a)(4)(C); derived from 40 C.F.R. 260.43(a)(4)(iii)

Changed “as per” to “as provided in”; changed “it meets” to “the person performing the recycling fulfills”; changed the ending period to a colon and moved the second, third, fourth, and fifth sentences into separate subsidiary subsections.

35 Ill. Adm. Code 720.143(a)(4)(C)(i); derived from 40 C.F.R. 260.43(a)(4)(iii)

Moved the second sentence into this separate subsidiary subsection; changed “showing why” to “which demonstrates that”; changed the ending period to a semicolon.

35 Ill. Adm. Code 720.143(a)(4)(C)(ii); derived from 40 C.F.R. 260.43(a)(4)(iii)

Moved the third sentence into this separate subsidiary subsection; changed “the recycling can be shown to be” to “the assessment and documentation demonstrate that the recycling is”; changed the ending period to a semicolon.

35 Ill. Adm. Code 720.143(a)(4)(C)(iii); derived from 40 C.F.R. 260.43(a)(4)(iii)

Moved the fourth sentence into this separate subsidiary subsection; added a comma before and changed “and must be maintained” to “and the assessment and documentation must be maintained”; changed the ending period to a semicolon and added the ending conjunction “and.”

35 Ill. Adm. Code 720.143(a)(4)(C)(iv); derived from 40 C.F.R. 260.43(a)(4)(iii)

Moved the fifth sentence into this separate subsidiary subsection; added a comma before and changed “this activity” to “the recycling activity.”

35 Ill. Adm. Code 720.143(b); derived from 40 C.F.R. 260.43(b)

Replaced “reserved” with an explanation to preserve structural consistency.

35 Ill. Adm. Code 720.143(c); derived from 40 C.F.R. 260.43(c)

Replaced “reserved” with an explanation to preserve structural consistency.

35 Ill. Adm. Code 720.143 Board note; derived from 40 C.F.R. 260.43

Removed the obsolete Board note explanation based on the 2008 recycling-related amendments to the definition of solid waste.

35 Ill. Adm. Code 721 table of contents, 721.275 heading; derived from 40 C.F.R. 261 table of contents, 261.175 heading

Changed “containment” to “secondary containment.”

35 Ill. Adm. Code 721.102(a)(2)(B); derived from 40 C.F.R. 261.2(a)(2)(ii)

Replaced “reserved” with an explanation to preserve structural consistency.

35 Ill. Adm. Code 721.102(g); derived from 40 C.F.R. 261.2(g)

Added a comma before “as defined in” to offset the parenthetical.

35 Ill. Adm. Code 721.103(g)(4); derived from 40 C.F.R. 261.3(g)(4)

Changed “in” to “under”; changed “it” to “the listed hazardous waste”; added commas before and after “as regulated under . . . this Section” to offset the parenthetical; removed the unnecessary comma before “if the mixture”; changed passive-voice “for which the hazardous waste listed . . . was listed” to active-voice “for which USEPA listed . . . .” See the entry in Table 1 above.

35 Ill. Adm. Code 721.104(a)(16); derived from 40 C.F.R. 261.4(a)(16)

Added explanation of federal subsection marked “reserved.”

35 Ill. Adm. Code 721.104(a)(23); derived from 40 C.F.R. 261.4(a)(23)

Retained the topical heading, changing “hazardous secondary materials managed in land-based units” to “hazardous secondary materials reclaimed under the control of the generator.”

35 Ill. Adm. Code 721.104(a)(23)(A)(i); derived from 40 C.F.R. 261.4(a)(23)(i)(A)

Added a period after “generating facility,” capitalized “For Purposes,” and added a period after “generator” to make the parenthetical into a separate sentence; changed “this definition” to “this subsection (a)(23)(A)(i)”;

put quotation marks on the defined term, “generating facility”;

removed the ending conjunction “or.”

35 Ill. Adm. Code 721.104(a)(23)(A)(ii); derived from 40 C.F.R. 261.4(a)(23)(i)(B)

Separated the two certification statements into separate subsidiary paragraphs, capitalizing the first word, “On,” of and adding an ending period to each, separating them with the conjunction “or” as a separate paragraph; changed “this definition” to “this subsection (a)(23)(A)(i)”;

added a comma before “as defined in” to separate the parenthetical; changed “shall not be deemed” to “cannot be deemed”;

changed “DOT” to “USDOT.”

35 Ill. Adm. Code 721.104(a)(23)(A)(iii); derived from 40 C.F.R. 261.4(a)(23)(i)(C)

Changed “the following” to “as follows”;

separated the certification statement into separate subsidiary paragraph; placed the ending period inside the closing quotation mark; changed “DOT” to “USDOT”;

placed the defined terms, “tolling contractor” and “tolling manufacturer,” in quotation marks.

35 Ill. Adm. Code 721.104(a)(23)(B); derived from 40 C.F.R. 261.4(a)(23)(ii)

Added “Management of hazardous secondary materials.” as a topical heading

35 Ill. Adm. Code 721.104(a)(23)(B)(i); derived from 40 C.F.R. 261.4(a)(23)(ii)(A)

Added a comma before “as defined in” to offset the parenthetical; changed “discarded” to “discarded material” to mirror 35 Ill. Adm. Code 721.102(a) and agree with 35 Ill. Adm. Code 720.143(a) and (c)(1) and subsection (a)(24)(E)(i) (twice).

35 Ill. Adm. Code 721.104(a)(23)(B)(iii); derived from 40 C.F.R. 261.4(a)(23)(ii)(C)

Added a comma before “as required by” to offset the parenthetical.

35 Ill. Adm. Code 721.104(a)(23)(B)(iv); derived from 40 C.F.R. 261.4(a)(23)(ii)(D)

Changed “material” to “hazardous secondary material.”

35 Ill. Adm. Code 721.104(a)(24)(B); derived from 40 C.F.R. 261.4(a)(24)(ii)

Changed “material” to “hazardous secondary material” (twice).

35 Ill. Adm. Code 721.104(a)(24)(C); derived from 40 C.F.R. 261.4(a)(24)(iii)

Changed “material” to “hazardous secondary material.”

35 Ill. Adm. Code 721.104(a)(24)(E)(i); derived from 40 C.F.R. 261.4(a)(24)(v)(A)

Changed “unit with leaks or which otherwise continuing releases” to “unit that leaks or which otherwise continuously releases hazardous secondary material”;

changed “discarded” to “discarded material” to agree with 35 Ill. Adm. Code 720.143(a) and (c)(1) and subsection (a)(23)(B)(i).

35 Ill. Adm. Code 721.104(a)(24)(E)(ii); derived from 40 C.F.R. 261.4(a)(24)(v)(B)

Placed the defined term, verified reclamation facility,” in quotation marks; changed “variance under” to “solid waste determination pursuant to” (twice);

changed “addressed under a RCRA Subpart B permit or interim status standards” to “regulated by any of 35 Ill.

Adm. Code 724, 725, 726, or 727” (twice); changed “the intermediate facility must have been granted” to “the facility must be a ‘verified intermediate facility’ that has been granted.”

35 Ill. Adm. Code 721.104(a)(24)(E)(iii); derived from 40 C.F.R. 261.4(a)(24)(v)(C), (a)(24)(v)(C)(1), (a)(24)(v)(C)(2) & (a)(24)(v)(C)(3)

Moved the text from subsection (a)(24)(E)(v); added “certain records” after “must maintain”; changed “no less than three years” to “a minimum of three years”; changed “contain” to “include”; added “about the shipment”; combined the text of the subsidiary paragraphs (a)(24)(v)(C)(1), (a)(24)(v)(C)(2), and (a)(24)(v)(C)(3) into the main text of this subsection (a)(24)(v)(C).

35 Ill. Adm. Code 721.104(a)(24)(E)(iii) Board note; derived from 40 C.F.R. 261.4(a)(24)(v)(C), (a)(24)(v)(C)(1), (a)(24)(v)(C)(2) & (a)(24)(v)(C)(3)

Added explanation of combining the text into a single subsection to comport with codification requirements.

35 Ill. Adm. Code 721.104(a)(24)(E)(iv); derived from 40 C.F.R. 261.4(a)(24)(v)(D)

Changed “DOT” to “USDOT.”

35 Ill. Adm. Code 721.104(a)(24)(E)(vii); derived from 40 C.F.R. 261.4(a)(24)(v)(G)

Changed “have” to “must have”; changed “variance under” to “solid waste determination pursuant to.”

35 Ill. Adm. Code 721.104(a)(24)(F)(iii); derived from 40 C.F.R. 261.4(a)(24)(vi)(C)

Changed “DOT” to “USDOT.”

35 Ill. Adm. Code 721.104(a)(24)(F)(vii); derived from 40 C.F.R. 261.4(a)(24)(vi)(G)

Changed “have” to “must have”; changed “variance under” to “solid waste determination pursuant to”; added “be subject to” before “interim status standards.”

35 Ill. Adm. Code 721.104(a)(25); derived from 40 C.F.R. 261.4(a)(25)

Added the statement about the federal “reserved” provision, codification requirements, and maintaining structural consistency with federal rules.

35 Ill. Adm. Code 721.104(a)(27); derived from 40 C.F.R. 261.4(a)(27)

Added “the following conditions are fulfilled.”

35 Ill. Adm. Code 721.104(a)(27) Board note; derived from 40 C.F.R. 261.4(a)(27)

Added explanation of availability of NAICS codes and incorporation of the NAICS manual by reference.

35 Ill. Adm. Code 721.104(a)(27)(A); derived from 40 C.F.R. 261.4(a)(27)(i)

Changed to lower-case “toluene”; corrected “NN-dimethylformamide” to “N,N-dimethylformamide”; changed “and/or” to “or”; changed the ending semicolon to a period.

35 Ill. Adm. Code 721.104(a)(27)(B); derived from 40 C.F.R. 261.4(a)(27)(ii)

Changed “and/or” to “or.”

35 Ill. Adm. Code 721.104(a)(27)(C); derived from 40 C.F.R. 261.4(a)(27)(iii)

Changed “and/or” to “or.”

35 Ill. Adm. Code 721.104(a)(27)(D); derived from 40 C.F.R. 261.4(a)(27)(iv)

Changed “shall” to “must”; changed “enumerated under the Chemical Data Reporting Rule of the Toxic Substances Control Act (40 CFR parts 704, 710-711” to “in 40 CFR

711.15(b)(4)(i)(C) (Reporting Information to EPA)”; added “incorporated by reference in 35 Ill. Adm. Code 720.111”; corrected “Industrial Function Codes” to “Industrial Function Category Codes”; added the missing pronoun before “become part of product”, changing “which” to “that” for a restrictive relative clause.

35 Ill. Adm. Code 721.104(a)(27)(D) Board note; derived from 40 C.F.R. 261.4(a)(27)(iv)

Added explanation that use of the word “including” with a specific example does not expand the universe of permissible uses beyond what is expressly recited in the rule.

35 Ill. Adm. Code 721.104(a)(27)(E); derived from 40 C.F.R. 261.4(a)(27)(v)

Corrected “Industrial Function Codes” to “Industrial Function Category Codes”; changed “enumerated under the Chemical Data Reporting Rule of the Toxic Substances Control Act (40 CFR parts 704, 710-711” to “in 40 CFR 711.15(b)(4)(i)(C) (Reporting Information to EPA)”; added “solvents (for cleaning and degreasing)” in parentheses to mirror the parentheticals in subsection (a)(27)(D); added “incorporated by reference in 35 Ill. Adm. Code 720.111.”

35 Ill. Adm. Code 721.104(a)(27)(F); derived from 40 C.F.R. 261.4(a)(27)(vi)

Added “fulfill the following requirements.”

35 Ill. Adm. Code 721.104(a)(27)(F)(i); derived from 40 C.F.R. 261.4(a)(27)(vi)(A)

Added “the generator and remanufacturer must”; changed “EPA or the State Director” to “USEPA Region 5 and the Agency.”

35 Ill. Adm. Code 721.104(a)(27)(F)(ii); derived from 40 C.F.R. 261.4(a)(27)(vi)(B)

Added “the generator and remanufacturer must”; added “the information enumerated in subsection (a)(27)(G); changed the ending colon to a period; moved subsections (a)(27)(vi)(B)(1) through (a)(27)(vi)(B)(1) to appear as subsections (a)(27)(G)(i) through (a)(27)(G)(v) to comport with codification requirements.

35 Ill. Adm. Code 721.104(a)(27)(F)(ii) Board note; derived from 40 C.F.R. 261.4(a)(27)(vi)(B)

Added explanation of movement of subsections (a)(27)(vi)(B)(1) through (a)(27)(vi)(B)(5) to appear as subsections (a)(27)(G)(i) through (a)(27)(G)(v).

35 Ill. Adm. Code 721.104(a)(27)(F)(iii); derived from 40 C.F.R. 261.4(a)(27)(vi)(C)

Added “the generator and remanufacturer must.”

35 Ill. Adm. Code 721.104(a)(27)(F)(iv); derived from 40 C.F.R. 261.4(a)(27)(vi)(D)

Added “the generator and remanufacturer must” with a comma to offset the parenthetical “prior to remanufacturing.”

35 Ill. Adm. Code 721.104(a)(27)(F)(v); derived from 40 C.F.R. 261.4(a)(27)(vi)(E)

Added “the generator and remanufacturer must” with a comma to offset the parenthetical “during remanufacturing”; changed “appropriate” to “applicable”; changed “under” to “of”; added the incorporation by reference language, “incorporated by reference in 35 Ill. Adm. Code 720.111” offset by a comma.

35 Ill. Adm. Code 721.104(a)(27)(F)(vi); derived from 40 C.F.R. 261.4(a)(27)(vi)(F)

Added “the generator and remanufacturer must”; changed “per” to “in.”

35 Ill. Adm. Code 721.104(a)(27)(G); derived from 40 C.F.R. 261.4(a)(27)(vi)(B)

Added the provision to accommodate movement of 40 C.F.R. 261.104(a)(27)(vi)(B)(1) through (a)(27)(vi)(B)(5) to appear as subsections (a)(27)(G)(i) through (a)(27)(G)(v) to

comport with codification requirements, creating the topical heading “the following information items are required elements for a remanufacturing plan.”

- 35 Ill. Adm. Code 721.104(a)(27)(G)(i); derived from 40 C.F.R. 261.4(a)(27)(vi)(B)(1)  
 Moved the federal text of 40 C.F.R. 261.104(a)(27)(vi)(B)(1) into this subsection (a)(27)(G)(i); changed “EPA” to “USEPA”; changed “generator(s)” to plural “generators”; changed “remanufacturer(s)” to plural “remanufacturers”; changed the ending comma to a semicolon.
- 35 Ill. Adm. Code 721.104(a)(27)(G)(ii); derived from 40 C.F.R. 261.4(a)(27)(vi)(B)(2)  
 Moved the federal text of 40 C.F.R. 261.104(a)(27)(vi)(B)(1) into this subsection (a)(27)(G)(i); changed the ending comma to a semicolon.
- 35 Ill. Adm. Code 721.104(a)(27)(G)(iii); derived from 40 C.F.R. 261.4(a)(27)(vi)(B)(3)  
 Moved the federal text of 40 C.F.R. 261.104(a)(27)(vi)(B)(1) into this subsection (a)(27)(G)(i); changed the ending comma to a semicolon.
- 35 Ill. Adm. Code 721.104(a)(27)(G)(iv); derived from 40 C.F.R. 261.4(a)(27)(vi)(B)(4)  
 Moved the federal text of 40 C.F.R. 261.104(a)(27)(vi)(B)(1) into this subsection (a)(27)(G)(i); changed the ending comma to a semicolon.
- 35 Ill. Adm. Code 721.104(a)(27)(G)(v); derived from 40 C.F.R. 261.4(a)(27)(vi)(B)(5)  
 Moved the federal text of 40 C.F.R. 261.104(a)(27)(vi)(B)(1) into this subsection (a)(27)(G)(i); added “as follows,” followed by a colon; moved the certification statement to appear as a subsidiary paragraph, capitalizing “on,” changing the ending comma to a period, and omitting the ending semicolon.
- 35 Ill. Adm. Code 721.104(a)(27)(G) Board note; derived from 40 C.F.R. 261.4(a)(27)(vi)(B)  
 Added explanation of movement of subsections (a)(27)(vi)(B)(1) through (a)(27)(vi)(B)(5) to appear as subsections (a)(27)(G)(i) through (a)(27)(G)(v).
- 35 Ill. Adm. Code 721.104(b)(4); derived from 40 C.F.R. 261.4(b)(4)  
 Added the topical heading “coal and fossil fuel combustion waste.”
- 35 Ill. Adm. Code 721.271; derived from 40 C.F.R. 261.171  
 Added “the container has”; added “etc.” offset by a comma; changed “it” to “the container.”
- 35 Ill. Adm. Code 721.272; derived from 40 C.F.R. 261.172  
 Changed “the container” to “a container holding hazardous secondary material”; changed “which” to “that” for a restrictive relative clause.
- 35 Ill. Adm. Code 721.273(b); derived from 40 C.F.R. 261.173(b)  
 Changed “which” to “that” for a restrictive relative clause.
- 35 Ill. Adm. Code 721.275 heading; derived from 40 C.F.R. 261.175 heading  
 Changed “containment” to “secondary containment.”
- 35 Ill. Adm. Code 721.275(a); derived from 40 C.F.R. 261.175(a)  
 Changed “containment system” to “secondary containment system” (twice).
- 35 Ill. Adm. Code 721.275(b); derived from 40 C.F.R. 261.175(b)  
 Changed “containment system” to “secondary containment system.”

- 35 Ill. Adm. Code 721.275(b)(2); derived from 40 C.F.R. 261.175(b)(2)  
 Changed “containment system” to “secondary containment system.”
- 35 Ill. Adm. Code 721.275(b)(3); derived from 40 C.F.R. 261.175(b)(3)  
 Changed “containment system” to “secondary containment system”; changed “10%” to written “ten percent.”
- 35 Ill. Adm. Code 721.275(b)(4); derived from 40 C.F.R. 261.175(b)(4)  
 Changed “containment system” to “secondary containment system.”
- 35 Ill. Adm. Code 721.275(b)(5); derived from 40 C.F.R. 261.175(b)(5)  
 Changed “containment system” to “secondary containment system.”
- 35 Ill. Adm. Code 721.279; derived from 40 C.F.R. 261.179  
 Changed “shall” to “must.”
- 35 Ill. Adm. Code 721.291(a); derived from 40 C.F.R. 261.191(a)  
 Changed “tank systems” to singular “a tank system.”
- 35 Ill. Adm. Code 721.291(b); derived from 40 C.F.R. 261.191(b)  
 Changed “this assessment” to “the qualified Professional Engineer’s assessment”; changed “material(s)” to plural “materials”; changed “it” to “the tank system.”
- 35 Ill. Adm. Code 721.291(b)(1); derived from 40 C.F.R. 261.191(b)(1)  
 Changed “standard(s)” to plural “standards”; changed “tank” to “tank system.”
- 35 Ill. Adm. Code 721.291(b)(2); derived from 40 C.F.R. 261.191(b)(2)  
 Changed “material(s)” to plural “materials.”
- 35 Ill. Adm. Code 721.291(b)(5); derived from 40 C.F.R. 261.191(b)(5)  
 Changed “tank” to “tank system.”
- 35 Ill. Adm. Code 721.291(b)(5)(B) Board note; derived from 40 C.F.R. 261.191(b)(5)(ii) note  
 Added the incorporation by reference language, “incorporated by reference in 35 Ill. Adm. Code 720.111” offset by a comma.
- 35 Ill. Adm. Code 721.293(a); derived from 40 C.F.R. 261.193(a)  
 Changed “secondary containment systems must be” to “the following must be true of a secondary containment system.”
- 35 Ill. Adm. Code 721.293(a)(1); derived from 40 C.F.R. 261.193(a)(1)  
 Added “the system is.”
- 35 Ill. Adm. Code 721.293(a)(2); derived from 40 C.F.R. 261.193(a)(2)  
 Added “the system is.”
- 35 Ill. Adm. Code 721.293(a) Board note; derived from 40 C.F.R. 261.193(a) note  
 Changed “it” to “the material”; changed “parts 262 through 265, 266, and 268 of this chapter” to “35 Ill. Adm. Code 722 through 728” to include 35 Ill. Adm. Code 267; changed “the requirements of sections 301, 304, and 402 of the Clean Water Act, as amended” to “the NPDES permit requirement of Section 12(f) of the Environmental Protection Act and 35 Ill. Adm. Code 309”; changed “section 307 of the Clean Water Act, as amended” to “35 Ill. Adm. Code 307 and 310”; changed “40 CFR 302” to “35 Ill. Adm. Code 750.410 and federal 40 CFR 302.6.”

35 Ill. Adm. Code 721.293(b); derived from 40 C.F.R. 261.193(b)

Changed “secondary containment systems must be” to singular “a secondary containment system must fulfill the following requirements.”

35 Ill. Adm. Code 721.293(b)(1); derived from 40 C.F.R. 261.193(b)(1)

Added “the secondary containment system must be”; changed “material(s)” to plural “materials.”

35 Ill. Adm. Code 721.293(b)(2); derived from 40 C.F.R. 261.193(b)(2)

Added “the secondary containment system must be.”

35 Ill. Adm. Code 721.293(b)(3); derived from 40 C.F.R. 261.193(b)(3)

Added “the secondary containment system must be”; changed “it” to “the system.”

35 Ill. Adm. Code 721.293(b)(4); derived from 40 C.F.R. 261.193(b)(4)

Added “the secondary containment system must be”; changed “within 24 hours, or in as timely a manner as is possible” to “in as timely a manner as is possible, but in no case later than 24 hours after the leak, spill, or accumulation of precipitation occurs.”

35 Ill. Adm. Code 721.293(d)(1); derived from 40 C.F.R. 261.193(d)(1)

Changed “external containment systems must be” to singular “an external containment system must fulfill the following requirements.”

35 Ill. Adm. Code 721.293(d)(1)(A); derived from 40 C.F.R. 261.193(d)(1)(i)

Added “the external containment system must be.”

35 Ill. Adm. Code 721.293(d)(1)(B); derived from 40 C.F.R. 261.193(d)(1)(ii)

Added “the external containment system must be”; changed “such additional capacity” to “the additional capacity.”

35 Ill. Adm. Code 721.293(d)(1)(C); derived from 40 C.F.R. 261.193(d)(1)(iii)

Added “the external containment system must be.”

35 Ill. Adm. Code 721.293(d)(1)(D); derived from 40 C.F.R. 261.193(d)(1)(iv)

Added “the external containment system must be”; changed “tank(s)” to plural “tanks.”

35 Ill. Adm. Code 721.293(d)(2); derived from 40 C.F.R. 261.193(d)(2)

Changed “vault systems must be” to singular “a vault system must fulfill the following requirements.”

35 Ill. Adm. Code 721.293(d)(2)(A); derived from 40 C.F.R. 261.193(d)(2)(i)

Added “the vault system must be.”

35 Ill. Adm. Code 721.293(d)(2)(B); derived from 40 C.F.R. 261.193(d)(2)(ii)

Added “the vault system must be”; changed “such additional capacity” to “the additional capacity.”

35 Ill. Adm. Code 721.293(d)(2)(C); derived from 40 C.F.R. 261.193(d)(2)(iii)

Added “the vault system must be.”

35 Ill. Adm. Code 721.293(d)(2)(D); derived from 40 C.F.R. 261.193(d)(2)(iv)

Added “the vault system must be.”

35 Ill. Adm. Code 721.293(d)(2)(E); derived from 40 C.F.R. 261.193(d)(2)(v)

Added “the vault system must be.”

- 35 Ill. Adm. Code 721.293(d)(2)(F); derived from 40 C.F.R. 261.193(d)(2)(vi)  
Added “the vault system must be.”
- 35 Ill. Adm. Code 721.293(d)(3); derived from 40 C.F.R. 261.193(d)(3)  
Changed “double-walled tanks must be” to singular “a double-walled tank must fulfill the following requirements.”
- 35 Ill. Adm. Code 721.293(d)(3)(A); derived from 40 C.F.R. 261.193(d)(3)(i)  
Added “the double-walled tank must be.”
- 35 Ill. Adm. Code 721.293(d)(3)(B); derived from 40 C.F.R. 261.193(d)(3)(ii)  
Added “the double-walled tank must be.”
- 35 Ill. Adm. Code 721.293(d)(3)(C); derived from 40 C.F.R. 261.193(d)(3)(iii)  
Added “the double-walled tank must be”; changed “within 24 hours, or at the earliest practicable time” to “at the earliest practicable time, but in no case later than 24 hours after the release occurs.”
- 35 Ill. Adm. Code 721.293(d)(3)(C) Board note; derived from 40 C.F.R. 261.193(d)(3)(iii) note  
Added the incorporation by reference by reference language, “incorporated by reference in 35 Ill. Adm. Code 720.111” offset by commas.
- 35 Ill. Adm. Code 721.293(e); derived from 40 C.F.R. 261.193(e)  
Added the statement about the federal “reserved” provision, codification requirements, and maintaining structural consistency with federal rules.
- 35 Ill. Adm. Code 721.293(f); derived from 40 C.F.R. 261.193(f)  
Added “etc. offset by comma; added a comma before “except for” to offset the parenthetical; added “the following equipment.”
- 35 Ill. Adm. Code 721.293(f)(4); derived from 40 C.F.R. 261.193(f)(4)  
Added “etc. offset by comma.
- 35 Ill. Adm. Code 721.294(a); derived from 40 C.F.R. 261.194(a)  
Changed “they” to “the materials or reagents.”
- 35 Ill. Adm. Code 721.294(b); derived from 40 C.F.R. 261.194(b)  
Added a comma before and after “at a minimum”; added “the following controls and practices.”
- 35 Ill. Adm. Code 721.294(b)(1); derived from 40 C.F.R. 261.194(b)(1)  
Added “etc. offset by comma.
- 35 Ill. Adm. Code 721.296(c)(1); derived from 40 C.F.R. 261.196(c)(1)  
Added “the remanufacturer must.”
- 35 Ill. Adm. Code 721.296(c)(2); derived from 40 C.F.R. 261.196(c)(2)  
Added “the remanufacturer must.”
- 35 Ill. Adm. Code 721.296(d)(1); derived from 40 C.F.R. 261.196(c)(1)  
Changed “Regional Administrator” to “Agency and the Administrator of USEPA Region 5”; changed “satisfy this requirement” to “satisfy the requirement to notify USEPA, but the release must still be reported to the Agency.”

- 35 Ill. Adm. Code 721.296(d)(2); derived from 40 C.F.R. 261.196(c)(2)  
 Changed “if it is” to “if the following is true of the leak or spill.”
- 35 Ill. Adm. Code 721.296(d)(2)(A); derived from 40 C.F.R. 261.196(c)(2)(i)  
 Added “the leak or spill is”; changed numeric “1” to written “one.”
- 35 Ill. Adm. Code 721.296(d)(2)(B); derived from 40 C.F.R. 261.196(c)(2)(ii)  
 Added “the leak or spill is.”
- 35 Ill. Adm. Code 721.296(d)(3); derived from 40 C.F.R. 261.196(c)(3)  
 Changed “Regional Administrator” to “Agency and the Administrator of USEPA Region 5.”
- 35 Ill. Adm. Code 721.296(d)(3)(A); derived from 40 C.F.R. 261.196(c)(3)(i)  
 Added the definite article before “likely route.”
- 35 Ill. Adm. Code 721.296(d)(3)(B); derived from 40 C.F.R. 261.196(c)(3)(ii)  
 Added the definite article before “characteristics.”
- 35 Ill. Adm. Code 721.296(d)(3)(C); derived from 40 C.F.R. 261.196(c)(3)(iii)  
 Added the definite article before “results”; changed “Regional Administrator” to “Agency and the Administrator of USEPA Region 5”; changed “they” to “the results.”
- 35 Ill. Adm. Code 721.296(d)(3)(D); derived from 40 C.F.R. 261.196(c)(3)(iv)  
 Added the definite article before “proximity.”
- 35 Ill. Adm. Code 721.296(d)(3)(E); derived from 40 C.F.R. 261.196(c)(3)(v)  
 Added the indefinite article before “description.”
- 35 Ill. Adm. Code 721.296(e)(2); derived from 40 C.F.R. 261.196(e)(2)  
 Added “tank” before “system” (twice).
- 35 Ill. Adm. Code 721.296(e)(3); derived from 40 C.F.R. 261.196(e)(3)  
 Added “primary tank” before “system.”
- 35 Ill. Adm. Code 721.296(e)(4); derived from 40 C.F.R. 261.196(e)(4)  
 Added “tank” before “system.”
- 35 Ill. Adm. Code 721.296(f); derived from 40 C.F.R. 261.196(f)  
 Changed the semicolon after “internal liner” to a comma to separate elements of the series; added “etc.” offset by a comma; added a comma before “unless” to offset the parenthetical.
- 35 Ill. Adm. Code 721.296 Board note; derived from 40 C.F.R. notes 1 and 2 to 261.196  
 Changed “Note 1 to § 261.196” to “Board note”; combined the text of notes 1 and 2 to § 261.196 into a single note; added “USEPA stated in note 2 appended to corresponding 40 CFR 261.196 that” before “40 CFR 302.”
- 35 Ill. Adm. Code 721.297; derived from 40 C.F.R. 261.197  
 Changed “parts 261 through 266, 268, 270, 271, and 124 of this chapter” to “35 Ill. Adm. Code 702, 703, 705, and 721 through 728.”
- 35 Ill. Adm. Code 721.298(a); derived from 40 C.F.R. 261.198(a)  
 Changed plural “tank systems” to singular “a tank system.”

35 Ill. Adm. Code 721.298(b); derived from 40 C.F.R. 261.198(b)

Changed “which” to “that” for a restrictive relative clause; changed “tank” to “tank system”; removed the parentheses from the incorporation by reference statement; removed the comma, removed “see,” and added “in” before the regulatory cross-reference.

35 Ill. Adm. Code 721.299(a); derived from 40 C.F.R. 261.199(a)

Added “together” before “in the same tank system.”

35 Ill. Adm. Code 721.300; derived from 40 C.F.R. 261.200

Changed “shall” to “must.”

35 Ill. Adm. Code 721.500 preamble; derived from 40 C.F.R. 261.400

Changed “and/or” to “or.”

35 Ill. Adm. Code 721.500(a); derived from 40 C.F.R. 261.400(a)

Changed “verified recycler variance” to “solid waste determination”; changed “6000 kg” to “6,000 kg.”

35 Ill. Adm. Code 721.500(b); derived from 40 C.F.R. 261.400(b)

Changed “verified recycler variance” to “solid waste determination”; changed “6000 kg” to “6,000 kg.”

35 Ill. Adm. Code 721.510(d)(2); derived from 40 C.F.R. 261.410(d)(2)

Changed “he” to “he or she.”

35 Ill. Adm. Code 721.510(e); derived from 40 C.F.R. 261.410(e)

Changed “verified recycler variance” to “solid waste determination.”

35 Ill. Adm. Code 721.510(f)(1); derived from 40 C.F.R. 261.410(f)(1)

Changed “verified recycler variance” to “solid waste determination.”

35 Ill. Adm. Code 721.510(f)(2); derived from 40 C.F.R. 261.410(f)(2)

Changed “verified recycler variance” to “solid waste determination.”

35 Ill. Adm. Code 721.511; derived from 40 C.F.R. 261.411

Changed “6000 kg” to “6,000 kg.”

35 Ill. Adm. Code 721.511(d)(3); derived from 40 C.F.R. 261.410(d)(3)

Changed “verified recycler variance” to “solid waste determination” (twice); changed “800/424-8802” to “800-424-8802.”

35 Ill. Adm. Code 721.511(d)(3)(A); derived from 40 C.F.R. 261.410(d)(3)(i)

Changed “U.S. EPA Identification Number” to “USEPA identification number.”

35 Ill. Adm. Code 721.511(d)(3)(B); derived from 40 C.F.R. 261.410(d)(3)(ii)

Added the definition article before “date.”

35 Ill. Adm. Code 721.511(d)(3)(C); derived from 40 C.F.R. 261.410(d)(3)(iii)

Added the definition article before “quantity.”

35 Ill. Adm. Code 721.511(d)(3)(D); derived from 40 C.F.R. 261.410(d)(3)(iv)

Added the definition article before “extent.”

35 Ill. Adm. Code 721.511(d)(3)(E); derived from 40 C.F.R. 261.410(d)(3)(v)

Added the definition article before “estimated quantity.”

35 Ill. Adm. Code 721.520(a)(1); derived from 40 C.F.R. 261.420(a)(1)

Changed “verified recycler variance” to “solid waste determination”; changed “6000 kg” to “6,000 kg.”

35 Ill. Adm. Code 721.520(a)(2); derived from 40 C.F.R. 261.420(a)(1)

Added “contingency” before “plan”; changed “which” to “that” for a restrictive relative clause.

35 Ill. Adm. Code 721.520(b)(2); derived from 40 C.F.R. 261.420(b)(2)

Changed “verified recycler variance” to “solid waste determination”; changed “6000 kg” to “6,000 kg”; changed “part 112 of this chapter” to “40 CFR 112”; changed “he need only” to “the facility needs only”; changed “hazardous waste management” to “hazardous secondary material management”; changed “EPA recommends that the plan” to “USEPA has recommended that the contingency plan” and moved the entire advisory statement into an appended Board note.

35 Ill. Adm. Code 721.520(b)(3); derived from 40 C.F.R. 261.420(b)(3)

Added “contingency” before “plan.”

35 Ill. Adm. Code 721.520(b)(4); derived from 40 C.F.R. 261.420(b)(4)

Added “contingency” before “plan.”

35 Ill. Adm. Code 721.520(b)(5); derived from 40 C.F.R. 261.420(b)(5)

Added “contingency” before “plan”; added “emergency equipment” before “item.”

35 Ill. Adm. Code 721.520(b)(6); derived from 40 C.F.R. 261.420(b)(6)

Added “contingency” before “plan”; added “evacuation” before “plan”; changed “signal(s)” to “signals”; changed “hazardous waste” to “hazardous secondary material.”

35 Ill. Adm. Code 721.520(c); derived from 40 C.F.R. 261.420(c)

Changed “a copy of the plan . . . must be” to active-voice “the facility owner or operator must do as follows with . . . .”

35 Ill. Adm. Code 721.520(c)(1); derived from 40 C.F.R. 261.420(c)(1)

Changed “maintained” to “maintain a copy.”

35 Ill. Adm. Code 721.520(c)(2); derived from 40 C.F.R. 261.420(c)(2)

Changed “submitted” to “submit a copy”; change “all local police departments, fire departments, hospitals . . . emergency response teams” to “every local police department, fire department, hospital . . . emergency response team.”

35 Ill. Adm. Code 721.520(d); derived from 40 C.F.R. 261.420(d)

Changed “the contingency plan must be reviewed, and immediately amended if necessary” to “the facility owner or operator must review and immediately amend its contingency plan, if necessary”; added “any of the following occurs.”

35 Ill. Adm. Code 721.520(d)(3); derived from 40 C.F.R. 261.420(d)(3)

Added “the facility” before “changes” to create an independent clause.

35 Ill. Adm. Code 721.520(e); derived from 40 C.F.R. 261.420(e)

Added commas before and after “either on the facility premises or . . . within a short period of time)” to offset the parenthetical; changed “waste” to “hazardous secondary materials”; changed “material(s)” to “materials.”

35 Ill. Adm. Code 721.520(f)(2); derived from 40 C.F.R. 261.420(f)(2)

Changed “he” to “the emergency coordinator.”

35 Ill. Adm. Code 721.520(f)(4); derived from 40 C.F.R. 261.420(f)(4)

Changed “he” to “the emergency coordinator.”

35 Ill. Adm. Code 721.520(f)(4)(A); derived from 40 C.F.R. 261.420(f)(4)(i)

Changed “his” to “the emergency coordinator’s”; changed “he” to “the emergency coordinator” (twice).

35 Ill. Adm. Code 721.520(f)(4)(B); derived from 40 C.F.R. 261.420(f)(4)(ii)

Changed “he” to “the emergency coordinator” changed “800/424-8802” to “800-424-8802”; added “the following information.”

35 Ill. Adm. Code 721.520(f)(4)(B)(i); derived from 40 C.F.R. 261.420(f)(4)(ii)(A)

Added the definite article before “name.”

35 Ill. Adm. Code 721.520(f)(4)(B)(ii); derived from 40 C.F.R. 261.420(f)(4)(ii)(B)

Added the definite article before “name.”

35 Ill. Adm. Code 721.520(f)(4)(B)(iii); derived from 40 C.F.R. 261.420(f)(4)(ii)(C)

Added the definite article before “time.”

35 Ill. Adm. Code 721.520(f)(4)(B)(iv); derived from 40 C.F.R. 261.420(f)(4)(ii)(D)

Added the definite article before “name”; changed “material(s)” to “materials.”

35 Ill. Adm. Code 721.520(f)(7); derived from 40 C.F.R. 261.420(f)(7)

Changed “it” to “the recovered material.”

35 Ill. Adm. Code 721.520(f)(8); derived from 40 C.F.R. 261.420(f)(8)

Changed “that, in the affected area(s) of the facility” to “that the following has occurred in the affected areas of the facility.”

35 Ill. Adm. Code 721.520(f)(9); derived from 40 C.F.R. 261.420(f)(9)

Changed “he” to “the emergency coordinator” added “the following information.”

35 Ill. Adm. Code 721.520(f)(9)(A); derived from 40 C.F.R. 261.420(f)(9)(i)

Added the definite article before “name.”

35 Ill. Adm. Code 721.520(f)(9)(B); derived from 40 C.F.R. 261.420(f)(9)(ii)

Added the definite article before “name.”

35 Ill. Adm. Code 721.520(f)(9)(C); derived from 40 C.F.R. 261.420(f)(9)(iii)

Added the definite article before “date”; added “etc.” offset by a comma.

35 Ill. Adm. Code 721.520(f)(9)(D); derived from 40 C.F.R. 261.420(f)(9)(iv)

Added the definite article before “name”; changed “material(s)” to “materials.”

35 Ill. Adm. Code 721.930; derived from 40 C.F.R. 261.1030

Added “organic” before “concentrations” to agree with 40 C.F.R. 264.1030(b) and 265.1030(b); added “(parts per million by weight)” after “ppmw” to define the abbreviation; added “federal” before “Clean Air Act.”

35 Ill. Adm. Code 721.931; derived from 40 C.F.R. 261.1031

Changed “shall” to “will.”

35 Ill. Adm. Code 721.931 (“air stripping operation”); derived from 40 C.F.R. 261.1031 (“air stripping operation”)

Placed the defined term in quotation marks.

35 Ill. Adm. Code 721.931 (“bottoms receiver”); derived from 40 C.F.R. 261.1031 (“bottoms receiver”)

Placed the defined term in quotation marks.

35 Ill. Adm. Code 721.931 (“closed-vent system”); derived from 40 C.F.R. 261.1031 (“closed-vent system”)

Placed the defined term in quotation marks.

35 Ill. Adm. Code 721.931 (“condenser”); derived from 40 C.F.R. 261.1031 (“condenser”)

Placed the defined term in quotation marks.

35 Ill. Adm. Code 721.931 (“connector”); derived from 40 C.F.R. 261.1031 (“connector”)

Placed the defined term in quotation marks.

35 Ill. Adm. Code 721.931 (“continuous recorded”); derived from 40 C.F.R. 261.1031 (“continuous recorded”)

Placed the defined term in quotation marks.

35 Ill. Adm. Code 721.931 (“control device”); derived from 40 C.F.R. 261.1031 (“control device”)

Placed the defined term in quotation marks.

35 Ill. Adm. Code 721.931 (“control device shutdown”); derived from 40 C.F.R. 261.1031 (“control device shutdown”)

Placed the defined term in quotation marks.

35 Ill. Adm. Code 721.931 (“distillate receiver”); derived from 40 C.F.R. 261.1031 (“distillate receiver”)

Placed the defined term in quotation marks.

35 Ill. Adm. Code 721.931 (“distillation operation”); derived from 40 C.F.R. 261.1031 (“distillation operation”)

Placed the defined term in quotation marks; changed “system(s)” to “systems” (twice).

35 Ill. Adm. Code 721.931 (“double block and bleed system”); derived from 40 C.F.R. 261.1031 (“double block and bleed system”)

Placed the defined term in quotation marks.

35 Ill. Adm. Code 721.931 (“equipment”); derived from 40 C.F.R. 261.1031 (“equipment”)

Placed the defined term in quotation marks.

35 Ill. Adm. Code 721.931 (“flame zone”); derived from 40 C.F.R. 261.1031 (“flame zone”)

Placed the defined term in quotation marks.

35 Ill. Adm. Code 721.931 (“flow indicator”); derived from 40 C.F.R. 261.1031 (“flow indicator”)

Placed the defined term in quotation marks.

35 Ill. Adm. Code 721.931 (“first attempt”); derived from 40 C.F.R. 261.1031 (“first attempt”)

Placed the defined term in quotation marks.

35 Ill. Adm. Code 721.931 (“fractionation operation”); derived from 40 C.F.R. 261.1031 (“fractionation operation”)

Placed the defined term in quotation marks.

35 Ill. Adm. Code 721.931 (“hazardous secondary material management unit shutdown”); derived from 40 C.F.R. 261.1031 (“hazardous secondary material management unit shutdown”)

Placed the defined term in quotation marks.

35 Ill. Adm. Code 721.931 (“hot well”); derived from 40 C.F.R. 261.1031 (“hot well”)

Placed the defined term in quotation marks.

35 Ill. Adm. Code 721.931 (“in gas/vapor service”); derived from 40 C.F.R. 261.1031 (“in gas/vapor service”)

Placed the defined term in quotation marks.

35 Ill. Adm. Code 721.931 (“in heavy liquid service”); derived from 40 C.F.R. 261.1031 (“in heavy liquid service”)

Placed the defined term in quotation marks.

35 Ill. Adm. Code 721.931 (“in light liquid service”); derived from 40 C.F.R. 261.1031 (“in light liquid service”)

Placed the defined term in quotation marks; changed “ °C” to “° C” (twice).

35 Ill. Adm. Code 721.931 (“in situ sampling systems”); derived from 40 C.F.R. 261.1031 (“in situ sampling systems”)

Placed the defined term in quotation marks.

35 Ill. Adm. Code 721.931 (“in vacuum service”); derived from 40 C.F.R. 261.1031 (“in vacuum service”)

Placed the defined term in quotation marks.

35 Ill. Adm. Code 721.931 (“malfunction”); derived from 40 C.F.R. 261.1031 (“malfunction”)

Placed the defined term in quotation marks.

35 Ill. Adm. Code 721.931 (“open-ended valve or line”); derived from 40 C.F.R. 261.1031 (“open-ended valve or line”)

Placed the defined term in quotation marks.

35 Ill. Adm. Code 721.931 (“pressure release”); derived from 40 C.F.R. 261.1031 (“pressure release”)

Placed the defined term in quotation marks.

35 Ill. Adm. Code 721.931 (“process heater”); derived from 40 C.F.R. 261.1031 (“process heater”)

Placed the defined term in quotation marks.

35 Ill. Adm. Code 721.931 (“process vent”); derived from 40 C.F.R. 261.1031 (“process vent”)

Placed the defined term in quotation marks.

35 Ill. Adm. Code 721.931 (“repaired”); derived from 40 C.F.R. 261.1031 (“repaired”)

Placed the defined term in quotation marks.

35 Ill. Adm. Code 721.931 (“sampling connection system”); derived from 40 C.F.R. 261.1031 (“sampling connection system”)

Placed the defined term in quotation marks.

35 Ill. Adm. Code 721.931 (“sensor”); derived from 40 C.F.R. 261.1031 (“sensor”)

Placed the defined term in quotation marks.

35 Ill. Adm. Code 721.931 (“separator tank”); derived from 40 C.F.R. 261.1031 (“separator tank”)

Placed the defined term in quotation marks.

35 Ill. Adm. Code 721.931 (“solvent extraction operation”); derived from 40 C.F.R. 261.1031 (“solvent extraction operation”)

Placed the defined term in quotation marks.

35 Ill. Adm. Code 721.931 (“startup”); derived from 40 C.F.R. 261.1031 (“startup”)

Placed the defined term in quotation marks.

35 Ill. Adm. Code 721.931 (“steam stripping operation”); derived from 40 C.F.R. 261.1031 (“steam stripping operation”)

Placed the defined term in quotation marks.

35 Ill. Adm. Code 721.931 (“surge control tank”); derived from 40 C.F.R. 261.1031 (“surge control tank”)

Placed the defined term in quotation marks.

35 Ill. Adm. Code 721.931 (“thin-film evaporation operation”); derived from 40 C.F.R. 261.1031 (“thin-film evaporation operation”)

Placed the defined term in quotation marks.

35 Ill. Adm. Code 721.931 (“vapor incinerator”); derived from 40 C.F.R. 261.1031 (“vapor incinerator”)

Placed the defined term in quotation marks.

35 Ill. Adm. Code 721.931 (“vented”); derived from 40 C.F.R. 261.1031 (“vented”)

Placed the defined term in quotation marks.

35 Ill. Adm. Code 721.932(a); derived from 40 C.F.R. 261.1031(a)

Changed “shall” to “must.”

35 Ill. Adm. Code 721.932(d); derived from 40 C.F.R. 261.1031(d)

Changed “Regional Administrator” to “Agency”; changed “and/or” to “or”; changed “shall” to “must”; added a statement that the Agency must state its disagreement in writing.

35 Ill. Adm. Code 721.933(a); derived from 40 C.F.R. 261.1033(a)

Added the topical heading “applicability.”

35 Ill. Adm. Code 721.933(a)(1); derived from 40 C.F.R. 261.1033(a)(1)

Changed “shall” to “must.”

35 Ill. Adm. Code 721.933(a)(2); derived from 40 C.F.R. 261.1033(a)(2)

Replaced “[reserved]” with a statement to maintain structural consistency and comport with codification requirements.

35 Ill. Adm. Code 721.933(b); derived from 40 C.F.R. 261.1033(b)

Changed “shall” to “must.”

35 Ill. Adm. Code 721.933(c); derived from 40 C.F.R. 261.1033(c)

Changed “shall” to “must” (twice); changed numeric “3 percent” to written “three percent”; changed “ °C” to “° C.”

35 Ill. Adm. Code 721.933(d); derived from 40 C.F.R. 261.1033(d)

Added the topical heading “flares.”

35 Ill. Adm. Code 721.933(d)(1); derived from 40 C.F.R. 261.1033(d)(1)

Changed “shall” to “must”; added a comma before “as determined” to offset the parenthetical; changed numeric “5” to written “five”; changed numeric “2” to written “two.”

35 Ill. Adm. Code 721.933(d)(2); derived from 40 C.F.R. 261.1033(d)(2)

Changed “shall” to “must.”

35 Ill. Adm. Code 721.933(d)(3); derived from 40 C.F.R. 261.1033(d)(3)

Changed “shall” to “must” (twice).

35 Ill. Adm. Code 721.933(d)(4); derived from 40 C.F.R. 261.1033(d)(4)

Added the topical heading “exit velocity.”

35 Ill. Adm. Code 721.933(d)(4)(A); derived from 40 C.F.R. 261.1033(d)(4)(i)

Changed “shall” to “must.”

35 Ill. Adm. Code 721.933(d)(4)(C); derived from 40 C.F.R. 261.1033(d)(4)(iii)

Added a comma after “as determined by . . . this Section” to offset the parenthetical

35 Ill. Adm. Code 721.933(d)(5); derived from 40 C.F.R. 261.1033(d)(5)

Changed “shall” to “must.”

35 Ill. Adm. Code 721.933(d)(6); derived from 40 C.F.R. 261.1033(d)(6)

Changed “shall” to “must”; changed “nonassisted” to “unassisted.”

35 Ill. Adm. Code 721.933(e); derived from 40 C.F.R. 261.1033(e)

Added the topical heading “compliance determination and equations.”

35 Ill. Adm. Code 721.933(e)(1); derived from 40 C.F.R. 261.1033(e)(1)

Added the method title “Visual Determination of Fugitive Emissions from Material Sources and Smoke Emissions from Flares” in parentheses; added the appendix title “Test Methods” in parentheses; added the incorporation by reference language offset by commas; changed “shall” to “must”; changed numeric “2” to written “two.”

35 Ill. Adm. Code 721.933(e)(2); derived from 40 C.F.R. 261.1033(e)(2)

Changed “shall” to “must”; changed “ °C” to “° C” (three times); added the title of Reference Method 18, “Measurement of Gaseous Organic Compound Emissions by Gas Chromatography,” in parentheses; added “appendix A” before 40 CFR 60”; added the appendix A title, “Test Methods,” in parentheses; added the incorporation by reference language offset by commas; changed “ASTM D 1946-82” to “ASTM D 1946-90” to reflect the version available to the Board”; removed the parentheses from the incorporation by reference language, adding a comma to offset the incorporation language; corrected “kcal/9 mol” to “kcal/g mol”; removed the parentheses from the incorporation by reference language, adding commas to offset the incorporation language.

35 Ill. Adm. Code 721.933(e)(3); derived from 40 C.F.R. 261.1033(e)(3)

Changed “shall” to “must”; added the title of Reference Method 2, “Determination of Stack Gas Velocity and Volumetric Flow Rate (Type S Pitot Tube),” in parentheses; added the title of Reference Method 2A, “Direct Measurement of Gas Volume through Pipes and Small Ducts,” in parentheses; added the title of Reference Method 2C, “Determination of Gas Velocity and Volumetric Flow Rate in Small Stacks or Ducts (Standard Pitot Tube),” in parentheses; added the title of Reference Method 2D, “Measurement of Gas Volume Flow Rates in Small Pipes and Ducts,” in parentheses; added “appendix A” before 40 CFR 60”; added the appendix A title, “Test Methods,” in parentheses; added the incorporation by reference language offset by commas.

35 Ill. Adm. Code 721.933(e)(4); derived from 40 C.F.R. 261.1033(e)(4)

Changed “shall” to “must.”

35 Ill. Adm. Code 721.933(e)(5); derived from 40 C.F.R. 261.1033(e)(5)

Changed “shall” to “must.”

35 Ill. Adm. Code 721.933(f); derived from 40 C.F.R. 261.1033(f)

Changed “shall” to “must.”

35 Ill. Adm. Code 721.933(f)(1); derived from 40 C.F.R. 261.1033(f)(1)

Changed “shall” to “must.”

35 Ill. Adm. Code 721.933(f)(2)(A); derived from 40 C.F.R. 261.1033(f)(2)(i)

Changed “shall” to “must” (twice); changed “ °C” to “° C” (twice)

35 Ill. Adm. Code 721.933(f)(2)(B); derived from 40 C.F.R. 261.1033(f)(2)(ii)

Changed “shall” to “must” (three times); changed “ °C” to “° C” (twice).

35 Ill. Adm. Code 721.933(f)(2)(D); derived from 40 C.F.R. 261.1033(f)(2)(iv)

Changed “shall” to “must” (twice); changed “ °C” to “° C” (twice)

35 Ill. Adm. Code 721.933(f)(2)(E); derived from 40 C.F.R. 261.1033(f)(2)(v)

Changed “parameter(s)” to “parameters.”

35 Ill. Adm. Code 721.933(f)(2)(F)(ii); derived from 40 C.F.R. 261.1033(f)(2)(vi)(B)

Changed “shall” to “must”; changed “ °C” to “° C” (twice).

35 Ill. Adm. Code 721.933(g); derived from 40 C.F.R. 261.1033(g)

Changed “shall” to “must.”

35 Ill. Adm. Code 721.933(h); derived from 40 C.F.R. 261.1033(h)

Changed “shall” to “must.”

35 Ill. Adm. Code 721.933(h)(1); derived from 40 C.F.R. 261.1033(h)(1)

Changed “shall” to “must.”

35 Ill. Adm. Code 721.933(k); derived from 40 C.F.R. 261.1033(k)

Changed “shall” to “must.”

35 Ill. Adm. Code 721.933(k)(1); derived from 40 C.F.R. 261.1033(k)(1)

Changed “shall” to “must.”

35 Ill. Adm. Code 721.933(k)(2); derived from 40 C.F.R. 261.1033(k)(2)

Changed “shall” to “must” (twice).

35 Ill. Adm. Code 721.933(l); derived from 40 C.F.R. 261.1033(l)

Changed “shall” to “must.”

35 Ill. Adm. Code 721.933(l)(1); derived from 40 C.F.R. 261.1033(l)(1)

Changed “shall” to “must.”

35 Ill. Adm. Code 721.933(l)(1)(A); derived from 40 C.F.R. 261.1033(l)(1)(i)

Changed “shall” to “must.”

35 Ill. Adm. Code 721.933(l)(1)(B); derived from 40 C.F.R. 261.1033(l)(1)(ii)

Changed “shall” to “must.”

35 Ill. Adm. Code 721.933(l)(1)(B)(i); derived from 40 C.F.R. 261.1033(l)(1)(ii)(A)

Changed “shall” to “must” (twice).

35 Ill. Adm. Code 721.933(l)(1)(B)(ii); derived from 40 C.F.R. 261.1033(l)(1)(ii)(B)

Changed “shall” to “must”; changed “Regional Administrator” to “Agency”; added statement that the Agency must make any request in writing.

35 Ill. Adm. Code 721.933(l)(1)(C); derived from 40 C.F.R. 261.1033(l)(1)(iii)

Changed “shall” to “must.”

35 Ill. Adm. Code 721.933(l)(1)(D); derived from 40 C.F.R. 261.1033(l)(1)(iv)

Changed “shall” to “must.”

35 Ill. Adm. Code 721.933(l)(2); derived from 40 C.F.R. 261.1033(l)(2)

Changed “shall” to “must.”

35 Ill. Adm. Code 721.933(l)(2)(A); derived from 40 C.F.R. 261.1033(l)(2)(i)

Changed “shall” to “must.”

35 Ill. Adm. Code 721.933(l)(2)(B); derived from 40 C.F.R. 261.1033(l)(2)(ii)

Changed “shall” to “must” (twice).

35 Ill. Adm. Code 721.933(l)(2)(C); derived from 40 C.F.R. 261.1033(l)(2)(iii)

Changed “shall” to “must.”

35 Ill. Adm. Code 721.933(l)(2)(D); derived from 40 C.F.R. 261.1033(l)(2)(iv)

Changed “shall” to “must.”

35 Ill. Adm. Code 721.933(l)(3)(A); derived from 40 C.F.R. 261.1033(l)(3)(i)

Changed “shall” to “must.”

35 Ill. Adm. Code 721.933(l)(3)(B); derived from 40 C.F.R. 261.1033(l)(3)(ii)

Changed “shall” to “must.”

35 Ill. Adm. Code 721.933(l)(3)(C); derived from 40 C.F.R. 261.1033(l)(3)(iii)

Changed “shall” to “must.”

35 Ill. Adm. Code 721.933(l)(3)(D); derived from 40 C.F.R. 261.1033(l)(3)(iv)

Changed “shall” to “must.”

35 Ill. Adm. Code 721.933(m); derived from 40 C.F.R. 261.1033(m)

Changed “shall” to “must.”

35 Ill. Adm. Code 721.933(n); derived from 40 C.F.R. 261.1033(n)

Changed “shall” to “must.”

35 Ill. Adm. Code 721.933(n)(1)(A); derived from 40 C.F.R. 261.1033(n)(1)(i)

Removed the unnecessary ending conjunction “or.”

35 Ill. Adm. Code 721.933(n)(1)(B); derived from 40 C.F.R. 261.1033(n)(1)(ii)

Changed “subparts AA and CC of either this part or of 40 CFR part 265” to “Subparts AA and CC of this Part or Subparts AA and CC of 35 Ill. Adm. Code 725.”

35 Ill. Adm. Code 721.933(n)(1)(C); derived from 40 C.F.R. 261.1033(n)(1)(iii)

Added the title of 40 C.F.R. 61, “National Emission Standards for Hazardous Air Pollutants,” in parentheses; added the title of 40 C.F.R. 63, “National Emission Standards for Hazardous Air Pollutants for Source Categories,” in parentheses; added the incorporation by reference language offset by commas.

35 Ill. Adm. Code 721.933(n)(2)(A); derived from 40 C.F.R. 261.1033(n)(2)(i)

Changed “40 CFR part 270” to “35 Ill. Adm. Code 702, 703, and 705”; changed “which” to “that” for a restrictive relative clause.

35 Ill. Adm. Code 721.933(n)(3)(A); derived from 40 C.F.R. 261.1033(n)(3)(i)

Changed “40 CFR part 270” to “35 Ill. Adm. Code 702, 703, and 705”; changed “which” to “that” for a restrictive relative clause.

35 Ill. Adm. Code 721.933(o); derived from 40 C.F.R. 261.1033(o)

Added “both of the following conditions are fulfilled.”

35 Ill. Adm. Code 721.934(a); derived from 40 C.F.R. 261.1034(a)

Changed “shall” to “must.”

35 Ill. Adm. Code 721.934(b); derived from 40 C.F.R. 261.1034(b)

Changed “shall” to “must.”

35 Ill. Adm. Code 721.934(b)(1); derived from 40 C.F.R. 261.1034(b)(1)

Changed “shall” to “must”; added the title of Reference Method 21, “Determination of Volatile Organic Compound Leaks,” in parentheses; added “appendix A” before 40 CFR 60”; added the appendix A title, “Test Methods,” in parentheses; added the incorporation by reference language offset by commas.

35 Ill. Adm. Code 721.934(b)(2); derived from 40 C.F.R. 261.1034(b)(2)

Changed “shall” to “must.”

35 Ill. Adm. Code 721.934(b)(3); derived from 40 C.F.R. 261.1034(b)(3)

Changed “shall” to “must.”

35 Ill. Adm. Code 721.934(b)(4); derived from 40 C.F.R. 261.1034(b)(4)

Changed “shall” to “must.”

35 Ill. Adm. Code 721.934(b)(5); derived from 40 C.F.R. 261.1034(b)(5)

Changed “shall” to “must.”

35 Ill. Adm. Code 721.934(b)(6); derived from 40 C.F.R. 261.1034(b)(6)

Changed “shall” to “must.”

35 Ill. Adm. Code 721.934(c); derived from 40 C.F.R. 261.1034(c)

Changed “shall” to “must.”

35 Ill. Adm. Code 721.934(c)(1); derived from 40 C.F.R. 261.1034(c)(1)

Changed “shall” to “must.”

35 Ill. Adm. Code 721.934(c)(1)(A); derived from 40 C.F.R. 261.1034(c)(1)(i)

Changed “Method 2” to “Reference Method 2”; added the title of Method 2, “Determination of Stack Gas Velocity and Volumetric Flow Rate (Type S Pitot Tube),” in parentheses; added “appendix A” before 40 CFR 60”; added the appendix A title, “Test Methods,” in parentheses; added the incorporation by reference language offset by commas.

35 Ill. Adm. Code 721.934(c)(1)(B); derived from 40 C.F.R. 261.1034(c)(1)(ii)

Changed “Method 18” to “Reference Method 18”; added the title of Method 18, “Measurement of Gaseous Organic Compound Emissions by Gas Chromatography,” in parentheses; changed “Method 25A” to “Reference Method 25A” (three times); added the title of Method 25A, “Measurement of Gaseous Organic Compound Emissions by Gas Chromatography,” in parentheses; added “appendix A” before 40 CFR 60”; added the appendix A title, “Test Methods,” in parentheses; added the incorporation by reference language offset by commas.

35 Ill. Adm. Code 721.934(c)(1)(C); derived from 40 C.F.R. 261.1034(c)(1)(iii)

Changed “shall” to “must” (three times); changed “1 hour” to “one hour.”

35 Ill. Adm. Code 721.934(c)(1)(D); derived from 40 C.F.R. 261.1034(c)(1)(iv)

Changed “shall” to “must.”

35 Ill. Adm. Code 721.934(c)(1)(D)(i); derived from 40 C.F.R. 261.1034(c)(1)(iv)(A)

Changed “Method 18” to “Reference Method 18” (twice); changed “Method 2” to “Reference Method 2”; changed “293 K” to “293° K.”

35 Ill. Adm. Code 721.934(c)(1)(D)(ii); derived from 40 C.F.R. 261.1034(c)(1)(iv)(B)

Changed “Method 25A” to “Reference Method 25A” (twice); changed “Method 2” to “Reference Method 2”; changed “293 K” to “293° K.”

35 Ill. Adm. Code 721.934(c)(1)(E); derived from 40 C.F.R. 261.1034(c)(1)(v)

Changed “shall” to “must.”

35 Ill. Adm. Code 721.934(c)(1)(F); derived from 40 C.F.R. 261.1034(c)(1)(vi)

Changed “shall” to “must.”

35 Ill. Adm. Code 721.934(c)(2); derived from 40 C.F.R. 261.1034(c)(2)

Changed “shall” to “must” (twice).

35 Ill. Adm. Code 721.934(c)(3); derived from 40 C.F.R. 261.1034(c)(3)

Changed “shall” to “must”; added a comma before “as follows” to offset the parenthetical.

35 Ill. Adm. Code 721.934(c)(3)(B); derived from 40 C.F.R. 261.1034(c)(3)(ii)

Changed “platform(s)” to “platforms.”

35 Ill. Adm. Code 721.934(c)(3)(C); derived from 40 C.F.R. 261.1034(c)(3)(iii)

Changed “platform(s)” to “platforms.”

35 Ill. Adm. Code 721.934(c)(4); derived from 40 C.F.R. 261.1034(c)(4)

Changed “shall” to “must”; changed “beyond the remanufacturer’s or other person’s that stores or treats the hazardous secondary material control” to “beyond the control of the remanufacturer or other person that stores or treats the hazardous secondary material”;

changed “compliance may, upon the Regional Administrator’s approval, be determined” to “the Agency may approve compliance determination”; added statement that the Agency must make any approval or disapproval of a compliance determination in writing.

35 Ill. Adm. Code 721.934(d)(1)(C); derived from 40 C.F.R. 261.1034(d)(1)(iii)

Changed “shall” to “must” (twice); removed the parentheses from the incorporation by reference statement, moved the statement from after “Method 9060A” to after “SW-846,” offset by commas.

35 Ill. Adm. Code 721.934(d)(1)(D); derived from 40 C.F.R. 261.1034(d)(1)(iv)

Changed “shall” to “must.”

35 Ill. Adm. Code 721.934(d)(2); derived from 40 C.F.R. 261.1034(d)(2)

Changed “shall” to “must.”

35 Ill. Adm. Code 721.934(e); derived from 40 C.F.R. 261.1034(e)

Changed “shall” to “must.”

35 Ill. Adm. Code 721.934(f); derived from 40 C.F.R. 261.1034(f)

Changed “Regional Administrator” to “Agency”; added a comma before “as specified” to offset the parenthetical; added a statement that the Agency must state its disagreement in writing.

35 Ill. Adm. Code 721.935(a); derived from 40 C.F.R. 261.935(a)

Added the topical subheading “Compliance Required.”

35 Ill. Adm. Code 721.935(a)(1); derived from 40 C.F.R. 261.1035(a)(1)

Changed “shall” to “must.”

35 Ill. Adm. Code 721.935(b)(2); derived from 40 C.F.R. 261.1035(a)(2)

Added “the following.”

35 Ill. Adm. Code 721.935(b)(3); derived from 40 C.F.R. 261.1035(a)(3)

Added “the following.”

35 Ill. Adm. Code 721.935(b)(3)(A); derived from 40 C.F.R. 261.1035(a)(3)(i)

Changed “shall” to “must.”

35 Ill. Adm. Code 721.935(b)(3)(B); derived from 40 C.F.R. 261.1035(a)(3)(ii)

Added “the following.”

35 Ill. Adm. Code 721.935(b)(4); derived from 40 C.F.R. 261.1035(a)(4)

Changed “shall” to “must.”

35 Ill. Adm. Code 721.935(b)(4)(C); derived from 40 C.F.R. 261.1035(a)(4)(iii)

Removed the parentheses from the incorporation by reference statement and offset the statement with commas; changed “Regional Administrator” to “Agency”; changed “shall” to “must”; added a comma before “as specified” to offset the parenthetical; added a statement that the Agency must state whether or not the other engineering texts are acceptable in writing.

35 Ill. Adm. Code 721.935(b)(4)(C)(i); derived from 40 C.F.R. 261.1035(a)(4)(iii)(A)

Changed “shall” to “must” (twice).

- 35 Ill. Adm. Code 721.935(b)(4)(C)(ii); derived from 40 C.F.R. 261.1035(a)(4)(iii)(B)  
Changed “shall” to “must” (twice).
- 35 Ill. Adm. Code 721.935(b)(4)(C)(iii); derived from 40 C.F.R. 261.1035(a)(4)(iii)(C)  
Changed “shall” to “must” (twice).
- 35 Ill. Adm. Code 721.935(b)(4)(C)(iv); derived from 40 C.F.R. 261.1035(a)(4)(iii)(D)  
Changed “shall” to “must” (twice).
- 35 Ill. Adm. Code 721.935(b)(4)(C)(v); derived from 40 C.F.R. 261.1035(a)(4)(iii)(E)  
Changed “shall” to “must” (twice).
- 35 Ill. Adm. Code 721.935(b)(4)(C)(vi); derived from 40 C.F.R. 261.1035(a)(4)(iii)(F)  
Changed “shall” to “must” (twice).
- 35 Ill. Adm. Code 721.935(b)(4)(C)(vii); derived from 40 C.F.R. 261.1035(a)(4)(iii)(G)  
Changed “shall” to “must” (twice).
- 35 Ill. Adm. Code 721.935(c); derived from 40 C.F.R. 261.1035(c)  
Changed “shall” to “must” (twice); added “the following.”
- 35 Ill. Adm. Code 721.935(c)(4); derived from 40 C.F.R. 261.1035(c)(4)  
Added a comma before “as specified” to offset the parenthetical.
- 35 Ill. Adm. Code 721.935(c)(4)(A); derived from 40 C.F.R. 261.1035(c)(4)(i)  
Changed “ °C” to “° C” (twice).
- 35 Ill. Adm. Code 721.935(c)(4)(B); derived from 40 C.F.R. 261.1035(c)(4)(ii)  
Changed “ °C” to “° C.”
- 35 Ill. Adm. Code 721.935(c)(4)(C); derived from 40 C.F.R. 261.1035(c)(4)(iii)  
Added “either of the following occurs.”
- 35 Ill. Adm. Code 721.935(c)(4)(C)(i); derived from 40 C.F.R. 261.1035(c)(4)(iii)(A)  
Changed “ °C” to “° C.”
- 35 Ill. Adm. Code 721.935(c)(4)(D); derived from 40 C.F.R. 261.1035(c)(4)(iv)  
Added “either of the following occurs.”
- 35 Ill. Adm. Code 721.935(c)(4)(D)(i); derived from 40 C.F.R. 261.1035(c)(4)(iv)(A)  
Changed “ °C” to “° C.”
- 35 Ill. Adm. Code 721.935(c)(4)(G)(i); derived from 40 C.F.R. 261.1035(c)(4)(vii)(A)  
Changed “ °C” to “° C.”
- 35 Ill. Adm. Code 721.935(c)(4)(H); derived from 40 C.F.R. 261.1035(c)(4)(viii)  
Added “which” before “complies” for a subsequent restrictive relative clause; added “any” before “period.”
- 35 Ill. Adm. Code 721.935(c)(4)(I); derived from 40 C.F.R. 261.1035(c)(4)(ix)  
Added “which” before “complies” for a subsequent restrictive relative clause; added “any” before “period.”
- 35 Ill. Adm. Code 721.935(c)(6); derived from 40 C.F.R. 261.1035(c)(6)  
Added “any” before “date.”

35 Ill. Adm. Code 721.935(c)(9); derived from 40 C.F.R. 261.1035(c)(9)

Changed “shall” to “must.”

35 Ill. Adm. Code 721.935(c)(10); derived from 40 C.F.R. 261.1035(c)(10)

Changed “shall” to “must.”

35 Ill. Adm. Code 721.935(c)(10)(D); derived from 40 C.F.R. 261.1035(c)(10)(iv)

Changed “Method” to “Reference Method”; added the title of Reference Method 21, “Determination of Volatile Organic Compound Leaks,” in parentheses; added “appendix A” before 40 CFR 60”; added the appendix A title, “Test Methods,” in parentheses; added the incorporation by reference language offset by commas.

35 Ill. Adm. Code 721.935(d); derived from 40 C.F.R. 261.1035(d)

Changed “shall” to “must”; changed “3 years” to “three years.”

35 Ill. Adm. Code 721.935(e); derived from 40 C.F.R. 261.1035(e)

Changed “Regional Administrator will specify” to “Agency must specify”; added a statement that the Agency must specify the appropriate recordkeeping requirements in writing.

35 Ill. Adm. Code 721.935(f); derived from 40 C.F.R. 261.1035(f)

Changed “shall” to “must.”

35 Ill. Adm. Code 721.950; derived from 40 C.F.R. 261.1050(a)

Removed the subsection designation “(a)” to comport with codification requirements; changed “codified under” to “in”; added the title of 40 C.F.R. 60, “Standards of Performance for New Stationary Sources,” in parentheses; added the title of 40 C.F.R. 61, “National Emission Standards for Hazardous Air Pollutants,” in parentheses; added the title of 40 C.F.R. 63, “National Emission Standards for Hazardous Air Pollutants for Source Categories,” in parentheses; added the incorporation by reference language offset by a comma; added a Board note to explain applicability of the federal Clean Air Act standards in Illinois and Agency issuance of air permits.

35 Ill. Adm. Code 721.951; derived from 40 C.F.R. 261.1051

Changed “shall have the meaning” to “will have the meaning”; changed “the Resource Conservation and Recovery Act” to “section 1004 of the federal Resource Conservation and Recovery Act (42 USC 6904)”; added an incorporation by reference statement offset by commas.

35 Ill. Adm. Code 721.952(a); derived from 40 C.F.R. 261.1052(a)

Added the topical subheading “Monitoring.”

35 Ill. Adm. Code 721.952(a)(1); derived from 40 C.F.R. 261.1052(a)(1)

Changed “shall” to “must.”

35 Ill. Adm. Code 721.952(a)(2); derived from 40 C.F.R. 261.1052(a)(2)

Changed “shall” to “must.”

35 Ill. Adm. Code 721.952(b); derived from 40 C.F.R. 261.1052(b)

Added the topical subheading “Leaks.”

35 Ill. Adm. Code 721.952(c); derived from 40 C.F.R. 261.1052(c)

Added the topical subheading “Repairs.”

- 35 Ill. Adm. Code 721.952(c)(1); derived from 40 C.F.R. 261.1052(c)(1)  
Changed “shall” to “must.”
- 35 Ill. Adm. Code 721.952(c)(2); derived from 40 C.F.R. 261.1052(c)(2)  
Changed “shall” to “must.”
- 35 Ill. Adm. Code 721.952(d)(1); derived from 40 C.F.R. 261.1052(d)(1)  
Added “as follows.”
- 35 Ill. Adm. Code 721.952(d)(5); derived from 40 C.F.R. 261.1052(d)(5)  
Added the topical subheading “Alarms.”
- 35 Ill. Adm. Code 721.952(d)(6); derived from 40 C.F.R. 261.1052(d)(6)  
Added the topical subheading “Leaks.”
- 35 Ill. Adm. Code 721.952(d)(6)(B); derived from 40 C.F.R. 261.1052(d)(6)(ii)  
Changed “shall” to “must.”
- 35 Ill. Adm. Code 721.952(d)(6)(C); derived from 40 C.F.R. 261.1052(d)(6)(iii)  
Changed “shall” to “must.”
- 35 Ill. Adm. Code 721.952(e)(3); derived from 40 C.F.R. 261.1052(e)(3)  
Changed “shall” to “must”; added a statement that the Agency must specify any compliance testing at times other than annually in writing.
- 35 Ill. Adm. Code 721.953(a); derived from 40 C.F.R. 261.1053(a)  
Changed “shall” to “must.”
- 35 Ill. Adm. Code 721.953(b); derived from 40 C.F.R. 261.1053(b)  
Changed “shall” to “must.”
- 35 Ill. Adm. Code 721.953(d); derived from 40 C.F.R. 261.1053(d)  
Added a comma before “as described” to offset the parenthetical; changed “shall” to “must.”
- 35 Ill. Adm. Code 721.953(e); derived from 40 C.F.R. 261.1053(e)  
Added the topical subheading “Inspections.”
- 35 Ill. Adm. Code 721.953(e)(1); derived from 40 C.F.R. 261.1053(e)(1)  
Changed “shall” to “must” (twice).
- 35 Ill. Adm. Code 721.953(e)(2); derived from 40 C.F.R. 261.1053(e)(2)  
Changed “shall” to “must.”
- 35 Ill. Adm. Code 721.953(g); derived from 40 C.F.R. 261.1053(g)  
Added the topical subheading “Repairs.”
- 35 Ill. Adm. Code 721.953(g)(1); derived from 40 C.F.R. 261.1053(g)(1)  
Changed “shall” to “must.”
- 35 Ill. Adm. Code 721.953(g)(2); derived from 40 C.F.R. 261.1053(g)(2)  
Changed “shall” to “must”; changed “5 calendar days” to “five calendar days.”
- 35 Ill. Adm. Code 721.953(i)(2); derived from 40 C.F.R. 261.1053(i)(2)  
Changed “Regional Administrator” to “Agency”; added a statement that the Agency must specify any compliance testing at times other than annually in writing.

35 Ill. Adm. Code 721.954(a); derived from 40 C.F.R. 261.1054(a)

Changed “shall” to “must.”

35 Ill. Adm. Code 721.954(b); derived from 40 C.F.R. 261.1054(b)

Added the topical subheading “Actions following pressure release.”

35 Ill. Adm. Code 721.954(b)(1); derived from 40 C.F.R. 261.1054(b)(1)

Changed “shall” to “must”; changed “5 calendar days” to “five calendar days.”

35 Ill. Adm. Code 721.954(b)(2); derived from 40 C.F.R. 261.1054(b)(2)

Changed “5 calendar days” to “five calendar days”; changed “shall” to “must.”

35 Ill. Adm. Code 721.955(a); derived from 40 C.F.R. 261.1055(a)

Changed “shall” to “must” (twice).

35 Ill. Adm. Code 721.955(b); derived from 40 C.F.R. 261.1055(b)

Changed “shall” to “must.”

35 Ill. Adm. Code 721.955(b)(1); derived from 40 C.F.R. 261.1055(b)(1)

Added “it must.”

35 Ill. Adm. Code 721.955(b)(2); derived from 40 C.F.R. 261.1055(b)(2)

Added “it must.”

35 Ill. Adm. Code 721.955(b)(3); derived from 40 C.F.R. 261.1055(b)(3)

Added “it must.”

35 Ill. Adm. Code 721.956(a); derived from 40 C.F.R. 261.1056(a)

Changed “shall” to “must.”

35 Ill. Adm. Code 721.956(a)(1); derived from 40 C.F.R. 261.1056(a)(1)

Changed “shall” to “must.”

35 Ill. Adm. Code 721.956(a)(2); derived from 40 C.F.R. 261.1056(a)(2)

Changed “shall” to “must.”

35 Ill. Adm. Code 721.956(b); derived from 40 C.F.R. 261.1056(b)

Changed “shall” to “must.”

35 Ill. Adm. Code 721.956(c); derived from 40 C.F.R. 261.1056(c)

Changed “shall” to “must.”

35 Ill. Adm. Code 721.957(a); derived from 40 C.F.R. 261.1057(a)

Changed “shall” to “must” (twice).

35 Ill. Adm. Code 721.957(c); derived from 40 C.F.R. 261.1057(c)

Added the topical subheading “Monitoring Frequency.”

35 Ill. Adm. Code 721.957(c)(2); derived from 40 C.F.R. 261.1057(c)(2)

Changed “shall” to “must.”

35 Ill. Adm. Code 721.957(d); derived from 40 C.F.R. 261.1057(d)

Added the topical subheading “Leak Repair.”

35 Ill. Adm. Code 721.957(d)(1); derived from 40 C.F.R. 261.1057(d)(1)

Changed “shall” to “must.”

35 Ill. Adm. Code 721.957(d)(2); derived from 40 C.F.R. 261.1057(d)(2)

Changed “shall” to “must”; changed “5 calendar days” to “five calendar days.”

35 Ill. Adm. Code 721.957(f)(3); derived from 40 C.F.R. 261.1057(f)(3)

Added “in writing” after “requested”; changed “Regional Administrator” to “Agency”; added a statement that the Agency must specify any compliance testing at times other than annually in writing.

35 Ill. Adm. Code 721.957(g)(1); derived from 40 C.F.R. 261.1057(g)(1)

Changed the ending period to a semicolon and added the conjunction “and.”

35 Ill. Adm. Code 721.957(h); derived from 40 C.F.R. 261.1057(h)

Added “all of the following conditions are fulfilled.”

35 Ill. Adm. Code 721.957(h)(1); derived from 40 C.F.R. 261.1057(h)(1)

Changed “2 meters” to “two meters”; changed the ending period to a semicolon.

35 Ill. Adm. Code 721.957(h)(2); derived from 40 C.F.R. 261.1057(h)(2)

Changed the ending period to a semicolon and added the conjunction “and.”

35 Ill. Adm. Code 721.958(a); derived from 40 C.F.R. 261.1058(a)

Changed “shall” to “must.”

35 Ill. Adm. Code 721.958(c); derived from 40 C.F.R. 261.1058(c)

Added the topical subheading “Repairs.”

35 Ill. Adm. Code 721.958(c)(1); derived from 40 C.F.R. 261.1058(c)(1)

Changed “shall” to “must.”

35 Ill. Adm. Code 721.958(c)(2); derived from 40 C.F.R. 261.1058(c)(2)

Changed “shall” to “must”; changed “5 calendar days” to “five calendar days.”

35 Ill. Adm. Code 721.958(e); derived from 40 C.F.R. 261.1058(e)

Added “which” for a subsequent restrictive relative clause.

35 Ill. Adm. Code 721.959(a); derived from 40 C.F.R. 261.1059(a)

Changed “shall” to “must.”

35 Ill. Adm. Code 721.959(d); derived from 40 C.F.R. 261.1059(d)

Added “both of the following conditions are fulfilled.”

35 Ill. Adm. Code 721.959(d)(1); derived from 40 C.F.R. 261.1059(d)(1)

Changed the ending period to a semicolon and added the conjunction “and.”

35 Ill. Adm. Code 721.959(d)(2); derived from 40 C.F.R. 261.1059(d)(2)

Changed “6 months” to “six months.”

35 Ill. Adm. Code 721.959(e); derived from 40 C.F.R. 261.1059(e)

Changed “6 months” to “six months.”

35 Ill. Adm. Code 721.960(a); derived from 40 C.F.R. 261.1060(a)

Changed “shall” to “must.”

35 Ill. Adm. Code 721.960(b); derived from 40 C.F.R. 261.1060(b)

Added the topical subheading “Implementation Schedule.”

35 Ill. Adm. Code 721.960(b)(2); derived from 40 C.F.R. 261.1060(b)(2)

Added “which” for a subsequent restrictive relative clause.

35 Ill. Adm. Code 721.960(b)(3); derived from 40 C.F.R. 261.1060(b)(3)

Changed “shall” to “must” (three times); changed “Specific calendar dates” to lower-case “specific calendar dates.”

35 Ill. Adm. Code 721.960(b)(4); derived from 40 C.F.R. 261.1060(b)(4)

Added a comma after “subsection (b)(3)” to complete the offset of the parenthetical.

35 Ill. Adm. Code 721.961(a); derived from 40 C.F.R. 261.1061(a)

Changed “2 percent” to “two percent.”

35 Ill. Adm. Code 721.961(b); derived from 40 C.F.R. 261.1061(b)

Changed “shall” to “must”; changed “2 percent” to “two percent.”

35 Ill. Adm. Code 721.961(b)(1); derived from 40 C.F.R. 261.1061(b)(1)

Added commas before and after “as specified . . . in this Section” to offset the parenthetical; changed “shall” to “must”; changed “2 percent” to “two percent”; added “in writing” after “requested”; changed “Regional Administrator” to “Agency”; changed the ending period to a semicolon and added the conjunction “and”; added a statement that an Agency request for compliance testing at times other than annually must be in writing.

35 Ill. Adm. Code 721.961(b)(2); derived from 40 C.F.R. 261.1061(b)(2)

Changed “shall” to “must.”

35 Ill. Adm. Code 721.961(c); derived from 40 C.F.R. 261.1061(c)

Changed “shall” to “must.”

35 Ill. Adm. Code 721.961(c)(1); derived from 40 C.F.R. 261.1061(c)(1)

Changed “shall” to “must.”

35 Ill. Adm. Code 721.961(c)(3); derived from 40 C.F.R. 261.1061(c)(3)

Changed “shall” to “must.”

35 Ill. Adm. Code 721.962(b); derived from 40 C.F.R. 261.1062(b)

Added the topical subheading “Reduced Monitoring.”

35 Ill. Adm. Code 721.962(b)(1); derived from 40 C.F.R. 261.1062(b)(1)

Changed “shall” to “must.”

35 Ill. Adm. Code 721.962(b)(4); derived from 40 C.F.R. 261.1062(b)(4)

Changed “shall” to “must.”

35 Ill. Adm. Code 721.963(a); derived from 40 C.F.R. 261.1063(a)

Changed “shall” to “must.”

35 Ill. Adm. Code 721.963(b); derived from 40 C.F.R. 261.1063(b)

Changed “shall” to “must.”

35 Ill. Adm. Code 721.963(b)(1); derived from 40 C.F.R. 261.1063(b)(1)

Changed “shall” to “must”; added the title of Reference Method 21, “Determination of Volatile Organic Compound Leaks,” in parentheses; added “appendix A” before 40 CFR 60”; added the appendix A title, “Test Methods,” in parentheses; added the incorporation by reference language offset by commas.

- 35 Ill. Adm. Code 721.963(b)(2); derived from 40 C.F.R. 261.1063(b)(2)  
Changed “shall” to “must.”
- 35 Ill. Adm. Code 721.963(b)(3); derived from 40 C.F.R. 261.1063(b)(3)  
Changed “shall” to “must.”
- 35 Ill. Adm. Code 721.963(b)(4); derived from 40 C.F.R. 261.1063(b)(4)  
Changed “shall” to “must”; added “as follows.”
- 35 Ill. Adm. Code 721.963(b)(4)(A); derived from 40 C.F.R. 261.1063(b)(4)(i)  
Changed the ending period to a semicolon and added the conjunction “and.”
- 35 Ill. Adm. Code 721.963(b)(5); derived from 40 C.F.R. 261.1063(b)(5)  
Changed “shall” to “must.”
- 35 Ill. Adm. Code 721.963(c); derived from 40 C.F.R. 261.1063(c)  
Changed “shall” to “must.”
- 35 Ill. Adm. Code 721.963(c)(1); derived from 40 C.F.R. 261.1063(c)(1)  
Changed “shall” to “must.”
- 35 Ill. Adm. Code 721.963(c)(2); derived from 40 C.F.R. 261.1063(c)(2)  
Changed “shall” to “must.”
- 35 Ill. Adm. Code 721.963(c)(3); derived from 40 C.F.R. 261.1063(c)(3)  
Changed “shall” to “must.”
- 35 Ill. Adm. Code 721.963(d)(1); derived from 40 C.F.R. 261.1063(d)(1)  
Changed “incorporated by reference under” to “incorporated by reference in” and added a comma to offset the incorporation statement as a parenthetical.
- 35 Ill. Adm. Code 721.963(d)(2); derived from 40 C.F.R. 261.1063(d)(2)  
Changed “incorporated by reference under” to “incorporated by reference in,” added a comma to offset the incorporation statement as a parenthetical, and moved the incorporation statement from after “Method 9060A” to follow “SW-846.”
- 35 Ill. Adm. Code 721.963(d)(3); derived from 40 C.F.R. 261.1063(d)(3)  
Changed “shall” to “must.”
- 35 Ill. Adm. Code 721.963(f); derived from 40 C.F.R. 261.1063(f)  
Changed “Regional Administrator” to “Agency.”
- 35 Ill. Adm. Code 721.963(g); derived from 40 C.F.R. 261.1063(g)  
Changed “shall” to “must.”
- 35 Ill. Adm. Code 721.963(h); derived from 40 C.F.R. 261.1063(h)  
Removed the hyphen and changed the version “D-2879-86” to D 2879-92” to agree with 40 C.F.R. 260.11(b)(5); changed “incorporated by reference under” to “incorporated by reference in,” removed the parentheses from the incorporation statement, and added a comma to offset the statement as a parenthetical.
- 35 Ill. Adm. Code 721.963(i); derived from 40 C.F.R. 261.1063(i)  
Changed “shall” to “must.”
- 35 Ill. Adm. Code 721.964(a); derived from 40 C.F.R. 261.1064(a)  
Added the topical subheading “Lumping Units”; changed “shall” to “must.”

- 35 Ill. Adm. Code 721.964(b)(1)(A); derived from 40 C.F.R. 261.1064(b)(1)(i)  
Added the definite article.
- 35 Ill. Adm. Code 721.964(b)(1)(B); derived from 40 C.F.R. 261.1064(b)(1)(ii)  
Added the definite article.
- 35 Ill. Adm. Code 721.964(b)(1)(C); derived from 40 C.F.R. 261.1064(b)(1)(iii)  
Added the definite article.
- 35 Ill. Adm. Code 721.964(b)(1)(D); derived from 40 C.F.R. 261.1064(b)(1)(iv)  
Added the definite article.
- 35 Ill. Adm. Code 721.964(b)(1)(E); derived from 40 C.F.R. 261.1064(b)(1)(v)  
Added the definite article.
- 35 Ill. Adm. Code 721.964(b)(1)(F); derived from 40 C.F.R. 261.1064(b)(1)(vi)  
Added the definite article.
- 35 Ill. Adm. Code 721.964(b)(2); derived from 40 C.F.R. 261.1064(b)(2)  
Added a comma before “as specified” to offset the parenthetical.
- 35 Ill. Adm. Code 721.964(b)(3); derived from 40 C.F.R. 261.1064(b)(3)  
Added a comma before “as specified” to offset the parenthetical.
- 35 Ill. Adm. Code 721.964(c); derived from 40 C.F.R. 261.1064(c)  
Added a comma before “as specified” to offset the parenthetical.
- 35 Ill. Adm. Code 721.964(c)(1); derived from 40 C.F.R. 261.1064(c)(1)  
Changed “shall” to “must.”
- 35 Ill. Adm. Code 721.964(d); derived from 40 C.F.R. 261.1064(d)  
Added a comma before “as specified” to offset the parenthetical; changed “shall” to “must” (twice).
- 35 Ill. Adm. Code 721.964(e); derived from 40 C.F.R. 261.1064(e)  
Changed “shall” to “must”; added a comma before “as specified” to offset the parenthetical.
- 35 Ill. Adm. Code 721.964(f); derived from 40 C.F.R. 261.1064(f)  
Changed “Regional Administrator” to “Agency”; changed “will specify” to “must specify”; added a Board note explaining that the Agency must specify the appropriate recordkeeping requirements in writing.
- 35 Ill. Adm. Code 721.964(g); derived from 40 C.F.R. 261.1064(g)  
Changed “shall” to “must.”
- 35 Ill. Adm. Code 721.964(g)(2); derived from 40 C.F.R. 261.1064(g)(2)  
Added the topical subheading “List of Equipment.”
- 35 Ill. Adm. Code 721.964(g)(2)(B); derived from 40 C.F.R. 261.1064(g)(2)(ii)  
Changed “shall” to “must.”
- 35 Ill. Adm. Code 721.964(g)(4); derived from 40 C.F.R. 261.1064(g)(4)  
Added the topical subheading “Compliance Tests.”
- 35 Ill. Adm. Code 721.964(h); derived from 40 C.F.R. 261.1064(h)  
Changed “shall” to “must.”

35 Ill. Adm. Code 721.964(i); derived from 40 C.F.R. 261.1064(i)

Changed “shall” to “must.”

35 Ill. Adm. Code 721.964(j); derived from 40 C.F.R. 261.1064(j)

Changed “shall” to “must.”

35 Ill. Adm. Code 721.964(k); derived from 40 C.F.R. 261.1064(k)

Changed “shall” to “must”; added a comma before “as provided” to offset the parenthetical.

35 Ill. Adm. Code 721.964(k)(3); derived from 40 C.F.R. 261.1064(k)(3)

Changed “shall” to “must.”

35 Ill. Adm. Code 721.964(m); derived from 40 C.F.R. 261.1064(m)

Changed “regulations at” to “regulations in”; added the title of 40 C.F.R. 60, “Standards of Performance for New Stationary Sources,” in parentheses; added the title of 40 C.F.R. 61, “National Emission Standards for Hazardous Air Pollutants,” in parentheses; added the title of 40 C.F.R. 63, “National Emission Standards for Hazardous Air Pollutants for Source Categories,” in parentheses; added the incorporation by reference language offset by a comma; added a Board note to explain applicability of the federal Clean Air Act standards in Illinois and Agency issuance of air permits.

35 Ill. Adm. Code 721.980; derived from 40 C.F.R. 261.1080(a)

Removed the subsection designation “(a)” to comport with codification requirements; changed “codified under” to “in”; added the title of 40 C.F.R. 60, “Standards of Performance for New Stationary Sources,” in parentheses; added the title of 40 C.F.R. 61, “National Emission Standards for Hazardous Air Pollutants,” in parentheses; added the title of 40 C.F.R. 63, “National Emission Standards for Hazardous Air Pollutants for Source Categories,” in parentheses; added the incorporation by reference language offset by a comma; added a Board note to explain applicability of the federal Clean Air Act standards in Illinois and Agency issuance of air permits.

35 Ill. Adm. Code 721.981 preamble; derived from 40 C.F.R. 261.1081 preamble

Changed “shall have the meaning” to “will have the meaning”; changed “the Resource Conservation and Recovery Act” to “section 1004 of the federal Resource Conservation and Recovery Act (42 USC 6904)”; added an incorporation by reference statement offset by commas.

35 Ill. Adm. Code 721.981, “average volatile organic concentration”; derived from 40 C.F.R. 261.1081, “average volatile organic concentration”

Placed the defined term and alternative defined term “average VO concentration” in quotation marks.

35 Ill. Adm. Code 721.981, “closure device”; derived from 40 C.F.R. 261.1081, “closure device”

Placed the defined term in quotation marks.

35 Ill. Adm. Code 721.981, “continuous seal”; derived from 40 C.F.R. 261.1081, “continuous seal”

Placed the defined term in quotation marks.

35 Ill. Adm. Code 721.981, “cover”; derived from 40 C.F.R. 261.1081, “cover”

Placed the defined term in quotation marks.

35 Ill. Adm. Code 721.981, “empty hazardous secondary material container”; derived from 40 C.F.R. 261.1081, “empty hazardous secondary material container”

Placed the defined term in quotation marks; added “and of the following”; removed subsection numbers from the subsidiary paragraphs of the definition; changed “e.g., pouring, pumping, and aspirating” to “e.g., pouring, pumping, or aspirating,” placed the examples in parentheses, and removed the first offsetting comma from the examples; added “450 liters” in parentheses (twice); changed “3 percent” to “three percent.”

35 Ill. Adm. Code 721.981, “enclosure”; derived from 40 C.F.R. 261.1081, “enclosure”

Placed the defined term in quotation marks.

35 Ill. Adm. Code 721.981, “external floating roof”; derived from 40 C.F.R. 261.1081, “external floating roof”

Placed the defined term in quotation marks.

35 Ill. Adm. Code 721.981, “fixed roof”; derived from 40 C.F.R. 261.1081, “fixed roof”

Placed the defined term in quotation marks.

35 Ill. Adm. Code 721.981, “floating membrane cover”; derived from 40 C.F.R. 261.1081, “floating membrane cover”

Placed the defined term in quotation marks.

35 Ill. Adm. Code 721.981, “floating roof”; derived from 40 C.F.R. 261.1081, “floating roof”

Placed the defined term in quotation marks.

35 Ill. Adm. Code 721.981, “hard-piping”; derived from 40 C.F.R. 261.1081, “hard-piping”

Placed the defined term in quotation marks.

35 Ill. Adm. Code 721.981, “in light material service”; derived from 40 C.F.R. 261.1081, “in light material service”

Placed the defined term in quotation marks; changed “ °C” to “° C” (twice).

35 Ill. Adm. Code 721.981, “internal floating roof”; derived from 40 C.F.R. 261.1081, “internal floating roof”

Placed the defined term in quotation marks.

35 Ill. Adm. Code 721.981, “liquid-mounted seal”; derived from 40 C.F.R. 261.1081, “liquid-mounted seal”

Placed the defined term in quotation marks.

35 Ill. Adm. Code 721.981, “malfunction”; derived from 40 C.F.R. 261.1081, “malfunction”

Placed the defined term in quotation marks.

35 Ill. Adm. Code 721.981, “material determination”; derived from 40 C.F.R. 261.1081, “material determination”

Placed the defined term in quotation marks.

35 Ill. Adm. Code 721.981, “maximum organic vapor pressure”; derived from 40 C.F.R. 261.1081, “maximum organic vapor pressure”

Placed the defined term in quotation marks.

35 Ill. Adm. Code 721.981, “metallic shoe seal”; derived from 40 C.F.R. 261.1081, “metallic shoe seal”

Placed the defined term in quotation marks.

35 Ill. Adm. Code 721.981, “no detectable organic emissions”; derived from 40 C.F.R. 261.1081, “no detectable organic emissions”

Placed the defined term in quotation marks.

35 Ill. Adm. Code 721.981, “point of material origination”; derived from 40 C.F.R. 261.1081, “point of material origination”

Placed the defined term in quotation marks; removed subsection numbers from the subsidiary paragraphs of the definition; changed “when” to “where” for situational sense (twice).

35 Ill. Adm. Code 721.981, “point of material origination” Board note appended to first subsidiary paragraph; derived from 40 C.F.R. 261.1081, “point of material origination” note to ¶ (1)

Changed “in this case” to “where the person that stores or treats hazardous secondary material”; changed “this term” to “point of material origination”; added the title of 40 C.F.R. 60, “Standards of Performance for New Stationary Sources,” in parentheses; added the title of 40 C.F.R. 61, “National Emission Standards for Hazardous Air Pollutants,” in parentheses; changed the conjunction “or” to “and”; added the title of 40 C.F.R. 63, “National Emission Standards for Hazardous Air Pollutants for Source Categories,” in parentheses; added the incorporation by reference language offset by a comma.

35 Ill. Adm. Code 721.981, “safety device”; derived from 40 C.F.R. 261.1081, “safety device”

Placed the defined term in quotation marks.

35 Ill. Adm. Code 721.981, “single-seal system”; derived from 40 C.F.R. 261.1081, “single-seal system”

Placed the defined term in quotation marks.

35 Ill. Adm. Code 721.981, “vapor-mounted seal”; derived from 40 C.F.R. 261.1081, “vapor-mounted seal”

Placed the defined term in quotation marks.

35 Ill. Adm. Code 721.981, “volatile organic concentration”; derived from 40 C.F.R. 261.1081, “volatile organic concentration”

Placed the defined term and alternative defined term “VO concentration” in quotation marks; changed “25 degrees Celsius” to “25° C.”

35 Ill. Adm. Code 721.981, “enclosure”; derived from 40 C.F.R. 261.1081, “enclosure”

Placed the defined term in quotation marks.

35 Ill. Adm. Code 721.982(b); derived from 40 C.F.R. 261.1082(b)

Changed “shall” to “must.”

35 Ill. Adm. Code 721.982(c); derived from 40 C.F.R. 261.1082(c)

Changed “shall” to “must” (twice).

35 Ill. Adm. Code 721.983(a)(1); derived from 40 C.F.R. 261.1083(a)(1)

Changed “shall” to “must.”

35 Ill. Adm. Code 721.983(a)(1)(A); derived from 40 C.F.R. 261.1083(a)(1)(i)

Changed “shall” to “must” (twice).

35 Ill. Adm. Code 721.983(a)(2); derived from 40 C.F.R. 261.1083(a)(2)

Changed “shall” to “must”; added commas before and after “as specified in . . . this Section” to offset the parenthetical; added “of the hazardous secondary material” after “knowledge”; added a comma before “as specified” to offset the parenthetical.

35 Ill. Adm. Code 721.983(a)(3); derived from 40 C.F.R. 261.1083(a)(3)

Added “as follows” offset by a comma; changed the em-dash to a colon.

35 Ill. Adm. Code 721.983(a)(3)(A); derived from 40 C.F.R. 261.1083(a)(3)(i)

Changed “shall” to “must.”

35 Ill. Adm. Code 721.983(a)(3)(B); derived from 40 C.F.R. 261.1083(a)(3)(ii)

Changed “shall” to “must.”

35 Ill. Adm. Code 721.983(a)(3)(B)(i); derived from 40 C.F.R. 261.1083(a)(3)(ii)(A)

Changed “shall” to “must” (twice); changed “1 year” to “one year.”

35 Ill. Adm. Code 721.983(a)(3)(B)(ii); derived from 40 C.F.R. 261.1083(a)(3)(ii)(B)

Changed “shall” to “must” (twice).

35 Ill. Adm. Code 721.983(a)(3)(B)(iii); derived from 40 C.F.R. 261.1083(a)(3)(ii)(C)

Changed “shall” to “must” (three times); changed “Method 25D” to “Reference Method 25D”; added the title of Reference Method 25D, “Determination of the Volatile Organic Concentration of Waste Samples,” in parentheses; added “appendix A” before 40 CFR 60”; added the appendix A title, “Test Methods,” in parentheses; added the incorporation by reference language offset by commas.

35 Ill. Adm. Code 721.983(a)(3)(B)(iv); derived from 40 C.F.R. 261.1083(a)(3)(ii)(D)

Changed “shall” to “must.”

35 Ill. Adm. Code 721.983(a)(3)(C); derived from 40 C.F.R. 261.1083(a)(3)(iii)

Changed “shall” to “must”; changed “Method 25D” to “Reference Method 25D”; added the title of Reference Method 25D, “Determination of the Volatile Organic Concentration of Waste Samples,” in parentheses; added “appendix A” before 40 CFR 60”; added the appendix A title, “Test Methods,” in parentheses; added the incorporation by reference language offset by commas; changed “25 degrees Celsius” to “25° C” (four times); changed “Constituent-specific adjustment factors (fm25D) can be obtained by contacting the Waste and Chemical Processes Group, Office of Air Quality Planning and Standards, Research Triangle Park, NC 27711” to “To adjust these data, the measured concentration of each individual chemical constituent contained in the waste is multiplied by the constituent-specific adjustment factors (fm25D) obtained in writing from the Agency,” and combined the text as an independent clause offset by a comma.

35 Ill. Adm. Code 721.983(a)(3)(C)(i); derived from 40 C.F.R. 261.1083(a)(3)(iii)(A)

Changed “EPA” to “USEPA”; changed the quotation marks to parentheses on the federal part title “Alternative Validation Procedure for EPA Waste and Wastewater Methods” and moved it to follow the regulatory citation; added the incorporation by reference statement offset by a comma.

35 Ill. Adm. Code 721.983(a)(3)(C)(ii); derived from 40 C.F.R. 261.1083(a)(3)(iii)(A)

Added the title of Method 301, “Field Validation of Pollutant Measurement Methods from Various Waste Media,” in parentheses; added the appendix A title, “Test Methods,” in parentheses; added the incorporation by reference language offset by commas.

35 Ill. Adm. Code 721.983(a)(3)(D)(i); derived from 40 C.F.R. 261.1083(a)(3)(iv)(A)

Changed “shall” to “must”; changed “1 year” to “one year.”

35 Ill. Adm. Code 721.983(a)(3)(D)(ii); derived from 40 C.F.R. 261.1083(a)(3)(iv)(B), (a)(3)(iv)(B)(1) & (a)(3)(iv)(B)(2)

Changed “shall” to “must”; changed “the following VO concentration” to “the VO concentration that is”; combined the texts of subsidiary federal subsections (a)(3)(iv)(B)(1) and (a)(3)(iv)(B)(2) into the parent subsection to comport with codification requirements; changed “Method 25D” to “Reference Method 25D” (twice); omitted the reference to appendix A to 40 CFR 63 because it is referenced in full in subsection (a)(3)(C); moved the introductory clause “if Reference Method 25D is used for the analysis” to follow “section 4,4 of Reference Method 25D” offset by a comma; added a semicolon after “used for the analysis” to separate the text pulled from the second subsidiary paragraph; added “or that is” before “one-half the sum”; changed “25 degrees Celsius” to “25° C”; moved the introductory clause “if any other method is used” to follow “at 25° C” offset by a comma.

35 Ill. Adm. Code 721.983(a)(4)(A); derived from 40 C.F.R. 261.1083(a)(4)(i)

Changed “shall” to “must”; removed the colon from after “include.”

35 Ill. Adm. Code 721.983(a)(4)(B); derived from 40 C.F.R. 261.1083(a)(4)(ii)

Changed “shall” to “must”; added the title of Method 301, “Field Validation of Pollutant Measurement Methods from Various Waste Media,” in parentheses; added the appendix A title, “Test Methods,” in parentheses.

35 Ill. Adm. Code 721.983(a)(4)(C); derived from 40 C.F.R. 261.1083(a)(4)(iii)

Changed “Method 25D” to “Reference Method 25D”; added the title of Reference Method 25D, “Determination of the Volatile Organic Concentration of Waste Samples,” in parentheses; added “appendix A” before 40 CFR 60”; added the appendix A title, “Test Methods,” in parentheses; added the incorporation by reference language offset by a comma.

35 Ill. Adm. Code 721.983(a)(4)(D); derived from 40 C.F.R. 261.1083(a)(4)(iv)

Changed “Regional Administrator” to “Agency” (twice); changed “shall” to “must”; added a statement that the Agency must state its disagreement in writing.

35 Ill. Adm. Code 721.983(b); derived from 40 C.F.R. 261.1083(b)

Added explanation of federal subsection marked “reserved.”

35 Ill. Adm. Code 721.983(c)(1); derived from 40 C.F.R. 261.1083(c)(1)

Changed “shall” to “must.”

35 Ill. Adm. Code 721.983(c)(2); derived from 40 C.F.R. 261.1083(c)(2)

Changed “shall” to “must”; changed “hazardous waste” to “hazardous secondary material.”

35 Ill. Adm. Code 721.983(c)(3)(A); derived from 40 C.F.R. 261.1083(c)(3)(i)

Changed “shall” to “must” (four times); changed “Method 25D” to “Reference Method 25D”; added the title of Reference Method 25D, “Determination of the Volatile Organic

Concentration of Waste Samples,” in parentheses; added the appendix A title, “Test Methods,” in parentheses; added the incorporation by reference language offset by a comma.

- 35 Ill. Adm. Code 721.983(c)(3)(B)(i); derived from 40 C.F.R. 261.1083(c)(3)(ii)(A)  
 Changed “Method 25E” to “Reference Method 25E”; added the title of Reference Method 25E, “Determination of Vapor Phase Organic Concentration in Waste Samples,” in parentheses; added the appendix A title, “Test Methods,” in parentheses; added the incorporation by reference language offset by a comma.
- 35 Ill. Adm. Code 721.983(c)(3)(B)(ii); derived from 40 C.F.R. 261.1083(c)(3)(ii)(B)  
 Removed the parentheses from the incorporation by reference statement; removed the em-dash and added “in” before the regulatory cross-reference.
- 35 Ill. Adm. Code 721.983(c)(3)(B)(iv); derived from 40 C.F.R. 261.1083(c)(3)(ii)(D)  
 Removed the hyphen and changed the version to agree with 40 C.F.R. 260.11(b)(5), changing “D-2879-86” to D 2879-92”; removed the parentheses from the incorporation by reference statement; removed the em-dash and added “in” before the regulatory cross-reference.
- 35 Ill. Adm. Code 721.983(c)(3)(B)(v); derived from 40 C.F.R. 261.1083(c)(3)(ii)(E)  
 Added “in writing” after “approved”; changed “Regional Administrator” to “Agency.”
- 35 Ill. Adm. Code 721.983(c)(4); derived from 40 C.F.R. 261.1083(c)(4)  
 Changed “shall” to “must”; changed “waste maximum organic vapor pressure” to “maximum organic vapor pressure.”
- 35 Ill. Adm. Code 721.983(d)(1); derived from 40 C.F.R. 261.1083(d)(1)  
 Changed “shall” to “must” (twice); changed “Method 21” to “Reference Method 21”; added the title of Reference Method 21, “Determination of Volatile Organic Compound Leaks,” in parentheses; added “appendix A” before 40 CFR 60”; added the appendix A title, “Test Methods,” in parentheses; added the incorporation by reference language offset by commas; changed the colon after “not limited to” to a comma and changed to lower-case “the”; changed the semicolon after “mounting” to a comma; changed the semicolon after “device” to a comma.
- 35 Ill. Adm. Code 721.983(d)(2); derived from 40 C.F.R. 261.1083(d)(2)  
 Changed “shall” to “must” (twice).
- 35 Ill. Adm. Code 721.983(d)(3); derived from 40 C.F.R. 261.1083(d)(3)  
 Changed “shall” to “must” (twice); changed “Method 21” to “Reference Method 21” (twice).
- 35 Ill. Adm. Code 721.983(d)(4); derived from 40 C.F.R. 261.1083(d)(4)  
 Changed “shall” to “must”; changed “Method 21” to “Reference Method 21.”
- 35 Ill. Adm. Code 721.983(d)(5); derived from 40 C.F.R. 261.1083(d)(5)  
 Changed “shall” to “must.”
- 35 Ill. Adm. Code 721.983(d)(6); derived from 40 C.F.R. 261.1083(d)(6)  
 Changed “shall” to “must”; omitted citation to 40 CFR part 60, appendix A because the full reference information is included in subsection (d)(1).

35 Ill. Adm. Code 721.983(d)(7); derived from 40 C.F.R. 261.1083(d)(7)

Changed “shall” to “must” (three times); changed “Method 21” to “Reference Method 21”; omitted citation to 40 CFR part 60, appendix A because the full reference information is included in subsection (d)(1); changed “in the case when” to “where” for situational sense (twice).

35 Ill. Adm. Code 721.983(d)(8); derived from 40 C.F.R. 261.1083(d)(8)

Changed “shall” to “must” (twice).

35 Ill. Adm. Code 721.983(d)(9); derived from 40 C.F.R. 261.1083(d)(9)

Changed “shall” to “must.”

35 Ill. Adm. Code 721.984(b); derived from 40 C.F.R. 261.1084(b)

Changed “shall” to “must”; added a comma before “as applicable” to offset the parenthetical.

35 Ill. Adm. Code 721.984(b)(1); derived from 40 C.F.R. 261.1084(b)(1)

Changed “shall” to “must.”

35 Ill. Adm. Code 721.984(b)(1)(A); derived from 40 C.F.R. 261.1084(b)(1)(i)

Changed “which” to “that” for a restrictive relative clause; added a comma before “as follows” to offset the parenthetical.

35 Ill. Adm. Code 721.984(b)(2); derived from 40 C.F.R. 261.1084(b)(2)

Changed “shall” to “must”; added a comma before “as specified in” to offset the parenthetical.

35 Ill. Adm. Code 721.984(c); derived from 40 C.F.R. 261.1084(c)

Corrected “remanufacturers or other persons that store or treats” to singular “a remanufacturer or other person that stores or treats”; changed “shall” to “must”; added a comma before “as applicable” to offset the parenthetical.

35 Ill. Adm. Code 721.984(c)(1); derived from 40 C.F.R. 261.1084(c)(1)

Changed “shall” to “must” (three times).

35 Ill. Adm. Code 721.984(c)(2); derived from 40 C.F.R. 261.1084(c)(2)

Changed “shall” to “must.”

35 Ill. Adm. Code 721.984(c)(2)(A); derived from 40 C.F.R. 261.1084(c)(2)(i)

Changed “shall” to “must.”

35 Ill. Adm. Code 721.984(c)(2)(B); derived from 40 C.F.R. 261.1084(c)(2)(ii)

Changed “shall” to “must.”

35 Ill. Adm. Code 721.984(c)(2)(C); derived from 40 C.F.R. 261.1084(c)(2)(iii)

Changed “shall be either” to “must fulfill either of the following requirements.”

35 Ill. Adm. Code 721.984(c)(2)(C)(i); derived from 40 C.F.R. 261.1084(c)(2)(iii)(A)

Added “it must be.”

35 Ill. Adm. Code 721.984(c)(2)(C)(ii); derived from 40 C.F.R. 261.1084(c)(2)(iii)(B), (c)(2)(iii)(B)(1) & (c)(2)(iii)(B)(2)

Added “it must be”; changed “shall” to “must” (twice); changed “provided for in paragraphs (c)(2)(iii)(B)(1) and (c)(2)(iii)(B)(2) of this section” to “provided in this subsection (c)(2)(C)(ii)” and combined the subsidiary subsections (c)(2)(C)(ii)(1) and (c)(2)(C)(ii)(2)

into this subsection (c)(2)(C)(ii) in reverse order; changed “during periods” to “during any period” (twice); changed “the activities of subsection (c)(2)(C)(ii)(2)” to “the foregoing activities”; changed “shall” to “must”; added a Board note explaining the combination of the texts.

35 Ill. Adm. Code 721.984(c)(2)(D); derived from 40 C.F.R. 261.1084(c)(2)(iv)

Changed “shall” to “must” (twice); Removed the colon after “include” and added the definite article before “organic vapor permeability”; changed the comma after “organic vapor permeability” to a semicolon to correspond with the following punctuations.

35 Ill. Adm. Code 721.984(c)(3); derived from 40 C.F.R. 261.1084(c)(3)

Changed “shall” to “must”; added a comma before “except as follows” to offset the parenthetical.

35 Ill. Adm. Code 721.984(c)(3)(A)(i); derived from 40 C.F.R. 261.1084(c)(3)(i)(A)

Changed “shall” to “must.”

35 Ill. Adm. Code 721.984(c)(3)(B); derived from 40 C.F.R. 261.1084(c)(3)(ii)

Changed “shall” to “must” (twice).

35 Ill. Adm. Code 721.984(c)(4); derived from 40 C.F.R. 261.1084(c)(4)

Changed “shall” to “must.”

35 Ill. Adm. Code 721.984(c)(4)(A); derived from 40 C.F.R. 261.1084(c)(4)(i)

Changed “shall” to “must.”

35 Ill. Adm. Code 721.984(c)(4)(B); derived from 40 C.F.R. 261.1084(c)(4)(ii)

Changed “shall” to “must” (twice).

35 Ill. Adm. Code 721.984(c)(4)(C); derived from 40 C.F.R. 261.1084(c)(4)(iii)

Changed “shall” to “must.”

35 Ill. Adm. Code 721.984(c)(4)(D); derived from 40 C.F.R. 261.1084(c)(4)(iv)

Changed “shall” to “must.”

35 Ill. Adm. Code 721.984(d); derived from 40 C.F.R. 261.1084(d)

Changed “shall” to “must.”

35 Ill. Adm. Code 721.984(e); derived from 40 C.F.R. 261.1084(e)

Changed “shall” to “must.”

35 Ill. Adm. Code 721.984(e)(1); derived from 40 C.F.R. 261.1084(c)(1)

Changed “shall” to “must.”

35 Ill. Adm. Code 721.984(e)(1)(A); derived from 40 C.F.R. 261.1084(e)(1)(i)

Changed “shall” to “must.”

35 Ill. Adm. Code 721.984(e)(1)(B); derived from 40 C.F.R. 261.1084(e)(1)(ii)

Changed “shall” to “must.”

35 Ill. Adm. Code 721.984(e)(1)(C); derived from 40 C.F.R. 261.1084(e)(1)(iii)

Changed “shall” to “must.”

35 Ill. Adm. Code 721.984(e)(1)(C)(ii); derived from 40 C.F.R. 261.1084(e)(1)(iii)(B)

Changed “shall” to “must.”

- 35 Ill. Adm. Code 721.984(e)(1)(C)(iii); derived from 40 C.F.R. 261.1084(e)(1)(iii)(C)  
Changed “shall” to “must.”
- 35 Ill. Adm. Code 721.984(e)(1)(C)(iv); derived from 40 C.F.R. 261.1084(e)(1)(iii)(D)  
Changed “shall” to “must.”
- 35 Ill. Adm. Code 721.984(e)(1)(C)(v); derived from 40 C.F.R. 261.1084(e)(1)(iii)(E)  
Changed “shall” to “must.”
- 35 Ill. Adm. Code 721.984(e)(1)(C)(vi); derived from 40 C.F.R. 261.1084(e)(1)(iii)(F)  
Changed “shall” to “must.”
- 35 Ill. Adm. Code 721.984(e)(2); derived from 40 C.F.R. 261.1084(e)(2)  
Changed “shall” to “must.”
- 35 Ill. Adm. Code 721.984(e)(2)(A); derived from 40 C.F.R. 261.1084(e)(2)(i)  
Changed “shall” to “must” (twice).
- 35 Ill. Adm. Code 721.984(e)(2)(C); derived from 40 C.F.R. 261.1084(e)(2)(iii)  
Changed “shall” to “must.”
- 35 Ill. Adm. Code 721.984(e)(3); derived from 40 C.F.R. 261.1084(e)(3)  
Changed “shall” to “must.”
- 35 Ill. Adm. Code 721.984(e)(3)(A); derived from 40 C.F.R. 261.1084(e)(3)(i)  
Changed “shall” to “must”; changed the comma after “but are not limited to” to a comma to offset the parenthetical; changed the capitalized definite article before “internal floating roof” to lower-case.
- 35 Ill. Adm. Code 721.984(e)(3)(B); derived from 40 C.F.R. 261.1084(e)(3)(ii)  
Changed “shall” to “must”; added a comma before “except as provided” to offset the parenthetical.
- 35 Ill. Adm. Code 721.984(e)(3)(B)(i); derived from 40 C.F.R. 261.1084(e)(3)(ii)(A)  
Added “it must.”
- 35 Ill. Adm. Code 721.984(e)(3)(C); derived from 40 C.F.R. 261.1084(e)(3)(iii)  
Added a comma after the introductory clause “as an alternative to . . . this Section”; changed “shall” to “must.”
- 35 Ill. Adm. Code 721.984(e)(3)(D); derived from 40 C.F.R. 261.1084(e)(3)(iv)  
Changed “shall” to “must” (twice); changed “Regional Administrator” to “Agency” (three times).
- 35 Ill. Adm. Code 721.984(e)(3)(D)(i); derived from 40 C.F.R. 261.1084(e)(3)(iv)(A)  
Changed “shall” to “must”; changed “Regional Administrator” to “Agency”; added a comma before “except when” to offset the parenthetical.
- 35 Ill. Adm. Code 721.984(e)(3)(D)(ii); derived from 40 C.F.R. 261.1084(e)(3)(iv)(B)  
Changed “shall” to “must”; changed “Regional Administrator” to “Agency” (twice); added “in writing” after “notify the Agency”; added a comma before “except when” to offset the parenthetical.
- 35 Ill. Adm. Code 721.984(e)(3)(E); derived from 40 C.F.R. 261.1084(e)(3)(v)  
Changed “shall” to “must.”

- 35 Ill. Adm. Code 721.984(e)(3)(F); derived from 40 C.F.R. 261.1084(e)(3)(vi)  
Changed “shall” to “must.”
- 35 Ill. Adm. Code 721.984(f); derived from 40 C.F.R. 261.1084(f)  
Changed “shall” to “must.”
- 35 Ill. Adm. Code 721.984(f)(1); derived from 40 C.F.R. 261.1084(f)(1)  
Changed “shall” to “must.”
- 35 Ill. Adm. Code 721.984(f)(1)(A); derived from 40 C.F.R. 261.1084(f)(1)(i)  
Changed “shall” to “must.”
- 35 Ill. Adm. Code 721.984(f)(1)(B); derived from 40 C.F.R. 261.1084(f)(1)(ii)  
Changed “shall” to “must.”
- 35 Ill. Adm. Code 721.984(f)(1)(B)(i); derived from 40 C.F.R. 261.1084(f)(1)(ii)(A)  
Changed “shall” to “must” (four times).
- 35 Ill. Adm. Code 721.984(f)(1)(B)(ii); derived from 40 C.F.R. 261.1084(f)(1)(ii)(b)  
Changed “shall” to “must” (three times).
- 35 Ill. Adm. Code 721.984(f)(1)(C); derived from 40 C.F.R. 261.1084(f)(1)(iii)  
Changed “shall” to “must.”
- 35 Ill. Adm. Code 721.984(f)(1)(C)(i); derived from 40 C.F.R. 261.1084(f)(1)(iii)(A)  
Changed “shall” to “must.”
- 35 Ill. Adm. Code 721.984(f)(1)(C)(ii); derived from 40 C.F.R. 261.1084(f)(1)(iii)(B)  
Changed “shall” to “must.”
- 35 Ill. Adm. Code 721.984(f)(1)(C)(iii); derived from 40 C.F.R. 261.1084(f)(1)(iii)(C)  
Changed “shall” to “must.”
- 35 Ill. Adm. Code 721.984(f)(1)(C)(iv); derived from 40 C.F.R. 261.1084(f)(1)(iii)(D)  
Changed “shall” to “must.”
- 35 Ill. Adm. Code 721.984(f)(1)(C)(v); derived from 40 C.F.R. 261.1084(f)(1)(iii)(E)  
Changed “shall” to “must.”
- 35 Ill. Adm. Code 721.984(f)(1)(C)(vi); derived from 40 C.F.R. 261.1084(f)(1)(iii)(F)  
Changed “shall” to “must.”
- 35 Ill. Adm. Code 721.984(f)(1)(C)(vii); derived from 40 C.F.R. 261.1084(f)(1)(iii)(G)  
Changed “shall” to “must.”
- 35 Ill. Adm. Code 721.984(f)(1)(C)(viii); derived from 40 C.F.R. 261.1084(f)(1)(iii)(H)  
Changed “shall” to “must.”
- 35 Ill. Adm. Code 721.984(f)(1)(C)(ix); derived from 40 C.F.R. 261.1084(f)(1)(iii)(I)  
Changed “shall” to “must.”
- 35 Ill. Adm. Code 721.984(f)(2); derived from 40 C.F.R. 261.1084(f)(2)  
Changed “shall” to “must.”
- 35 Ill. Adm. Code 721.984(f)(2)(A); derived from 40 C.F.R. 261.1084(f)(2)(i)  
Changed “shall” to “must” (twice).

- 35 Ill. Adm. Code 721.984(f)(2)(B); derived from 40 C.F.R. 261.1084(f)(2)(ii)  
Changed “shall” to “must.”
- 35 Ill. Adm. Code 721.984(f)(2)(C); derived from 40 C.F.R. 261.1084(f)(2)(iii)  
Changed “shall” to “must.”
- 35 Ill. Adm. Code 721.984(f)(2)(D); derived from 40 C.F.R. 261.1084(f)(2)(iv)  
Changed “shall” to “must.”
- 35 Ill. Adm. Code 721.984(f)(2)(E); derived from 40 C.F.R. 261.1084(f)(2)(v)  
Changed “shall” to “must.”
- 35 Ill. Adm. Code 721.984(f)(2)(F); derived from 40 C.F.R. 261.1084(f)(2)(vi)  
Changed “shall” to “must.”
- 35 Ill. Adm. Code 721.984(f)(2)(G); derived from 40 C.F.R. 261.1084(f)(2)(vii)  
Changed “shall” to “must.”
- 35 Ill. Adm. Code 721.984(f)(2)(H); derived from 40 C.F.R. 261.1084(f)(2)(viii)  
Changed “shall” to “must.”
- 35 Ill. Adm. Code 721.984(f)(3); derived from 40 C.F.R. 261.1084(f)(3)  
Changed “shall” to “must”; changed “procedures specified as follows” to “following procedures.”
- 35 Ill. Adm. Code 721.984(f)(3)(A); derived from 40 C.F.R. 261.1084(f)(3)(i)  
Changed “shall” to “must”; changed “5 years” to “five years.”
- 35 Ill. Adm. Code 721.984(f)(3)(A)(i); derived from 40 C.F.R. 261.1084(f)(3)(i)(A)  
Changed “shall” to “must.”
- 35 Ill. Adm. Code 721.984(f)(3)(A)(ii); derived from 40 C.F.R. 261.1084(f)(3)(i)(B)  
Changed “shall” to “must.”
- 35 Ill. Adm. Code 721.984(f)(3)(A)(iii); derived from 40 C.F.R. 261.1084(f)(3)(i)(C)  
Changed “1 year” to “one year”; “shall” to “must.”
- 35 Ill. Adm. Code 721.984(f)(3)(A)(iv); derived from 40 C.F.R. 261.1084(f)(3)(i)(D)  
Changed “shall” to “must”; changed “the following procedure” to “the procedure described in subsection (f)(3)(D)”; added Board not to explain movement of texts of (f)(3)(i)(D)(1) through (f)(3)(i)(D)(4) to appear as subsections (f)(3)(D)(i) through (f)(3)(A)(iv) to comport with codification requirements.
- 35 Ill. Adm. Code 721.984(f)(3)(A)(v); derived from 40 C.F.R. 261.1084(f)(3)(i)(E)  
Changed “shall” to “must.”
- 35 Ill. Adm. Code 721.984(f)(3)(A)(v); derived from 40 C.F.R. 261.1084(f)(3)(i)(E)  
Changed “shall” to “must.”
- 35 Ill. Adm. Code 721.984(f)(3)(A)(vi); derived from 40 C.F.R. 261.1084(f)(3)(i)(f)  
Changed “shall” to “must.”
- 35 Ill. Adm. Code 721.984(f)(3)(B); derived from 40 C.F.R. 261.1084(f)(3)(ii)  
Changed “shall” to “must.”

- 35 Ill. Adm. Code 721.984(f)(3)(B)(i); derived from 40 C.F.R. 261.1084(f)(3)(ii)(A)  
 Changed “shall” to “must”; changed the colon after “are not limited to” to a comma and capitalized “Holes” to lower-case “holes.”
- 35 Ill. Adm. Code 721.984(f)(3)(B)(ii); derived from 40 C.F.R. 261.1084(f)(3)(ii)(B)  
 Changed “shall” to “must” (twice).
- 35 Ill. Adm. Code 721.984(f)(3)(B)(iii); derived from 40 C.F.R. 261.1084(f)(3)(ii)(C)  
 Changed “shall” to “must.”
- 35 Ill. Adm. Code 721.984(f)(3)(B)(iv); derived from 40 C.F.R. 261.1084(f)(3)(ii)(D)  
 Changed “shall” to “must.”
- 35 Ill. Adm. Code 721.984(f)(3)(C); derived from 40 C.F.R. 261.1084(f)(3)(iii)  
 Changed “shall” to “must” (twice); changed “Regional Administrator” to “Agency” (three times).
- 35 Ill. Adm. Code 721.984(f)(3)(C)(i); derived from 40 C.F.R. 261.1084(f)(3)(iii)(A)  
 Added a comma before “as required” to offset the parenthetical; changed “shall” to “must”; changed “Regional Administrator” to “Agency.”
- 35 Ill. Adm. Code 721.984(f)(3)(C)(ii); derived from 40 C.F.R. 261.1084(f)(3)(iii)(B)  
 Changed “shall” to “must”; changed “Regional Administrator” to “Agency”; added a comma before “except when” to offset the parenthetical.
- 35 Ill. Adm. Code 721.984(f)(3)(C)(iii); derived from 40 C.F.R. 261.1084(f)(3)(iii)(C)  
 Changed “shall” to “must”; changed “Regional Administrator” to “Agency” (twice); added “in writing” after “notify the Agency”.
- 35 Ill. Adm. Code 721.984(f)(3)(D); derived from 40 C.F.R. 261.1084(f)(3)(i)(D)  
 Moved the federal text to comport with codification requirements; changed “determine the total . . . secondary seal individually using the following procedure” and ending colon to “procedure for determining the total . . . secondary seal individually” with an ending period to create a topical subheading.
- 35 Ill. Adm. Code 721.984(f)(3)(D)(i); derived from 40 C.F.R. 261.1084(f)(3)(i)(D)(1)  
 Moved the federal text to comport with codification requirements; changed “shall” to “must.”
- 35 Ill. Adm. Code 721.984(f)(3)(D)(ii); derived from 40 C.F.R. 261.1084(f)(3)(i)(D)(2)  
 Moved the federal text to comport with codification requirements; changed “shall” to “must.”
- 35 Ill. Adm. Code 721.984(f)(3)(D)(iii); derived from 40 C.F.R. 261.1084(f)(3)(i)(D)(3)  
 Moved the federal text to comport with codification requirements; changed “shall” to “must.”
- 35 Ill. Adm. Code 721.984(f)(3)(D)(iv); derived from 40 C.F.R. 261.1084(f)(3)(i)(D)(4)  
 Moved the federal text to comport with codification requirements; changed “shall” to “must.”
- 35 Ill. Adm. Code 721.984(f)(3)(D) Board note; derived from 40 C.F.R. 261.1084(f)(3)(i)(D)  
 Added explanation of the movement of text to comport with codification requirements.
- 35 Ill. Adm. Code 721.984(g); derived from 40 C.F.R. 261.1084(g)  
 Changed “shall” to “must.”
- 35 Ill. Adm. Code 721.984(g)(1); derived from 40 C.F.R. 261.1084(g)(1)  
 Changed “shall” to “must.”

- 35 Ill. Adm. Code 721.984(g)(1)(A); derived from 40 C.F.R. 261.1084(g)(1)(i)  
Changed “shall” to “must.”
- 35 Ill. Adm. Code 721.984(g)(1)(B); derived from 40 C.F.R. 261.1084(g)(1)(ii)  
Changed “shall” to “must” (three times)
- 35 Ill. Adm. Code 721.984(g)(1)(C); derived from 40 C.F.R. 261.1084(g)(1)(iii)  
Changed “shall” to “must” (twice); changed the colon after “devices must include” to a comma and capitalized “Organic” to lower-case “organic.”
- 35 Ill. Adm. Code 721.984(g)(1)(D); derived from 40 C.F.R. 261.1084(g)(1)(iv)  
Changed “shall” to “must.”
- 35 Ill. Adm. Code 721.984(g)(2); derived from 40 C.F.R. 261.1084(g)(2)  
Changed “shall” to “must”; added a comma before “except as follows” to offset the parenthetical.
- 35 Ill. Adm. Code 721.984(g)(2)(A)(i); derived from 40 C.F.R. 261.1084(g)(2)(i)(A)  
Changed “shall” to “must.”
- 35 Ill. Adm. Code 721.984(g)(3); derived from 40 C.F.R. 261.1084(g)(3)  
Changed “shall” to “must.”
- 35 Ill. Adm. Code 721.984(g)(3); derived from 40 C.F.R. 261.1084(g)(3)  
Changed “shall” to “must.”
- 35 Ill. Adm. Code 721.984(g)(3)(A); derived from 40 C.F.R. 261.1084(g)(3)(i)  
Changed “shall” to “must.”
- 35 Ill. Adm. Code 721.984(g)(3)(B); derived from 40 C.F.R. 261.1084(g)(3)(ii)  
Changed “shall” to “must.”
- 35 Ill. Adm. Code 721.984(g)(3)(C); derived from 40 C.F.R. 261.1084(g)(3)(iii)  
Changed “shall” to “must” (twice).
- 35 Ill. Adm. Code 721.984(g)(3)(D); derived from 40 C.F.R. 261.1084(g)(3)(iv)  
Changed “shall” to “must.”
- 35 Ill. Adm. Code 721.984(g)(3)(E); derived from 40 C.F.R. 261.1084(g)(3)(v)  
Changed “shall” to “must.”
- 35 Ill. Adm. Code 721.984(h); derived from 40 C.F.R. 261.1084(h)  
Changed “shall” to “must”; changed the ending period to a colon.
- 35 Ill. Adm. Code 721.984(h)(1); derived from 40 C.F.R. 261.1084(h)(1)  
Changed “shall” to “must.”
- 35 Ill. Adm. Code 721.984(h)(2); derived from 40 C.F.R. 261.1084(h)(2)  
Changed “shall” to “must.”
- 35 Ill. Adm. Code 721.984(h)(3); derived from 40 C.F.R. 261.1084(h)(3)  
Changed “shall” to “must”; changed “as specified” to “described.”
- 35 Ill. Adm. Code 721.984(i); derived from 40 C.F.R. 261.1084(i)  
Changed “shall” to “must”; changed “requirements specified in paragraphs (i)(1) through (i)(4) of this section” to “following requirements”; changed the ending period to a colon.

- 35 Ill. Adm. Code 721.984(i)(1); derived from 40 C.F.R. 261.1084(i)(1)  
 Changed “shall” to “must” (three times); changed “under 40 CFR 52.741, appendix B” to “in appendix B to 40 CFR 52.741”; added the incorporation by reference statement offset by a comma; changed “and, thereafter, annually” to “and annually thereafter.”
- 35 Ill. Adm. Code 721.984(i)(2); derived from 40 C.F.R. 261.1084(i)(2)  
 Changed “shall” to “must.”
- 35 Ill. Adm. Code 721.984(i)(4); derived from 40 C.F.R. 261.1084(i)(4)  
 Changed “shall” to “must”; added a comma before “as specified” to offset the parenthetical.
- 35 Ill. Adm. Code 721.984(j); derived from 40 C.F.R. 261.1084(j)  
 Changed “shall” to “must.”
- 35 Ill. Adm. Code 721.984(j)(1); derived from 40 C.F.R. 261.1084(j)(1)  
 Changed “shall” to “must”; changed “under 40 CFR 63, appendix RR—National Emission Standards for Individual Drain Systems” to “appendix RR to 40 CFR 63 (National Emission Standards for Individual Drain Systems)”; added the incorporation by reference statement offset by a comma
- 35 Ill. Adm. Code 721.984(k); derived from 40 C.F.R. 261.1084(k)  
 Changed “shall” to “must.”
- 35 Ill. Adm. Code 721.984(k)(1); derived from 40 C.F.R. 261.1084(k)(1)  
 Changed “shall” to “must” (twice); changed “5 days” to “five days”; added a comma before “except as provided” to offset the parenthetical.
- 35 Ill. Adm. Code 721.984(k)(2); derived from 40 C.F.R. 261.1084(k)(2)  
 Changed “shall” to “must” (twice).
- 35 Ill. Adm. Code 721.984(k); derived from 40 C.F.R. 261.1084(k)  
 Changed “1 year” to “one year.”
- 35 Ill. Adm. Code 721.986(b)(1); derived from 40 C.F.R. 261.1086(b)(1)  
 Changed “shall” to “must.”
- 35 Ill. Adm. Code 721.986(b)(1)(A); derived from 40 C.F.R. 261.1086(b)(1)(i)  
 Changed “shall” to “must.”
- 35 Ill. Adm. Code 721.986(b)(1)(B); derived from 40 C.F.R. 261.1086(b)(1)(ii)  
 Changed “shall” to “must.”
- 35 Ill. Adm. Code 721.986(b)(1)(D); derived from 40 C.F.R. 261.1086(b)(1)(iii)  
 Changed “shall” to “must.”
- 35 Ill. Adm. Code 721.986(b)(2); derived from 40 C.F.R. 261.1086(b)(2)  
 Replaced “reserved” with an explanation to preserve structural consistency.
- 35 Ill. Adm. Code 721.986(c)(1)(A); derived from 40 C.F.R. 261.1086(c)(1)(i)  
 Added a comma before “as specified” to offset the parenthetical.
- 35 Ill. Adm. Code 721.986(c)(2); derived from 40 C.F.R. 261.1086(c)(2)  
 Changed “shall” to “must” (twice); changed the colon after “devices must include” to a comma and capitalized “Organic” to lower-case “organic.”

- 35 Ill. Adm. Code 721.986(c)(3); derived from 40 C.F.R. 261.1086(c)(3)  
 Changed “shall” to “must.”
- 35 Ill. Adm. Code 721.986(c)(3)(A)(i); derived from 40 C.F.R. 261.1086(c)(3)(i)(A)  
 Changed “shall” to “must.”
- 35 Ill. Adm. Code 721.986(c)(3)(A)(ii); derived from 40 C.F.R. 261.1086(c)(3)(i)(B)  
 Changed “shall” to “must.”
- 35 Ill. Adm. Code 721.986(c)(3)(B); derived from 40 C.F.R. 261.1086(c)(3)(ii)  
 Added a comma before “as follows” to offset the parenthetical.
- 35 Ill. Adm. Code 721.986(c)(3)(B)(ii); derived from 40 C.F.R. 261.1086(c)(3)(ii)(B)  
 Changed “shall” to “must.”
- 35 Ill. Adm. Code 721.986(c)(3)(C); derived from 40 C.F.R. 261.1086(c)(3)(iii)  
 Changed “shall” to “must.”
- 35 Ill. Adm. Code 721.986(c)(3)(D); derived from 40 C.F.R. 261.1086(c)(3)(iv)  
 Changed “shall” to “must” (twice).
- 35 Ill. Adm. Code 721.986(c)(4); derived from 40 C.F.R. 261.1086(c)(4)  
 Changed “shall” to “must”; added a comma before “as follows” to offset the parenthetical.
- 35 Ill. Adm. Code 721.986(c)(4)(A); derived from 40 C.F.R. 261.1086(c)(4)(i)  
 Changed “shall” to “must” (twice); changed “subpart CC container standards” to “container standards of this Subpart CC.”
- 35 Ill. Adm. Code 721.986(c)(4)(B); derived from 40 C.F.R. 261.1086(c)(4)(ii)  
 Changed “shall” to “must” (twice).
- 35 Ill. Adm. Code 721.986(c)(4)(C); derived from 40 C.F.R. 261.1086(c)(4)(iii)  
 Changed “shall” to “must” (four times); changed “5 calendar days” to “five calendar days.”
- 35 Ill. Adm. Code 721.986(c)(5); derived from 40 C.F.R. 261.1086(c)(5)  
 Changed “shall” to “must.”
- 35 Ill. Adm. Code 721.986(d)(1)(A); derived from 40 C.F.R. 261.1086(d)(3)(i)  
 Removed “U.S. Department of Transportation,” changed “DOT” to “USDOT,” and removed the parentheses to use the defined abbreviation; added a comma before “as specified” to offset the parenthetical.
- 35 Ill. Adm. Code 721.986(d)(1)(B); derived from 40 C.F.R. 261.1086(d)(3)(ii)  
 Added commas before “as defined in Section 721.981” to offset the parenthetical.
- 35 Ill. Adm. Code 721.986(d)(1)(C); derived from 40 C.F.R. 261.1086(d)(3)(iii)  
 Changed “Method 27” to “Reference Method 27”; added the title of Reference Method 27, “Determination of Vapor Tightness of Gasoline Delivery Tank Unis Pressure-Vacuum Test,” in parentheses; changed “40 CFR part 60, appendix A, Method 27” to “appendix A to 40 CFR 60”; added the appendix A title, “Test Methods,” in parentheses; added the incorporation by reference language offset by commas.
- 35 Ill. Adm. Code 721.986(d)(2); derived from 40 C.F.R. 261.1086(d)(2)  
 Changed “shall” to “must”; changed “the EPA considers” to “USEPA has stated that it considers.”

- 35 Ill. Adm. Code 721.986(d)(3); derived from 40 C.F.R. 261.1086(d)(3)  
 Changed “shall” to “must”; added a comma before “except as follows” to offset the parenthetical.
- 35 Ill. Adm. Code 721.986(d)(3)(A); derived from 40 C.F.R. 261.1086(d)(3)(i)  
 Added a comma before “as follows” to offset the parenthetical.
- 35 Ill. Adm. Code 721.986(d)(3)(A)(i); derived from 40 C.F.R. 261.1086(d)(3)(i)(A)  
 Changed “shall” to “must.”
- 35 Ill. Adm. Code 721.986(d)(3)(A)(ii); derived from 40 C.F.R. 261.1086(d)(3)(i)(B)  
 Changed “shall” to “must.”
- 35 Ill. Adm. Code 721.986(d)(3)(B); derived from 40 C.F.R. 261.1086(d)(3)(ii)  
 Added a comma before “as follows” to offset the parenthetical.
- 35 Ill. Adm. Code 721.986(d)(3)(B)(ii); derived from 40 C.F.R. 261.1086(d)(3)(ii)(B)  
 Changed “shall” to “must.”
- 35 Ill. Adm. Code 721.986(d)(3)(C); derived from 40 C.F.R. 261.1086(d)(3)(iii)  
 Changed “shall” to “must.”
- 35 Ill. Adm. Code 721.986(d)(3)(D); derived from 40 C.F.R. 261.1086(d)(3)(iv)  
 Changed “shall” to “must” (twice).
- 35 Ill. Adm. Code 721.986(d)(4); derived from 40 C.F.R. 261.1086(d)(4)  
 Changed “shall” to “must.”
- 35 Ill. Adm. Code 721.986(d)(4)(A); derived from 40 C.F.R. 261.1086(d)(4)(i)  
 Changed “shall” to “must” (twice); changed “subpart CC container standards” to “container standards of this Subpart CC.”
- 35 Ill. Adm. Code 721.986(d)(4)(B); derived from 40 C.F.R. 261.1086(d)(4)(ii)  
 Changed “1 year” to “one year”; changed “shall” to “must” (twice).
- 35 Ill. Adm. Code 721.986(d)(4)(C); derived from 40 C.F.R. 261.1086(d)(4)(iii)  
 Changed “shall” to “must” (four times); changed “5 calendar days” to “five calendar days” (twice)
- 35 Ill. Adm. Code 721.986(e)(2); derived from 40 C.F.R. 261.1086(e)(2)  
 Changed “shall” to “must.”
- 35 Ill. Adm. Code 721.986(e)(2)(A); derived from 40 C.F.R. 261.1086(e)(2)(i)  
 Changed “shall” to “must” (twice); changed “under 40 CFR 52.741, appendix B” to “in appendix B . . . to 40 CFR 52.741”; added the appendix B title, “VOM Measurement Techniques for Capture Efficiency,” in parentheses; added the incorporation by reference statement.
- 35 Ill. Adm. Code 721.986(e)(2)(B); derived from 40 C.F.R. 261.1086(e)(2)(ii)  
 Changed “shall” to “must.”
- 35 Ill. Adm. Code 721.986(e)(3); derived from 40 C.F.R. 261.1086(e)(3)  
 Changed “shall” to “must.”
- 35 Ill. Adm. Code 721.986(e)(4); derived from 40 C.F.R. 261.1086(e)(4)  
 Changed “shall” to “must.”

35 Ill. Adm. Code 721.986(e)(5); derived from 40 C.F.R. 261.1086(e)(5)

Changed “shall” to “must.”

35 Ill. Adm. Code 721.986(e)(6); derived from 40 C.F.R. 261.1086(e)(6)

Changed “shall” to “must”; changed “the EPA considers” to “USEPA has stated that it considers.”

35 Ill. Adm. Code 721.986(f); derived from 40 C.F.R. 261.1086(f)

Changed “shall” to “must”; removed “U.S. Department of Transportation,” changed “DOT” to “USDOT,” and removed the parentheses to use the defined abbreviation; added a comma before “as follows” to offset the parenthetical.

35 Ill. Adm. Code 721.986(f)(1); derived from 40 C.F.R. 261.1086(f)(1)

Added the part 178 title, “Specifications for Packagings” in parentheses; added the part 179 title, “Specifications for Tank Cars” in parentheses; added the incorporation by reference statement.

35 Ill. Adm. Code 721.986(f)(2); derived from 40 C.F.R. 261.1086(f)(2)

Changed “49 CFR part 107, subpart B” to “subpart B of 49 CFR 107”; added the part 107 title, “Hazardous Material Program Procedures” in parentheses; added the part 172 title, “Hazardous Materials Table, Special Provisions, hazardous Materials Communications, Emergency Response Information, Training Requirements, and Security Plans” in parentheses; added the part 173 title, “Shippers—General Requirements for Shipments and Packagings” in parentheses; added the part 180 title, “Continuing Qualification and Maintenance of Packagings; added the incorporation by reference statement.

35 Ill. Adm. Code 721.986(f)(3); derived from 40 C.F.R. 261.1086(f)(3)

Added the part 178 title, “Specifications for Packagings” in parentheses; added the part 179 title, “Specifications for Tank Cars” in parentheses.

35 Ill. Adm. Code 721.986(g); derived from 40 C.F.R. 261.1086(g)

Changed “shall” to “must.”

35 Ill. Adm. Code 721.986(g)(1); derived from 40 C.F.R. 261.1086(g)(1)

Changed “shall” to “must.”

35 Ill. Adm. Code 721.986(g)(2); derived from 40 C.F.R. 261.1086(g)(2)

Changed “shall” to “must” (twice).

35 Ill. Adm. Code 721.986(h); derived from 40 C.F.R. 261.1086(h)

Changed “40 CFR part 60, appendix A, Method 27” to “Reference Method 27 . . . in appendix A to 40 CFR 60”; added the title of Reference Method 27, “Determination of Vapor Tightness of Gasoline Delivery Tank Unis Pressure-Vacuum Test,” in parentheses added the appendix A title, “Test Methods,” in parentheses; added the incorporation by reference statement offset by commas.

35 Ill. Adm. Code 721.986(h)(1); derived from 40 C.F.R. 261.1086(h)(1)

Changed “shall” to “must”; changed “40 CFR part 60, appendix A, Method 27” to “Reference Method 27 in appendix A to 40 CFR 60.”

35 Ill. Adm. Code 721.986(h)(2); derived from 40 C.F.R. 261.1086(h)(2)

Changed “shall” to “must.”

- 35 Ill. Adm. Code 721.986(h)(3); derived from 40 C.F.R. 261.1086(h)(3)  
Changed “Method 27” to “Reference Method 27”; changed “5 minutes” to “five minutes.”
- 35 Ill. Adm. Code 721.987(b); derived from 40 C.F.R. 261.1087(b)  
Changed “shall” to “must.”
- 35 Ill. Adm. Code 721.987(b)(1); derived from 40 C.F.R. 261.1087(b)(1)  
Changed “shall” to “must.”
- 35 Ill. Adm. Code 721.987(b)(2); derived from 40 C.F.R. 261.1087(b)(2)  
Changed “shall” to “must.”
- 35 Ill. Adm. Code 721.987(b)(3); derived from 40 C.F.R. 261.1087(b)(3)  
Changed “shall” to “must.”
- 35 Ill. Adm. Code 721.987(b)(3)(A); derived from 40 C.F.R. 261.1087(b)(3)(i)  
Changed “shall” to “must.”
- 35 Ill. Adm. Code 721.987(b)(3)(B); derived from 40 C.F.R. 261.1087(b)(3)(ii)  
Changed “shall” to “must” (twice).
- 35 Ill. Adm. Code 721.987(b)(4); derived from 40 C.F.R. 261.1087(b)(4)  
Changed “shall” to “must.”
- 35 Ill. Adm. Code 721.987(c); derived from 40 C.F.R. 261.1087(c)  
Changed “shall” to “must.”
- 35 Ill. Adm. Code 721.987(c)(1); derived from 40 C.F.R. 261.1087(c)(1)  
Changed “shall” to “must.”
- 35 Ill. Adm. Code 721.987(c)(2); derived from 40 C.F.R. 261.1087(c)(2)  
Changed “shall” to “must.”
- 35 Ill. Adm. Code 721.987(c)(2)(A); derived from 40 C.F.R. 261.1087(c)(2)(i)  
Changed “shall” to “must.”
- 35 Ill. Adm. Code 721.987(c)(2)(D); derived from 40 C.F.R. 261.1087(c)(2)(iv)  
Changed “shall” to “must” (twice).
- 35 Ill. Adm. Code 721.987(c)(2)(E); derived from 40 C.F.R. 261.1087(c)(2)(v)  
Changed “shall” to “must.”
- 35 Ill. Adm. Code 721.987(c)(2)(F); derived from 40 C.F.R. 261.1087(c)(2)(vi)  
Changed “shall” to “must”; changed “and/or” to “or.”
- 35 Ill. Adm. Code 721.987(c)(3); derived from 40 C.F.R. 261.1087(c)(3)  
Changed “shall” to “must.”
- 35 Ill. Adm. Code 721.987(c)(3)(A); derived from 40 C.F.R. 261.1087(c)(3)(i)  
Changed “shall” to “must.”
- 35 Ill. Adm. Code 721.987(c)(3)(B); derived from 40 C.F.R. 261.1087(c)(3)(ii)  
Changed “shall” to “must.”
- 35 Ill. Adm. Code 721.987(c)(4); derived from 40 C.F.R. 261.1087(c)(4)  
Changed “shall” to “must.”

35 Ill. Adm. Code 721.987(c)(5); derived from 40 C.F.R. 261.1087(c)(5)

Changed “shall” to “must.”

35 Ill. Adm. Code 721.987(c)(5)(A); derived from 40 C.F.R. 261.1087(c)(5)(i)

Changed “shall” to “must”; moved “the performance of each control device” from after “as specified in . . . this section” to follow “demonstrate”; added a comma before “using” to offset the parenthetical, added commas before and after “as specified in . . . this Section” to offset the parenthetical (twice).

35 Ill. Adm. Code 721.987(c)(5)(A)(ii); derived from 40 C.F.R. 261.1087(c)(5)(i)(B)

Added the ending conjunction “or.”

35 Ill. Adm. Code 721.987(c)(5)(A)(iii); derived from 40 C.F.R. 261.1087(c)(5)(i)(C)

Changed the ending semicolon to a period.

35 Ill. Adm. Code 721.987(c)(5)(B); derived from 40 C.F.R. 261.1087(c)(5)(ii)

Changed “shall” to “must.”

35 Ill. Adm. Code 721.987(c)(5)(C); derived from 40 C.F.R. 261.1087(c)(5)(iii)

Changed “shall” to “must.”

35 Ill. Adm. Code 721.987(c)(5)(D); derived from 40 C.F.R. 261.1087(c)(5)(iv)

Changed “shall” to “must.”

35 Ill. Adm. Code 721.987(c)(5)(E); derived from 40 C.F.R. 261.1087(c)(5)(v)

Changed “shall” to “must.”

35 Ill. Adm. Code 721.987(c)(6); derived from 40 C.F.R. 261.1087(c)(6)

Changed “Regional Administrator” to “Agency” (twice); added a comma after “design analysis” to offset the introductory conditional clause; changed “shall” to “must”; added a statement that the Agency must state its disagreement in writing.

35 Ill. Adm. Code 721.987(c)(7); derived from 40 C.F.R. 261.1087(c)(7)

Changed “shall” to “must” (three times).

35 Ill. Adm. Code 721.988(a); derived from 40 C.F.R. 261.1088(a)

Changed “shall” to “must.”

35 Ill. Adm. Code 721.988(b); derived from 40 C.F.R. 261.1088(b)

Changed “shall” to “must” (twice).

35 Ill. Adm. Code 721.989(a); derived from 40 C.F.R. 261.1089(a)

Changed “shall” to “must” (four times); changed “3 years” to “three years.”

35 Ill. Adm. Code 721.989(b); derived from 40 C.F.R. 261.1089(b)

Changed “shall” to “must.”

35 Ill. Adm. Code 721.989(b)(1); derived from 40 C.F.R. 261.1089(b)(1)

Changed “shall” to “must.”

35 Ill. Adm. Code 721.989(b)(1)(B)(i); derived from 40 C.F.R. 261.1089(b)(1)(ii)(A)

Added the definite article.

35 Ill. Adm. Code 721.989(b)(1)(B)(i); derived from 40 C.F.R. 261.1089(b)(1)(ii)(A)

Added the definite article.

- 35 Ill. Adm. Code 721.989(b)(1)(B)(ii); derived from 40 C.F.R. 261.1089(b)(1)(ii)(B)  
Removed the colon after “the inspection” and changed the definite article to lower case; changed “shall” to “must.”
- 35 Ill. Adm. Code 721.989(b)(2); derived from 40 C.F.R. 261.1089(b)(2)  
Changed “shall” to “must.”
- 35 Ill. Adm. Code 721.989(b)(2)(A); derived from 40 C.F.R. 261.1089(b)(2)(i)  
Changed “shall” to “must” (twice).
- 35 Ill. Adm. Code 721.989(b)(2)(B); derived from 40 C.F.R. 261.1089(b)(2)(ii)  
Changed “shall” to “must.”
- 35 Ill. Adm. Code 721.989(b)(2)(C); derived from 40 C.F.R. 261.1089(b)(2)(iii)  
Changed “shall” to “must.”
- 35 Ill. Adm. Code 721.989(b)(2)(C)(ii); derived from 40 C.F.R. 261.1089(b)(2)(iii)(B)  
Changed “shall” to “must” (twice).
- 35 Ill. Adm. Code 721.989(b)(2)(D); derived from 40 C.F.R. 261.1089(b)(2)(iv)  
Changed “shall” to “must.”
- 35 Ill. Adm. Code 721.989(b)(2)(D)(i); derived from 40 C.F.R. 261.1089(b)(2)(iv)(A)  
Changed “under 40 CFR 52.741, appendix B” to “in appendix B . . . to 40 CFR 52.741”; added the appendix B title, “VOM Measurement Techniques for Capture Efficiency,” in parentheses; added the incorporation by reference statement.
- 35 Ill. Adm. Code 721.989(c); derived from 40 C.F.R. 261.1089(c)  
Replaced “reserved” with an explanation to preserve structural consistency.
- 35 Ill. Adm. Code 721.989(d); derived from 40 C.F.R. 261.1089(d)  
Changed “shall” to “must.”
- 35 Ill. Adm. Code 721.989(d)(1); derived from 40 C.F.R. 261.1089(d)(1)  
Changed “under 40 CFR 52.741, appendix B” to “in appendix B . . . to 40 CFR 52.741”; added the appendix B title, “VOM Measurement Techniques for Capture Efficiency,” in parentheses; added the incorporation by reference statement.
- 35 Ill. Adm. Code 721.989(e); derived from 40 C.F.R. 261.1089(e)  
Changed “shall” to “must.”
- 35 Ill. Adm. Code 721.989(e)(1)(A); derived from 40 C.F.R. 261.1089(e)(1)(i)  
Added a comma before and after “as specified in . . . this Section” to offset the parenthetical.
- 35 Ill. Adm. Code 721.989(e)(1)(B); derived from 40 C.F.R. 261.1089(e)(1)(ii)  
Changed “shall” to “must.”
- 35 Ill. Adm. Code 721.989(e)(1)(C); derived from 40 C.F.R. 261.1089(e)(1)(iii)  
Added a comma before and after “as specified in Section . . .” to offset the parenthetical.
- 35 Ill. Adm. Code 721.989(e)(1)(E); derived from 40 C.F.R. 261.1089(e)(1)(v)  
Changed “shall” to “must.”
- 35 Ill. Adm. Code 721.989(e)(1)(E)(i); derived from 40 C.F.R. 261.1089(e)(1)(v)(A)  
Changed “6-month period” to “six-month period”; changed “shall” to “must.”

- 35 Ill. Adm. Code 721.989(e)(1)(E)(ii); derived from 40 C.F.R. 261.1089(e)(1)(v)(B)  
Changed “6-month period” to “six-month period”; changed “shall” to “must”; changed “6 months” to “six months.”
- 35 Ill. Adm. Code 721.989(e)(1)(F); derived from 40 C.F.R. 261.1089(e)(1)(vi)  
Changed “shall” to “must.”
- 35 Ill. Adm. Code 721.989(f); derived from 40 C.F.R. 261.1089(f)  
Changed “shall” to “must” (twice).
- 35 Ill. Adm. Code 721.989(f) Board note; derived from 40 C.F.R. 261.1089(f)(2)  
Added explanation of omission of “reserved” subsection (f)(2).
- 35 Ill. Adm. Code 721.989(g); derived from 40 C.F.R. 261.1089(g)  
Changed “40 CFR part 60, subpart VV” to “subpart VV of 40 CFR 60” (twice); added the subpart title, “Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry . . . Before November 7, 2006,” in parentheses; changed “40 CFR par 61, subpart V” to “subpart V of 40 CFR 61” (twice); added the subpart title, “National Emission Standard for Equipment Leaks (Fugitive Emission Sources),” in parentheses; added the incorporation by reference statement.
- 35 Ill. Adm. Code 724.245(a)(4); derived from 40 C.F.R. 264.145(a)(4)  
Omitted the personal pronoun “he” from before “may deposit.” See the entry in Table 1 above.

**Table 4:  
Board Housekeeping Amendments**

- 703.184(a) Board note (Board): Added note stating derivation from 415 ILCS 5/21(l).
- 703.184 Board note (Board): Changed “subsections (c) through (e) of this Section are derived from 40 CFR 270.14(b)(11)(iii) through (b)(11)(v) (2005)” to “the Board has codified 40 CFR 270.14(b)(11)(iii) through (b)(11)(v) as subsections (c) through (e) to comport with Illinois Administrative Code codification requirements.”
- 703.213 Board note (Board): Corrected “270.27(a)” to “270.27”; updated the *Code of Federal Regulations* citation to the latest version available.
- 720.111(a), NFPA (Board): Added references to the 1984 and 1987 editions of NFPA 30, to reflect the versions on file in the Board’s office; removed “USEPA approved for 35 Ill. Adm. Code” and the conjunction “and” and moved the citations “724.298,” “725.298,” and “727.290” to follow “referenced in 35 Ill. Adm. Code” in numeric order among the existing references, moving the conjunction “and” to the new appropriate position. See the entry in Table 3 above.
- 720.111(b), 10 C.F.R. 20.2006 (Board): Updated the *Code of Federal Regulations* citation to the latest version available.
- 720.111(b), table 2 in appendix B to 10 C.F.R. 20 (Board): Updated the *Code of Federal Regulations* citation to the latest version available.
- 720.111(b), appendix G to 10 C.F.R. 20 (Board): Updated the *Code of Federal Regulations* citation to the latest version available.

- 720.111(b), 10 C.F.R. 71 (Board): Updated the *Code of Federal Regulations* citation to the latest version available.
- 720.111(b), 10 C.F.R. 71.5 (Board): Updated the *Code of Federal Regulations* citation to the latest version available.
- 720.111(b), 33 C.F.R. 153.203 (Board): Updated the *Code of Federal Regulations* citation to the latest version available.
- 720.111(b), 40 C.F.R. 3.3 (Board): Updated the *Code of Federal Regulations* citation to the latest version available.
- 720.111(b), 40 C.F.R. 3.10 (Board): Updated the *Code of Federal Regulations* citation to the latest version available.
- 720.111(b), 40 C.F.R. 3.2000 (Board): Updated the *Code of Federal Regulations* citation to the latest version available.
- 720.111(b), 40 C.F.R. 51.100(ii) (Board): Updated the *Code of Federal Regulations* citation to the latest version available.
- 720.111(b), appendix W to 40 C.F.R. 51 (Board): Updated the *Code of Federal Regulations* citation to the latest version available.
- 720.111(b), appendix B to 40 C.F.R. 52.741 (Board): Updated the *Code of Federal Regulations* citation to the latest version available. See the entry in Table 3 above.
- 720.111(b), 40 C.F.R. 60 (Board): Updated the *Code of Federal Regulations* citation to the latest version available. See the entry in Table 3 above.
- 720.111(b), subpart VV of 40 C.F.R. 60 (Board): Updated the *Code of Federal Regulations* citation to the latest version available. See the entry in Table 3 above.
- 720.111(b), appendix A to 40 C.F.R. 60 (Board): Updated the *Code of Federal Regulations* citation to the latest version available.
- 720.111(b), appendix A to 40 C.F.R. 60 (Board): Updated the *Code of Federal Regulations* citation to the latest version available.
- 720.111(b), 40 C.F.R. 61 (Board): Updated the *Code of Federal Regulations* citation to the latest version available. See the entry in Table 3 above.
- 720.111(b), subpart V of 40 C.F.R. 61 (Board): Updated the *Code of Federal Regulations* citation to the latest version available. See the entry in Table 3 above.
- 720.111(b), subpart FF of 40 C.F.R. 61 (Board): Updated the *Code of Federal Regulations* citation to the latest version available.
- 720.111(b), 40 C.F.R. 63 (Board): Updated the *Code of Federal Regulations* citation to the latest version available. See the entry in Table 3 above.
- 720.111(b), subpart RR of 40 C.F.R. 63 (Board): Updated the *Code of Federal Regulations* citation to the latest version available. See the entry in Table 3 above.
- 720.111(b), subpart EEE of 40 C.F.R. 63 (Board): Updated the *Code of Federal Regulations* citation to the latest version available.

- 720.111(b), Method 301 in appendix A to 40 C.F.R. 63 (Board): Updated the *Code of Federal Regulations* citation to the latest version available. See the entry in Table 3 above.
- 720.111(b), appendix C to 40 C.F.R. 63 (Board): Updated the *Code of Federal Regulations* citation to the latest version available.
- 720.111(b), appendix D to 40 C.F.R. 63 (Board): Updated the *Code of Federal Regulations* citation to the latest version available. See the entry in Table 3 above.
- 720.111(b), 40 C.F.R. 136.3 (Board): Updated the *Code of Federal Regulations* citation to the latest version available.
- 720.111(b), 40 C.F.R. 144.70 (Board): Updated the *Code of Federal Regulations* citation to the latest version available.
- 720.111(b), 40 C.F.R. 232.2 (Board): Updated the *Code of Federal Regulations* citation to the latest version available.
- 720.111(b), 40 C.F.R. 257 (Board): Updated the *Code of Federal Regulations* citation to the latest version available.
- 720.111(b), subpart B of 40 C.F.R. 257 (Board): Updated the *Code of Federal Regulations* citation to the latest version available.
- 720.111(b), 40 C.F.R. 258 (Board): Updated the *Code of Federal Regulations* citation to the latest version available.
- 720.111(b), 40 C.F.R. 260.21(b) (Board): Updated the *Code of Federal Regulations* citation to the latest version available.
- 720.111(b), 40 C.F.R. 261.151 (Board): Updated the *Code of Federal Regulations* citation to the latest version available.
- 720.111(b), appendix III to 40 C.F.R. 261 (Board): Updated the *Code of Federal Regulations* citation to the latest version available.
- 720.111(b), 40 C.F.R. 262.53 (Board): Updated the *Code of Federal Regulations* citation to the latest version available.
- 720.111(b), 40 C.F.R. 262.54 (Board): Updated the *Code of Federal Regulations* citation to the latest version available.
- 720.111(b), 40 C.F.R. 262.55 (Board): Updated the *Code of Federal Regulations* citation to the latest version available.
- 720.111(b), 40 C.F.R. 262.56 (Board): Updated the *Code of Federal Regulations* citation to the latest version available.
- 720.111(b), 40 C.F.R. 262.57 (Board): Updated the *Code of Federal Regulations* citation to the latest version available.
- 720.111(b), appendix to 40 C.F.R. 262 (Board): Updated the *Code of Federal Regulations* citation to the latest version available.
- 720.111(b), 40 C.F.R. 264.151 (Board): Updated the *Code of Federal Regulations* citation to the latest version available.

- 720.111(b), appendix I to 40 C.F.R. 264 (Board): Updated the *Code of Federal Regulations* citation to the latest version available.
- 720.111(b), appendix IV to 40 C.F.R. 264 (Board): Updated the *Code of Federal Regulations* citation to the latest version available.
- 720.111(b), appendix V to 40 C.F.R. 264 (Board): Updated the *Code of Federal Regulations* citation to the latest version available.
- 720.111(b), appendix VI to 40 C.F.R. 264 (Board): Updated the *Code of Federal Regulations* citation to the latest version available.
- 720.111(b), appendix I to 40 C.F.R. 265 (Board): Updated the *Code of Federal Regulations* citation to the latest version available.
- 720.111(b), appendix III to 40 C.F.R. 265 (Board): Updated the *Code of Federal Regulations* citation to the latest version available.
- 720.111(b), appendix IV to 40 C.F.R. 265 (Board): Updated the *Code of Federal Regulations* citation to the latest version available.
- 720.111(b), appendix V to 40 C.F.R. 265 (Board): Updated the *Code of Federal Regulations* citation to the latest version available.
- 720.111(b), appendix IX to 40 C.F.R. 266 (Board): Updated the *Code of Federal Regulations* citation to the latest version available.
- 720.111(b), 40 C.F.R. 267.151 (Board): Updated the *Code of Federal Regulations* citation to the latest version available.
- 720.111(b), 40 C.F.R. 270.5 (Board): Updated the *Code of Federal Regulations* citation to the latest version available.
- 720.111(b), 40 C.F.R. 761 (Board): Updated the *Code of Federal Regulations* citation to the latest version available.
- 720.111(b), 40 C.F.R. 761.3 (Board): Updated the *Code of Federal Regulations* citation to the latest version available.
- 720.111(b), 40 C.F.R. 761.60 (Board): Updated the *Code of Federal Regulations* citation to the latest version available.
- 720.111(b), 40 C.F.R. 761.65 (Board): Updated the *Code of Federal Regulations* citation to the latest version available.
- 720.111(b), 40 C.F.R. 761.70 (Board): Updated the *Code of Federal Regulations* citation to the latest version available.
- 720.111(b), 49 C.F.R. 107 (Board): Updated the *Code of Federal Regulations* citation to the latest version available.
- 720.111(b), 49 C.F.R. 171 (Board): Updated the *Code of Federal Regulations* citation to the latest version available, including deletion of now unnecessary *Federal Register* citations to amendments.
- 720.111(b), 49 C.F.R. 171.3 (Board): Updated the *Code of Federal Regulations* citation to the latest version available.

- 720.111(b), 49 C.F.R. 171.8 (Board): Updated the *Code of Federal Regulations* citation to the latest version available, including deletion of now unnecessary *Federal Register* citations to amendments.
- 720.111(b), 49 C.F.R. 171.15 (Board): Updated the *Code of Federal Regulations* citation to the latest version available.
- 720.111(b), 49 C.F.R. 171.16 (Board): Updated the *Code of Federal Regulations* citation to the latest version available.
- 720.111(b), 49 C.F.R. 172 (Board): Updated the *Code of Federal Regulations* citation to the latest version available, including deletion of now unnecessary *Federal Register* citations to amendments. See the entry in Table 3 above.
- 720.111(b), 49 C.F.R. 172.304 (Board): Updated the *Code of Federal Regulations* citation to the latest version available.
- 720.111(b), subpart C of 49 C.F.R. 172 (Board): Updated the *Code of Federal Regulations* citation to the latest version available.
- 720.111(b), subpart F of 49 C.F.R. 172 (Board): Updated the *Code of Federal Regulations* citation to the latest version available.
- 720.111(b), 49 C.F.R. 173 (Board): Updated the *Code of Federal Regulations* citation to the latest version available, including deletion of now unnecessary *Federal Register* citations to amendments. See the entry in Table 3 above.
- 720.111(b), 49 C.F.R. 173.2 (Board): Updated the *Code of Federal Regulations* citation to the latest version available.
- 720.111(b), 49 C.F.R. 173.12 (Board): Updated the *Code of Federal Regulations* citation to the latest version available.
- 720.111(b), 49 C.F.R. 173.28 (Board): Updated the *Code of Federal Regulations* citation to the latest version available.
- 720.111(b), 49 C.F.R. 173.50 (Board): Updated the *Code of Federal Regulations* citation to the latest version available.
- 720.111(b), 49 C.F.R. 173.54 (Board): Updated the *Code of Federal Regulations* citation to the latest version available.
- 720.111(b), 49 C.F.R. 173.115 (Board): Updated the *Code of Federal Regulations* citation to the latest version available.
- 720.111(b), 49 C.F.R. 173.127 (Board): Updated the *Code of Federal Regulations* citation to the latest version available.
- 720.111(b), 49 C.F.R. 174 (Board): Updated the *Code of Federal Regulations* citation to the latest version available.
- 720.111(b), 49 C.F.R. 175 (Board): Updated the *Code of Federal Regulations* citation to the latest version available, including deletion of now unnecessary *Federal Register* citations to amendments.

720.111(b), 49 C.F.R. 176 (Board): Updated the *Code of Federal Regulations* citation to the latest version available, including deletion of now unnecessary *Federal Register* citations to amendments.

720.111(b), 49 C.F.R. 177 (Board): Updated the *Code of Federal Regulations* citation to the latest version available, including deletion of now unnecessary *Federal Register* citations to amendments.

720.111(b), 49 C.F.R. 177.817 (Board): Updated the *Code of Federal Regulations* citation to the latest version available.

720.111(b), 49 C.F.R. 178 (Board): Updated the *Code of Federal Regulations* citation to the latest version available, including deletion of now unnecessary *Federal Register* citations to amendments. See the entry in Table 3 above.

720.111(b), 49 C.F.R. 179 (Board): Updated the *Code of Federal Regulations* citation to the latest version available. See the entry in Table 3 above.

720.111(b), 49 C.F.R. 180 (Board): Updated the *Code of Federal Regulations* citation to the latest version available. See the entry in Table 3 above.

720.111(b), 49 C.F.R. 190 (Board): Updated the *Code of Federal Regulations* citation to the latest version available.

720.111(b), 49 C.F.R. 191 (Board): Updated the *Code of Federal Regulations* citation to the latest version available.

720.111(b), 49 C.F.R. 192 (Board): Updated the *Code of Federal Regulations* citation to the latest version available.

720.111(b), 49 C.F.R. 193 (Board): Updated the *Code of Federal Regulations* citation to the latest version available.

720.111(b), 49 C.F.R. 194 (Board): Updated the *Code of Federal Regulations* citation to the latest version available.

720.111(b), 49 C.F.R. 195 (Board): Updated the *Code of Federal Regulations* citation to the latest version available.

720.111(b), 49 C.F.R. 196 (Board): Added the *Code of Federal Regulations* citation to rules adopted by the Pipeline and Hazardous Materials Safety Administration on July 23, 2015 that fall within a blanket citation in 40 C.F.R. 261.4(h)(1), which prompted incorporation by reference in corresponding 35 Ill. Adm. Code 721.104(h)(1).

720.111(b), 49 C.F.R. 195 (Board): Updated the *Code of Federal Regulations* citation to the latest version available.

720.111(b), 49 C.F.R. 198 (Board): Updated the *Code of Federal Regulations* citation to the latest version available.

720.111(b), 49 C.F.R. 199 (Board): Updated the *Code of Federal Regulations* citation to the latest version available.

720.111(c), section 11 of the Atomic Energy Act (Board): Updated the *United States Code* citation to the latest version available.

720.111(c), sections 201(v), 201(w), and 512(j) of the Federal Food, Drug, and Cosmetic Act (Board): Updated the *United States Code* citation to the latest version available.

720.111(c), chapter 601 of subtitle VIII of 49 U.S.C. (Board): Updated the *United States Code* citation to the latest version available.

720.111(c), section 1412 of the Department of Defense Authorization Act of 1986 (Board): Updated the *United States Code* citation to the latest version available.

720.134(a) (Board): Changed “subsection (b) or (c) of this Section” to “subsection (b) or (c).”

720.134(a)(2)(A)(i) (Board): Changed “subsection (b) of this Section” to “subsection (b).”

720.134(a)(2)(A)(ii) (Board): Changed “subsection (c) of this Section” to “subsection (c).”

720.134(a)(2)(A)(iii) (Board): Changed “subsection (d) of this Section” to “subsection (d).”

720.134 Board note (Board): Removed the Board note now obsolete after USEPA allows a non-waste determination only if no self-implementing exclusion applies.

721.101(e) Board note (Board): Changed “subsection (e) of this Section” to “subsection (e)”; updated the *Code of Federal Regulations* citation to the latest version available.

721.102(a)(2)(A) (Board): Changed “subsection (b) or (c) of this Section” to “subsection (b) or (c).”

721.102(c) (Board): Changed “subsections (c)(1) through (c)(4) of this Section” to “subsections (c)(1) through (c)(4).”

721.102(e)(2) (Board): Changed “subsections (e)(1)(A) through (e)(1)(C) of this Section” to “subsections (e)(1)(A) through (e)(1)(C).”

721.102(e)(2)(D) (Board): Changed “subsections (d)(1) and (d)(2) of this Section” to “subsections (d)(1) and (d)(2).”

721.103(a)(2)(D) (Board): Corrected “35 Ill. Adm. Code 720.120 and 720.122, subsection (g) of this Section, or subsection (h) of this Section” to “35 Ill. Adm. Code 720.120 and 720.122 or subsection (g) or (h)”; changed “subsection (a)(2)(A) or (a)(2)(B) of this Section” to “subsection (a)(2)(A) or (a)(2)(B).”

721.103(b) (Board): Changed “subsection (a)(1) of this Section” to “subsection (a)(1).”

721.103(c) (Board): Changed “subsection (e)(2), (g), or (h) of this Section” to “subsection (e)(2), (g), or (h).”

721.103(c) Board note (Board): Changed “subsection (e) of this Section” to “subsection (e).”

721.103(d) (Board): Changed “subsection (e) of this Section” to “subsection (e).”

721.103(d)(2) (Board): Changed “subsection (e) of this Section” to “subsection (e).”

721.103(e)(1) (Board): Changed “subsection (e) of this Section” to “subsection (e).”

721.103(f) (Board): Changed “subsections (a) through (e) of this Section” to “subsections (a) through (e).”

721.103(g)(2) (Board): Changed “subsection (g)(1) of this Section” to “subsection (g)(1).”

- 721.103(g)(2)(A) (Board): Changed “subsection (a)(2)(D) of this Section” to “subsection (a)(2)(D).”
- 721.103(g)(2)(B) (Board): Changed “subsection (e)(1) of this Section” to “subsection (e)(1).”
- 721.103(g)(4) (USEPA): Added the previously omitted exclusion. See the entry in Table 1 above.
- 721.103(h)(2) (Board): Changed “subsection (h)(1) of this Section” to “subsection (h)(1).”
- 721.104(a)(9)(C) (Board): Changed “subsections (a)(9)(A) and (a)(9)(B) of this Section” to “subsections (a)(9)(A) and (a)(9)(B).”
- 721.104(a)(12)(A) (Board): Changed “subsection (a)(12)(B) of this Section” to “subsection (a)(12)(B).”
- 721.104(a)(12)(B) (Board): Changed “subsection (a)(12)(A) of this Section” to “subsection (a)(12)(A).”
- 721.104(a)(17)(C) (Board): Changed “subsection (a)(17)(D) of this Section” to “subsection (a)(17)(D).”
- 721.104(a)(17)(E) (USEPA): Corrected “non-land-based units” to “land-based units.” See the entry in Table 1 above.
- 721.104(a)(17)(F) (Board): Changed “subsection (b)(7) of this Section” to “subsection (b)(7).”
- 721.104(a)(20)(B)(ii) (Board): Changed “subsection (a)(20)(F) of this Section” to “subsection (a)(20)(F).”
- 721.104(a)(20)(B)(iv) (Board): Changed “subsection (a)(20)(G) of this Section” to “subsection (a)(20)(G).”
- 721.104(a)(20)(C)(i) (Board): Changed “subsection (a)(20)(B)(ii) of this Section” to “subsection (a)(20)(B)(ii).”
- 721.104(a)(20)(E) (Board): Changed “subsection (a)(20)(B)(i) of this Section” to “subsection (a)(20)(B)(i).”
- 721.104(a)(21) (Board): Changed “subsection (a)(20) of this Section” to “subsection (a)(20).”
- 721.104(a)(21)(C) (Board): Changed “subsection (a)(21)(B) of this Section” to “subsection (a)(21)(B).”
- 721.104(a)(23)(D) (Board): Changed “subsection (a) of this Section” to “subsection (a).”
- 721.104(a)(24) (Board): Changed “subsections (a)(24)(A) through (a)(24)(G) of this Section” to “subsections (a)(24)(A) through (a)(24)(G).”
- 721.104(a)(24)(E)(ii) (Board): Removed the now-obsolete opening statement that defined “non-Subtitle C management”; removed “non-Subtitle C management will occur”; removed “RCRA”
- 721.104(a)(24)(E)(ii) Board note (Board): Removed the now-obsolete explanation of “non-Subtitle C management” and former movement of language to comply with codification requirements.

- 721.104(a)(24)(E)(iii) Board note (Board): Removed the now-obsolete explanation of former movement of language to comply with codification requirements.
- 721.104(a)(24)(E)(iv) Board note (Board): Removed the now-obsolete explanation of former movement of language to comply with codification requirements.
- 721.104(a)(24)(H) Board note (Board): Removed the now-obsolete separate provision for language now moved into subsection (a)(24)(E)(iii).
- 721.104(a)(24)(H) Board note (Board): Removed the now-obsolete explanation of former movement of language to comply with codification requirements.
- 721.104(b)(6)(B) (Board): Changed “subsection (b)(6)(A) of this Section” to “subsection (b)(6)(A).”
- 721.104(b)(15)(A)(ii) (Board): Changed “subsection (b)(15)(A)(i) of this Section” to “subsection (b)(15)(A)(i).”
- 721.104(d)(1) (Board): Changed “subsection (d)(2) of this Section” to “subsection (d)(2).”
- 721.104(d)(2) (Board): Changed “subsection (d)(1)(A) or (d)(1)(B) of this Section” to “subsection (d)(1)(A) or (d)(1)(B).”
- 721.104(d)(3) (Board): Changed “subsection (d)(1) of this Section” to “subsection (d)(1).”
- 721.104(e)(1) (Board): Changed “subsection (e)(2) of this Section” to “subsection (e)(2).”
- 721.104(e)(2) (Board): Changed “subsection (e)(1) of this Section” to “subsection (e)(1).”
- 721.104(e)(2)(C) (Board): Changed “subsection (e)(2)(C)(i) or (e)(2)(C)(ii) of this Section” to “subsection (e)(2)(C)(i) or (e)(2)(C)(ii).”
- 721.104(e)(2)(D) (Board): Changed “subsection (f) of this Section” to “subsection (f).”
- 721.104(e)(2)(F) (Board): Changed “subsection (e)(2)(E)(iii) of this Section” to “subsection (e)(2)(E)(iii).”
- 721.104(e)(3) (Board): Changed “subsections (e)(2)(A), (e)(2)(B), and (f)(4) of this Section” to “subsections (e)(2)(A), (e)(2)(B), and (f)(4)”; changed “subsection (e)(3)(A) or (e)(3)(B) of this Section” to “subsection (e)(3)(A) or (e)(3)(B)”; changed “subsection (e)(3)(C) of this Section” to “subsection (e)(3)(C).”
- 721.104(e)(3)(C) (Board): Changed “subsection (e)(3)(A) or (e)(3)(B) of this Section” to “subsection (e)(3)(A) or (e)(3)(B)”; changed “subsections (e)(1) and (e)(2)(B) through (e)(2)(F) of this Section” to “subsections (e)(1) and (e)(2)(B) through (e)(2)(F).”
- 721.104(f) (Board): Changed “subsections (f)(1) through (f)(11) of this Section” to “subsections (f)(1) through (f)(11)” (three times).
- 721.104(f)(10) (Board): Changed “subsection (e) of this Section” to “subsection (e).”
- 721.104(h)(3) (Board): Changed “shall be mixed” to “may be mixed.”
- 721.107(a)(1) (Board): Changed “subsection (b) of this Section” to “subsection (b).”
- 721.107(a)(2) (Board): Changed “subsection (b) of this Section” to “subsection (b).”

721.107(b)(1) (Board): Changed “subsections (b)(1)(A) and (b)(1)(B) of this Section” to “subsections (b)(1)(A) and (b)(1)(B)”;

changed “subsection (b)(1)(C) of this Section” to “subsection (b)(1)(C).”

721.107(b)(1)(C)(i) (USEPA): Corrected “110 gallons (416 liters)” to “119 gallons (450 liters).” See the entry in Table 1 above.

721.107(b)(1)(C)(ii) (USEPA): Corrected “110 gallons (416 liters)” to “119 gallons (450 liters).” See the entry in Table 1 above.

721.132(a) table, K013 (USEPA): Added the hazard code “R” to the entry. See the entry in Table 1 above.

721.132(a) table, K111 (USEPA): Corrected “wastewaters” to “washwaters.” See the entry in Table 1 above.

721.132(a) table, K181 (Board): Changed “subsection (c) of this Section” to “subsection (c)”;

changed “subsection (b)(1) of this Section” to “subsection (b)(1)”;

changed “subsection (d) of this Section” to “subsection (d).”

721.132(b) (Board): Changed “subsection (a) of this Section” to “subsection (a).”

721.132(c) (Board): Changed “subsection (a) of this Section” to “subsection (a).”

721.132(d) (Board): Changed “subsections (d)(1) through (d)(3) and (d)(5) of this Section” to “subsections (d)(1) through (d)(3) and (d)(5)”;

changed “subsection (a) of this Section” to “subsection (a)” (twice);

changed “subsection (d)(4) of this Section” to “subsection (d)(4).”

721.132(d)(1) (Board): Changed “subsection (c) of this Section” to “subsection (c).”

721.132(d)(2) (Board): Changed “subsection (c) of this Section” to “subsection (c).”

721.132(d)(2)(B) (Board): Changed “subsection (d)(3) of this Section” to “subsection (d)(3).”

721.132(d)(3)(A) (Board): Changed “subsection (c) of this Section” to “subsection (c).”

721.132(d)(3)(B) (Board): Changed “subsection (d)(2) of this Section” to “subsection (d)(2)”;

changed “subsection (d)(2)(D) of this Section” to “subsection (d)(2)(D)”;

changed “subsection (d)(3)(C) of this Section” to “subsection (d)(3)(C).”

721.132(d)(3)(D) (Board): Changed “subsection (c) of this Section” to “subsection (c).”

721.132(d)(3)(I) (Board): Changed “subsection (c) of this Section” to “subsection (c).”

721.132(d)(4) (Board): Changed “subsection (a) of this Section” to “subsection (a)” (twice).

721.133(a) (Board): Changed “subsection (e) or (f) of this Section” to “subsection (e) or (f).”

721.133(b) (Board): Changed “subsection (e) or (f) of this Section” to “subsection (e) or (f).”

721.133(c) (Board): Changed “subsection (e) or (f) of this Section” to “subsection (e) or (f).”

721.133(d) (Board): Changed “subsection (e) or (f) of this Section” to “subsection (e) or (f)” (twice).

721.133(d) Board note (Board): Changed “subsection (e) or (f) of this Section” to “subsection (e) or (f)” (twice).

721.133(e) (Board): Changed “subsections (a) through (d) of this Section” to “subsections (a) through (d).”

721.133(e) table, P054 (USEPA): Corrected “ethylenimine” to “ethyleneimine.” See the entry in Table 1 above.

721.133(f) (Board): Changed “subsections (a) through (d) of this Section” to “subsections (a) through (d).”

721.133(f) table, U248 (USEPA): Corrected “P 81-81-2” to “81-81-2.” See the entry in Table 1 above.

721.133(f) table, U164 (USEPA): Corrected “58-04-2” to “56-04-2.” See the entry in Table 1 above.

721.135(a) (Board): Changed “subsections (b) and (c) of this Section” to “subsections (b) and (c).”

721.135(b)(1)(A) (Board): Changed “this Section” to “subsection (b)(2).”

721.135(b)(1)(B) (Board): Changed “this Section” to “subsection (b)(3).”

721.135(b)(1)(C) (Board): Changed “this Section” to “subsections (b)(2) and (b)(3).”

721.135(b)(3)(A) (Board): Added “the generator must” before “prepare.”

721.135(b)(4) (Board): Added “the generator must” before “document”; changed “this Section” to “subsections (b)(2) and (b)(3)”; corrected the spelling “ocurred” to “occurred”; added “that the equipment cleaning and replacement” before “occurred.”

721.Appendix H, ammonium vanadate (USEPA): Corrected “U119” to “P119.” See the entry in Table 1 above.

721.Appendix H, benzene (USEPA): Corrected “U018” to “U019.” See the entry in Table 1 above.

721.Appendix H, ethylene dichloride (USEPA): Added “U077.” See the entry in Table 1 above.

721.Appendix H, nitrobenzene (USEPA): Corrected “P078” to “U169.” See the entry in Table 1 above.

722.132(b) (USEPA, Board): Corrected “450 liters (110 gallons)” to “119 gallons (450 liters).” See the entry in Table 1 above.

721.158(a) (Board): Changed “subsection (a)(1) of this Section” to “subsection (a)(1).”

722.158(a)(1) (USEPA): Added “Poland” with an offsetting comma. See the entry in Table 1 above.

721.171(a)(1) (Board): Changed “subsection (a)(2) of this Section” to “subsection (a)(2).”

721.171(a)(2)(B) (JCAR): Changed “Section 725.172” to “Section 724.172.”

721.171(j) (JCAR): Corrected “subsection 725.171(a)(2)(E)” to “subsection (a)(2)(E).”

721.194(a)(3) (Board): Changed “subsection (b) of this Section” to “subsection (b).”

724.194(a) table 1, arsenic (Board): Added “CAS No. 7440-38-2” in parentheses.

- 724.194(a) table 1, barium (Board): Added “CAS No. 7440-39-3” in parentheses.
- 724.194(a) table 1, cadmium (Board): Added “CAS No. 7440-43-9” in parentheses.
- 724.194(a) table 1, chromium (Board): Added “CAS No. 7439-92-1” in parentheses.
- 724.194(a) table 1, lead (Board): Added “CAS No. 7440-38-2” in parentheses.
- 724.194(a) table 1, mercury (Board): Added “CAS No. 7439-97-6” in parentheses.
- 724.194(a) table 1, selenium (Board): Added “CAS No. 7782-49-2” in parentheses.
- 724.194(a) table 1, silver (Board): Added “CAS No. 7440-22-4” in parentheses.
- 724.194(a) table 1, endrin (Board): Added “CAS No. 72-20-8” in parentheses.
- 724.194(a) table 1, lindane (Board): Added “CAS No. 58-89-9” in parentheses.
- 724.194(a) table 1, methoxychlor (USEPA, Board): Corrected “1,1,1-trichloro-2,2'-bis(p-methoxyphenyl)ethane” to “1,1,1-trichloro-2,2-bis(p-methoxyphenyl)ethane”; added “CAS No. 72-43-5” in parentheses. See the entry in Table 1 above.
- 724.194(a) table 1, toxaphene (USEPA, Board): Added “C<sub>10</sub>H<sub>10</sub>Cl<sub>6</sub>” with an offsetting comma; added “CAS No. 8001-35-2” in parentheses. See the entry in Table 1 above.
- 724.194(a) table 1, 2,4-D (Board): Added “CAS No. 94-75-7” in parentheses.
- 724.194(a) table 1, 2,4,5-TP (Board): Added “CAS No. 93-72-1” in parentheses.
- 721.194(c) (Board): Changed “subsection (b) of this Section” to “subsection (b).”
- 721.194(d) (Board): Changed “subsection (b) of this Section” to “subsection (b).”
- 724.244(a) (USEPA): Corrected “724.603” to “724.703.” See the entry in Table 1 above.
- 721.244(b) (Board): Changed “subsections (b)(1) and (b)(2) of this Section” to “subsections (b)(1) and (b)(2).”
- 721.245(a)(3)(A) (Board): Changed “subsection (g) of this Section” to “subsection (g).”
- 721.245(a)(3)(B) (Board): Changed “subsection (a)(3) of this Section” to “subsection (a)(3).”
- 724.245(a)(4) (USEPA): Restored the language, “may deposit the full amount of the current post-closure cost estimate at the time the fund is established. However, the” between the words “fund or” and “owner or operator”; changed “subsection (a)(3) of this Section” to “subsection (a)(3).” See the entry in Table 1 above.
- 721.245(a)(10) (Board): Changed “subsection (a)(7) or (a)(8) of this Section” to “subsection (a)(7) or (a)(8).”
- 721.245(a)(12)(B) (Board): Changed “subsection (i) of this Section” to “subsection (i).”
- 721.245(b)(3) (Board): Changed “subsection (a) of this Section” to “subsection (a).”
- 721.245(b)(3)(B)(i) (Board): Changed “subsection (a) of this Section” to “subsection (a).”
- 721.245(b)(6) (Board): Changed “subsection (g) of this Section” to “subsection (g).”
- 721.245(c)(3) (Board): Changed “subsection (a) of this Section” to “subsection (a).”
- 721.245(c)(3)(B)(i) (Board): Changed “subsection (a) of this Section” to “subsection (a).”

- 721.245(c)(10)(B) (Board): Changed “subsection (i) of this Section” to “subsection (i).”
- 721.245(c)(11) (Board): Changed “subsection (i) of this Section” to “subsection (i).”
- 721.245(d)(3) (Board): Changed “subsection (a) of this Section” to “subsection (a).”
- 721.245(d)(3)(B)(i) (Board): Changed “subsection (a) of this Section” to “subsection (a).”
- 721.245(d)(6) (Board): Changed “subsection (g) of this Section” to “subsection (g).”
- 721.245(d)(11)(B) (Board): Changed “subsection (i) of this Section” to “subsection (i).”
- 721.245(e)(3) (Board): Changed “subsection (g) of this Section” to “subsection (g).”
- 721.245(e)(6) (Board): Changed “subsection (e)(11) of this Section” to “subsection (e)(11).”
- 721.245(e)(11)(B) (Board): Changed “subsection (i) of this Section” to “subsection (i).”
- 721.245(f)(1) (Board): Changed “subsection (f)(1)(A) or (f)(1)(B) of this Section” to “subsection (f)(1)(A) or (f)(1)(B).”
- 721.245(f)(2) (Board): Changed “subsection (f)(1) of this Section” to “subsection (f)(1)” (twice).
- 721.245(f)(4) (Board): Changed “subsection (f)(3) of this Section” to “subsection (f)(3).”
- 721.245(f)(5) (Board): Changed “subsection (f)(3) of this Section” to “subsection (f)(3)” (twice).
- 721.245(f)(6) (Board): Changed “subsection (f)(1) of this Section” to “subsection (f)(1).”
- 721.245(f)(7) (Board): Changed “subsection (f)(1) of this Section” to “subsection (f)(1)” (twice); changed “subsection (f)(3) of this Section” to “subsection (f)(3).”
- 721.245(f)(8) (Board): Changed “subsection (f)(3)(B) of this Section” to “subsection (f)(3)(B).”
- 721.245(f)(10) (Board): Changed “subsection (f)(3) of this Section” to “subsection (f)(3).”
- 721.245(f)(10)(B) (Board): Changed “subsection (i) of this Section” to “subsection (i).”
- 721.245(f)(11) (Board): Changed “subsection (f)(3) of this Section” to “subsection (f)(3).”
- 721.245(f)(11)(A) (Board): Changed “subsection (a) of this Section” to “subsection (a).”
- 721.245(g) (Board): Changed “subsections (a), (b), (d), and (e) of this Section” to “subsections (a), (b), (d), and (e).”
- 724.245(i) (Board): Corrected “forpost-closure care” to “for post-closure care.”
- 724.414(d) (USEPA, Board): Changed “subsection (d)(1) of this Section” to “subsection (d)(1)”; corrected “subsection (e)(2) of this Section” to “subsection (d)(2).” See the entry in Table 1 above.
- 724.670(b) (USEPA): Corrected “Section 724.672(e) or (f)” to “Section 724.673(e) or (f).” See the entry in Table 1 above.
- 724.671(d) (USEPA): Corrected “Section 724.672(m)” to “Section 724.673(m).” See the entry in Table 1 above.
- 721.933(d)(1) (Board): Changed “subsection (e)(1) of this Section” to “subsection (e)(1).”

721.933(d)(2) (Board): Changed “subsection (f)(2)(C) of this Section” to “subsection (f)(2)(C).”

721.933(d)(3) (Board): Changed “subsection (e)(2) of this Section” to “subsection (e)(2).”

721.933(d)(4)(A) (Board): Changed “subsection (e)(3) of this Section” to “subsection (e)(3);”  
changed “subsections (d)(4)(B) and (d)(4)(C) of this Section” to “subsections (d)(4)(B) and  
(d)(4)(C).”

721.933(d)(4)(B) (Board): Changed “subsection (e)(3) of this Section” to “subsection (e)(3).”

721.933(d)(4)(C) (Board): Changed “subsection (e)(3) of this Section” to “subsection (e)(3);”  
changed “subsection (e)(4) of this Section” to “subsection (e)(4).”

721.933(d)(5) (Board): Changed “subsection (e)(5) of this Section” to “subsection (e)(5).”

724.933(e)(1) (Board): Changed “Method 22” to “Reference Method 22.”

724.933(e)(2) (Board): Changed “1 mole” to “one mole”; removed the definition of “ $\Sigma(X_i)$ ,”  
which does not appear in the corresponding federal provision.

724.933(e)(4) (Board): Changed “subsection (d)(4)(C) of this Section” to “subsection  
(d)(4)(C);” removed the definition of “ $\log_{10}$ ,” which does not appear in the corresponding  
federal provision; changed “subsection (e)(2) of this Section” to “subsection (2)(2).”

721.933(e)(5) (Board): Changed “subsection (e)(2) of this Section” to “subsection (e)(2).”

721.933(f)(3) (Board): Changed “subsections (f)(1) and (f)(2) of this Section” to “subsections  
(f)(1) and (f)(2).”

721.933(l)(1) (Board): Changed “subsection (k)(1) of this Section” to “subsection (k)(1).”

721.933(l)(1)(B) (Board): Changed “subsection (l)(1)(A) of this Section” to “subsection  
(l)(1)(A).”

721.933(l)(1)(B)(ii) (Board): Changed “subsection (l)(1)(B)(i) of this Section” to “subsection  
(l)(1)(B)(i);” changed “subsection (o) of this Section” to “subsection (o).”

721.933(l)(1)(C) (Board): Changed “subsection (l)(3) of this Section” to “subsection (l)(3).”

721.933(l)(2) (Board): Changed “subsection (k)(2) of this Section” to “subsection (k)(2).”

721.933(l)(2)(C) (Board): Changed “subsection (l)(3) of this Section” to “subsection (l)(3).”

721.933(l)(3)(A) (Board): Changed “subsection (l)(3)(C) of this Section” to “subsection  
(l)(3)(C).”

721.933(o) (Board): Changed “subsection (l)(1)(B)(ii) of this Section” to “subsection  
(l)(1)(B)(ii).”

721.933(o)(1) (Board): Changed “subsection (l)(1)(B)(ii) of this Section” to “subsection  
(l)(1)(B)(ii).”

721.933(o)(2) (Board): Changed “subsection (l)(1)(B)(ii) of this Section” to “subsection  
(l)(1)(B)(ii).”

724.934(c)(1)(A) (Board): Changed “Method 2” to “Reference Method 2.”

724.934(c)(1)(B) (Board): Changed “Method 18” to “Reference Method 18”; changed “Method  
25A” to “Reference Method 25A” (three times).

724.934(c)(1)(D)(i) (Board): Changed “Method 18” to “Reference Method 18” (twice); changed “Method 2” to “Reference Method 2.”

724.934(c)(1)(D)(ii) (Board): Changed “Method 25A” to “Reference Method 25A” (twice); changed “Method 2” to “Reference Method 2.”

721.934(c)(1)(E) (Board): Changed “subsection (c)(1)(D) of this Section” to “subsection (c)(1)(D).”

721.934(c)(1)(F) (Board): Changed “subsection (c)(1)(D) of this Section” to “subsection (c)(1)(D)”; changed “subsection (c)(1)(E) of this Section” to “subsection (c)(1)(E).”

721.934(c)(3)(A) (Board): Changed “subsection (c)(1) of this Section” to “subsection (c)(1).”

721.934(f) (Board): Changed “subsection (d)(1) of this Section” to “subsection (d)(1).”

721.935(b)(4)(C) (Board): Changed “subsections (b)(4)(C)(i) through (b)(4)(C)(vii) of this Section” to “subsections (b)(4)(C)(i) through (b)(4)(C)(vii).”

721.935(b)(4)(B) (Board): Changed “subsection (b)(4)(C)(i) of this Section” to “subsection (b)(4)(C)(i).”

721.935(b)(4)(C)(i) (Board): Changed “subsection (b)(4)(C)(ii) of this Section” to “subsection (b)(4)(C)(ii).”

721.935(b)(4)(C)(ii) (Board): Changed “subsection (b)(4)(C)(ii) of this Section” to “subsection (b)(4)(C)(ii).”

721.935(b)(4)(D)(i) (Board): Changed “subsection (b)(4)(C)(iii) of this Section” to “subsection (b)(4)(C)(iii).”

721.935(b)(4)(D)(ii) (Board): Changed “subsection (b)(4)(C)(iii) of this Section” to “subsection (b)(4)(C)(iii).”

721.935(b)(4)(F) (Board): Changed “subsection (b)(4)(C)(v) of this Section” to “subsection (b)(4)(C)(v).”

721.935(b)(4)(G)(i) (Board): Changed “subsection (b)(4)(C)(v) of this Section” to “subsection (b)(4)(C)(v).”

721.935(b)(4)(G)(ii) (Board): Changed “subsection (b)(4)(C)(v) of this Section” to “subsection (b)(4)(C)(v).”

721.935(b)(4)(H) (Board): Changed “subsection (b)(4)(C)(vi) of this Section” to “subsection (b)(4)(C)(vi).”

721.935(b)(4)(I) (Board): Changed “subsection (b)(4)(C)(vi) of this Section” to “subsection (b)(4)(C)(vi).”

721.935(b)(5) (Board): Changed “subsection (c)(4) of this Section” to “subsection (c)(4).”

724.935(c)(10)(D) (Board): Changed “Method 21” to “Reference Method 21.”

721.935(d) (Board): Changed “subsections (c)(3) through (c)(10) of this Section” to “subsections (c)(3) through (c)(10).”

724.936(a)(2)(A)(ii) (Board): Changed “Method 22” to “Reference Method 22.”

724.981 (Board): Added “section 1004 . . . (42 USC 6903),” added the incorporation by reference statement, and changed “720 through 728” to “720 through 726” to more closely parallel the corresponding federal provision.

721.982(b) (Board): Changed “subsection (c) of this Section” to “subsection (c).”

724.986(c)(1)(C) (Board): Changed “Method 27” to “Reference Method 27.”

721.982(c)(2)(I) (Board): Changed “subsections (c)(2)(A) through (c)(2)(F) of this Section” to “subsections (c)(2)(A) through (c)(2)(F).”

724.982(c)(2)(I)(i) (Board): Changed “Method 25D” to “Reference Method 25D.”

721.982(c)(3) (Board): Changed “subsection (c)(2)(D) of this Section” to “subsection (c)(2)(D).”

721.982(d)(2) (Board): Changed “subsection (d)(1) of this Section” to “subsection (c)(1).”

721.982(d)(2)(A) (Board): Changed “subsection (d)(2)(B) of this Section” to “subsection (d)(2)(B).”

721.982(d)(4) (Board): Changed “subsection (d)(1) of this Section” to “subsection (d)(1).”

721.982(d)(5)(B) (Board): Changed “subsection (d)(5)(C) of this Section” to “subsection (d)(5)(C).”

721.986(b)(1) (Board): Changed “subsection (b)(2) of this Section” to “subsection (b)(2).”

721.986(b)(1)(A) (Board): Changed “subsection (c) of this Section” to “subsection (c).”

721.986(b)(1)(B) (Board): Changed “subsection (c) of this Section” to “subsection (c).”

721.986(b)(1)(C) (Board): Changed “subsection (d) of this Section” to “subsection (d).”

721.986(b)(2) (Board): Changed “subsection (e) of this Section” to “subsection (e).”

721.986(c)(1)(A) (Board): Changed “subsection (f) of this Section” to “subsection (f).”

721.986(c)(2) (Board): Changed “subsection (c)(1)(B) or (c)(1)(C) of this Section” to “subsection (c)(1)(B) or (c)(1)(C).”

721.986(c)(4)(A) (Board): Changed “subsection (c)(4)(C) of this Section” to “subsection (c)(4)(C).”

721.986(c)(4)(B) (Board): Changed “subsection (c)(4)(C) of this Section” to “subsection (c)(4)(C).”

721.986(c)(5) (Board): Changed “subsection (f) of this Section” to “subsection (f).”

721.986(d)(1)(A) (Board): Changed “subsection (f) of this Section” to “subsection (f).”

721.986(d)(1)(B) (Board): Changed “subsection (g) of this Section” to “subsection (g).”

721.986(d)(1)(C) (Board): Changed “subsection (h) of this Section” to “subsection (h).”

721.986(d)(4)(A) (Board): Changed “subsection (d)(4)(C) of this Section” to “subsection (d)(4)(C).”

721.986(d)(4)(B) (Board): Changed “subsection (d)(4)(C) of this Section” to “subsection (d)(4)(C).”

721.986(c)(4)(A) (Board): Changed “subsection (c)(4)(C) of this Section” to “subsection (c)(4)(C).”

721.986(e)(1)(A) (Board): Changed “subsection (e)(2)(B) of this Section” to “subsection (e)(2)(B).”

721.986(e)(1)(B) (Board): Changed “subsections (e)(2)(A) and (e)(2)(B) of this Section” to “subsections (e)(2)(A) and (e)(2)(B).”

721.986(e)(3) (Board): Changed “subsection (e)(1) of this Section” to “subsection (e)(1).”

721.986(f) (Board): Changed “subsection (c)(1)(A) or (d)(1)(A) of this Section” to “subsection (c)(1)(A) or (d)(1)(A).”

721.986(f)(3) (Board): Changed “subsection (f)(4) of this Section” to “subsection (f)(4).”

721.986(g) (Board): Changed “subsection (d)(1)(B) of this Section” to “subsection (d)(1)(B).”

724.986(h) (Board): Changed “Method 27” to “Reference Method 27”; changed “subsection (d)(1)(C) of this Section” to “subsection (d)(1)(C).”

724.986(h)(1) (Board): Changed “Method 27” to “Reference Method 27.”

724.986(h)(3) (Board): Changed “Method 27” to “Reference Method 27.”

721.1101(a)(2) (Board): Changed “subsection (b) of this Section” to “subsection (b).”

721.1101(a)(2)(A) (Board): Changed “subsection (c)(1)(C) of this Section” to “subsection (c)(1)(C).”

724.1101(c)(1)(D) (Board): Changed “Method 22” to “Reference Method 22.”

724.1102(a) (USEPA): Corrected “Subparts G and H of 35 Ill. Adm. Code 739” to “Subparts G and H of this Part.” See the entry in Table 1 above.

724.1101(c)(1)(D) (Board): Changed “Method 22” to “Reference Method 22.”

721.1101(c)(2) (Board): Changed “subsections (a) through (c) of this Section” to “subsections (a) through (c).”

721.1101(c)(3)(C) (Board): Changed “subsection (c)(3)(A)(iv) of this Section” to “subsection (c)(3)(A)(iv).”

721.1101(d)(1) (Board): Changed “subsections (a) through (c) of this Section” to “subsections (a) through (c).”

724.1102(b) (USEPA): Changed “subsection (a) of this Section” to “subsection (a)”; corrected “35 Ill. Adm. Code 724.310” to “Section 724.310”; corrected “Subparts G and H of 35 Ill. Adm. Code 739” to “Subparts G and H of this Part.” See the entry in Table 1 above.

725.173(b)(6) (USEPA): Corrected “725.1083 through 725,990” to “725.983 through 725,990.” See the entry in Table 1 above.

725.173(b)(15) (USEPA): Corrected “725.196(f)” to “725.296(f).” See the entry in Table 1 above.

725.440(b)(1) (Board, USEPA): Changed “subsections (b)(2) and (b)(3) of this Section” to “subsections (b)(2) and (b)(3); corrected “63.1210(b)” to “63.1210(d).” See the entry in Table 1 above.

721.502(a) (Board): Corrected “Section 725.113(b) of this Section” to “Section 725.113(b).”

725.502 Board note (Board): Corrected the indent level of the note to append it to the entire Section, rather than to subsection (b)(2).

721.933(a)(2)(D) (Board): Changed “subsection (a)(2)(iii) of this Section” to “subsection (a)(2)(iii).”

721.933(d)(1) (Board): Changed “subsection (e)(1) of this Section” to “subsection (e)(1).”

721.933(d)(2) (Board): Corrected “subsection (f)(2)(c) of this Section” to “subsection (f)(2)(C).”

721.933(d)(3) (Board): Changed “subsection (e)(2) of this Section” to “subsection (e)(2).”

721.933(d)(4)(A) (Board): Changed “subsection (e)(3) of this Section” to “subsection (e)(3);” changed “subsections (d)(4)(B) and (d)(4)(C) of this Section” to “subsections (d)(4)(B) and (d)(4)(C).”

721.933(d)(4)(B) (Board): Changed “subsection (e)(3) of this Section” to “subsection (e)(3).”

721.933(d)(4)(C) (Board): Changed “subsection (e)(3) of this Section” to “subsection (e)(3).”

721.933(d)(5) (Board): Changed “subsection (e)(5) of this Section” to “subsection (e)(5).”

725.933(e)(1) (Board): Changed “Method 22” to “Reference Method 22.”

721.933(e)(4) (Board): Changed “subsection (d)(4)(C) of this Section” to “subsection (d)(4)(C);” changed “subsection (e)(2) of this Section” to “subsection (e)(2).”

721.933(e)(5) (Board): Changed “subsection (e)(2) of this Section” to “subsection (e)(2).”

721.933(f)(3) (Board): Changed “subsections (f)(1) and (f)(2) of this Section” to “subsections (f)(1) and (f)(2)”

721.933(k)(1) (Board): Changed “subsection (j)(1) of this Section” to “subsection (j)(1).”

721.933(k)(1)(B) (Board): Changed “subsection (k)(1)(A) of this Section” to “subsection (k)(1)(A).”

721.933(k)(1)(B)(ii) (Board): Changed “subsection (k)(1)(B)(i) of this Section” to “subsection (k)(1)(B)(i);” changed “subsection (n) of this Section” to “subsection (n).”

721.933(k)(1)(C) (Board): Changed “subsection (k)(3) of this Section” to “subsection (k)(3).”

721.933(k)(2) (Board): Changed “subsection (j)(2) of this Section” to “subsection (j)(2).”

721.933(k)(2)(C) (Board): Changed “subsection (k)(3) of this Section” to “subsection (k)(3).”

721.933(k)(3)(A) (Board): Changed “subsection (k)(3)(C) of this Section” to “subsection (k)(3)(C).”

721.933(n) (Board): Changed “subsection (k)(1)(B)(ii) of this Section” to “subsection (k)(1)(B)(ii).”

- 721.933(n)(1) (Board): Changed “subsection (k)(1)(B)(ii) of this Section” to “subsection (k)(1)(B)(ii).”
- 721.933(n)(2) (Board): Changed “subsection (k)(1)(B)(ii) of this Section” to “subsection (k)(1)(B)(ii).”
- 725.934(c)(1)(A) (Board): Changed “Method 2” to “Reference Method 2.”
- 725.934(c)(1)(B) (Board): Changed “Method 18” to “Reference Method 18”; changed “Method 25A” to “Reference Method 25A” (twice).
- 725.934(c)(1)(D)(i) (Board): Changed “Method 18” to “Reference Method 18” (twice); changed “Method 2” to “Reference Method 2.”
- 725.934(c)(1)(D)(ii) (Board): Changed “Method 25A” to “Reference Method 25A” (twice); changed “Method 2” to “Reference Method 2.”
- 721.934(c)(1)(E) (Board): Changed “subsection (c)(1)(D) of this Section” to “subsection (c)(1)(D).”
- 721.934(c)(1)(F) (Board): Changed “subsection (c)(1)(D) of this Section” to “subsection (c)(1)(D)”; changed “subsection (c)(1)(E) of this Section” to “subsection (c)(1)(E).”
- 721.934(c)(3)(A) (Board): Changed “subsection (c)(1) of this Section” to “subsection (c)(1).”
- 721.934(f) (Board): Changed “subsection (d)(1) of this Section” to “subsection (d)(1).”
- 721.935(b)(4)(C) (Board): Changed “subsection (b)(4)(C)(i) of this Section” to “subsections (b)(4)(C)(i).”
- 721.935(c)(4)(B) (Board): Changed “subsections (b)(4)(C)(i) through (b)(4)(C)(vii) of this Section” to “subsections (b)(4)(C)(i) through (b)(4)(C)(vii).”
- 721.935(c)(4)(C)(i) (Board): Changed “subsection (b)(4)(C)(ii) of this Section” to “subsection (b)(4)(C)(ii).”
- 721.935(c)(4)(C)(ii) (Board): Changed “subsection (b)(4)(C)(ii) of this Section” to “subsection (b)(4)(C)(ii).”
- 721.935(c)(4)(D)(i) (Board): Changed “subsection (b)(4)(C)(iii) of this Section” to “subsection (b)(4)(C)(ii).”
- 721.935(c)(4)(D)(ii) (Board): Changed “subsection (b)(4)(C)(iii) of this Section” to “subsection (b)(4)(C)(iii).”
- 721.935(c)(4)(F) (Board): Changed “subsection (b)(4)(C)(v) of this Section” to “subsection (b)(4)(C)(v).”
- 721.935(c)(4)(G)(i) (Board): Changed “subsection (b)(4)(C)(v) of this Section” to “subsection (b)(4)(C)(v).”
- 721.935(c)(4)(G)(ii) (Board): Changed “subsection (b)(4)(C)(v) of this Section” to “subsection (b)(4)(C)(v).”
- 725.935(c)(4)(H) (Board): Added a comma before “such as” to offset the parenthetical; added “which” before “complies” for a subsequent restrictive relative clause; changed “subsection (b)(4)(C)(vi) of this Section” to “subsection (b)(4)(C)(vi).”

725.935(c)(4)(I) (Board): Added a comma before “such as” to offset the parenthetical; added “which” before “complies” for a subsequent restrictive relative clause; changed “subsection (b)(4)(C)(vi) of this Section” to “subsection (b)(4)(C)(vi).”

721.935(c)(5) (Board): Changed “subsection (c)(4) of this Section” to “subsection (c)(4).”

725.935(c)(10)(D) (Board): Changed “Method 21” to “Reference Method 21.”

721.935(d) (Board): Changed “subsections (c)(3) through (c)(10) of this Section” to “subsections (c)(3) through (c)(10).”

725.935(f) (Board): Changed “wastestream” to “waste stream.”

721.952(a)(1) (Board): Changed “subsections (d), (e), and (f) of this Section” to “subsections (d), (e), and (f).”

721.952(d) (Board): Changed “subsection (a) of this Section” to “subsection (a).”

721.952(d)(5)(A) (Board): Changed “subsection (d)(3) of this Section” to “subsection (d)(3).”

721.952(d)(6)(A) (Board): Changed “subsection (d)(5)(B) of this Section” to “subsection (d)(5)(B).”

725.952(e) (Board): Changed “subsection (e)(2) of this Section” to “subsection (e)(2)”; added a comma before “and (d)” to offset the final element of the series; changed “subsections (a), (c), and (d) of this Section” to “subsections (a), (c), and (d).”

725.952(e)(3) (Board): Removed “pursuant to Section 725.950(e).”

Note: The Board added the cross-reference in initial adoption in RCRA Update, USEPA Regulations (April 1, 1990 through June 30, 1990), R90-11 (Apr. 11, 1991). At that time, Section 725.950(e) recited that Agency permit determinations were subject to appeal before the Board. This provision was renumbered to subsection (f) in RCRA Update, USEPA Regulations (July 1, 1995 through December 31, 1995), R96-10, UIC Update, USEPA Regulations (January 1, 1996 through June 30, 1996), R97-3, RCRA Update, USEPA Regulations (January 1, 1996 through June 30, 1996), R97-5 (Nov. 6, 1997) (consol.). It was removed in RCRA Update, USEPA Amendments (January 1, 2004 through June 30, 2004 and October 25, 2004), R05-2 (Mar. 3, 2005).

721.952(f) (Board): Changed “subsections (a) through (e) of this Section” to “subsections (a) through (e).”

725.964(k)(2) (USEPA): Corrected “Section 725.960” to “Sections 725.952 through 725.960.” See the entry in Table 1 above.

721.964(l) (Board): Changed “subsection (d) of this Section” to “subsection (d)”; changed “subsection (e) of this Section” to “subsection (e).”

721.983(b) (Board): Changed “subsection (c) of this Section” to “subsection (c).”

725.983(c)(2)(F) (Board): Corrected “Section 724.983(b) and Section 724.983(a), respectively” to “Sections 725.984(b) and 725.984(a), respectively.” See the entry in Table 1 above.

721.983(c)(2)(I) (Board): Changed “subsections (c)(2)(A) through (c)(2)(F) of this Section” to “subsections (c)(2)(A) through (c)(2)(F).”

725.983(c)(2)(I)(i) (Board): Changed “Method 25D” to “Reference Method 25D” (twice).

- 721.983(c)(3) (Board): Changed “subsection (c)(2)(D) of this Section” to “subsection (c)(2)(D).”
- 721.983(d)(2) (Board): Changed “subsection (d)(1) of this Section” to “subsection (d)(1).”
- 721.983(d)(2) (Board): Changed “subsection (d)(2)(B) of this Section” to “subsection (d)(2)(B).”
- 721.983(d)(4) (Board): Changed “subsection (d)(1) of this Section” to “subsection (d)(1).”
- 725.983(d)(5)(B) (USEPA, Board): Corrected “subsection (d)(4)(C) of this Section” to “subsection (d)(5)(C).” See the entry in Table 1 above.
- 725.985(h)(3)(B) (USEPA): Corrected “Section 725.960” to “Sections 725.952 through 725.960.” See the entry in Table 1 above.
- 721.984(a)(2) (Board): Changed “subsection (a)(1) of this Section” to “subsection (a)(1)”; changed “subsection (a)(3) of this Section” to “subsection (a)(3)”; changed “subsection (a)(4) of this Section” to “subsection (a)(4).”
- 725.984(a)(3)(B)(iii) (Board): Changed “Method 25D” to “Reference Method 25D.”
- 721.984(a)(3)(B)(iv) (Board): Changed “subsection (a)(3)(B)(iii) of this Section” to “subsection (a)(3)(B)(iii).”
- 725.984(a)(3)(C) (Board): Changed “Method 25D” to “Reference Method 25D”; changed “obtained by contacting the USEPA, Waste and Chemical Processes Group, Office of Air Quality Planning and Standards, Research Triangle Park, NC 27711” to “obtained in writing from the Agency”; changed “subsection (a)(3)(C)(i) or (a)(3)(C)(ii) of this Section” to “subsection (a)(3)(C)(i) or (a)(3)(C)(ii).”
- 721.984(a)(3)(D)(i) (Board): Changed “subsection (a)(3)(C) of this Section” to “subsection (a)(3)(C)”; changed “subsection (a)(3)(G) of this Section” to “subsection (a)(3)(G).”
- 721.984(a)(3)(D)(ii) (Board): Changed “subsections (a)(3)(B) and (a)(3)(C) of this Section” to “subsections (a)(3)(B) and (a)(3)(C)”; changed “subsection (a)(3)(C) of this Section” to “subsection (a)(3)(C)”; changed “subsections (a)(3)(B)(ii) of this Section” to “subsections (a)(3)(B)(ii).”
- 721.984(a)(3)(E) (Board): Changed “subsection (a)(3)(C) of this Section” to “subsection (a)(3)(C).”
- 721.984(a)(3)(F) (Board): Changed “subsections (a)(3)(C)(vi) and (a)(3)(C)(vii) of this Section” to “subsections (a)(3)(C)(vi) and (a)(3)(C)(vii).”
- 725.984(a)(3)(G)(i) (Board): Changed “Method 25D” to “Reference Method 25D” (twice).
- 725.984(a)(4)(C) (Board): Changed “Method 25D” to “Reference Method 25D.”
- 721.984(a)(4)(D) (Board): Changed “subsection (a)(3) of this Section” to “subsection (a)(3)”; changed “subsection (a)(3)(C) of this Section” to “subsection (a)(3)(C).”
- 721.984(b)(2) (Board): Changed “subsections (b)(3) through (b)(9) of this Section” to “subsections (b)(3) through (b)(9).”
- 725.984(b)(3)(B)(iii) (Board): Changed “Method 25D” to “Reference Method 25D.”

- 721.984(b)(3)(B)(iv) (Board): Changed “subsection (a)(3)(B)(iii) of this Section” to “subsection (a)(3)(B)(iii).”
- 725.984(b)(3)(C) (Board): Changed “Method 25D” to “Reference Method 25D”; changed “ °C” to “° C”; changed “obtained by contacting the USEPA, Waste and Chemical Processes Group, Office of Air Quality Planning and Standards, Research Triangle Park, NC 27711” to “obtained in writing from the Agency”; changed “subsection (a)(3)(C)(i) or (a)(3)(C)(ii) of this Section” to “subsection (a)(3)(C)(i) or (a)(3)(C)(ii).”
- 721.984(b)(3)(D) (Board): Changed “subsection (b)(3)(C) of this Section” to “subsection (b)(3)(C)” (twice); changed “subsection (b)(3)(B)(ii) of this Section” to “subsection (b)(3)(B)(ii).”
- 721.984(b)(3)(E) (Board): Changed “subsection (b)(3)(C) of this Section” to “subsection (b)(3)(C).”
- 721.984(b)(4)(B) (Board): Changed “subsection (b)(4)(A) of this Section” to “subsection (b)(4)(A).”
- 721.984(b)(4)(C) (Board): Changed “subsection (b)(4)(A) of this Section” to “subsection (b)(4)(A)”; changed “subsection (a) of this Section” to “subsection (a)” (four times).
- 721.984(b)(5)(C) (Board): Changed “subsection (b)(5)(B) of this Section” to “subsection (b)(5)(B).”
- 721.984(b)(5)(C)(ii) (Board): Changed “subsection (a)(3) of this Section” to “subsection (a)(3)”; changed “subsection (b)(3) of this Section” to “subsection (b)(3)” (twice).
- 721.984(b)(5)(D) (Board): Changed “subsection (b)(5)(C) of this Section” to “subsection (b)(5)(C)”; changed “subsection (b)(3) of this Section” to “subsection (b)(3)”; corrected “subsection 725.984 (a)(3) of this Section” to “subsection (a)(3).”
- 721.984(b)(5)(E) (Board): Changed “subsection (b)(5)(D) of this Section” to “subsection (b)(5)(D)” (three times).
- 721.984(b)(6)(B) (Board): Changed “subsection (b)(6)(A) of this Section” to “subsection (b)(6)(A).”
- 721.984(b)(7)(B) (Board): Changed “subsection (a) of this Section” to “subsection (a).”
- 721.984(b)(7)(D) (Board): Changed “subsection (a) of this Section” to “subsection (a)” (twice).
- 721.984(b)(8)(B) (Board): Changed “subsection (b)(5)(D) of this Section” to “subsection (b)(5)(D).”
- 721.984(b)(8)(C) (Board): Changed “subsection (b)(8)(B) of this Section” to “subsection (b)(8)(B)”; changed “subsection (b)(5)(D) of this Section” to “subsection (b)(5)(D)” (twice).
- 721.984(b)(9)(B) (Board): Changed “subsection (b)(5)(D) of this Section” to “subsection (b)(5)(D).”
- 721.984(b)(9)(D) (Board): Changed “subsections (b)(9)(B) and (b)(9)(C) of this Section” to “subsections (b)(9)(B) and (b)(9)(C)”; changed “subsection (b)(5)(D) of this Section” to “subsection (b)(5)(D)”; changed “subsection (b)(9)(C) of this Section” to “subsection (b)(9)(C).”

721.984(c)(2) (Board): Changed “subsection (c)(3) of this Section” to “subsection (c)(3)”;  
changed “subsection (c)(4) of this Section” to “subsection (c)(4).”

725.984(c)(3)(A) (Board): Changed “Method 25D” to “Reference Method 25D.”

725.984(c)(3)(B)(i) (Board): Changed “Method 25E” to “Reference Method 25E.”

725.984(d)(1) (Board): Changed “Method 21” to “Reference Method 21.”

725.984(d)(3) (Board): Changed “Method 21” to “Reference Method 21” (twice).

725.984(d)(4) (Board): Changed “Method 21” to “Reference Method 21.”

725.984(d)(6) (Board): Changed “Method 21” to “Reference Method 21.”

725.984(d)(7) (Board): Changed “Method 21” to “Reference Method 21.”

721.984(d)(8) (Board): Changed “subsection (d)(9) of this Section” to “subsection (d)(9).”

721.985(b)(1) (Board): Changed “subsections (b)(1)(A) through (b)(1)(C) of this Section” to  
“subsections (b)(1)(A) through (b)(1)(C)”;  
changed “subsection (c) of this Section” to  
“subsection (c)”;  
changed “subsection (d) of this Section” to “subsection (d).”

721.985(b)(1)(B) (Board): Changed “subsection (b)(1)(A) of this Section” to “subsection  
(b)(1)(A).”

721.985(b)(2) (Board): Changed “subsections (b)(1)(A) through (b)(1)(C) of this Section” to  
“subsections (b)(1)(A) through (b)(1)(C)”;  
changed “subsection (d) of this Section” to  
“subsection (d)”;  
changed “subsection (b)(1)(A) of this Section” to “subsection (b)(1)(A).”

721.985(c) (Board): Changed “subsections (c)(1) through (c)(4) of this Section” to “subsections  
(c)(1) through (c)(4).”

721.985(c)(1) (Board): Changed “subsection (b)(1)(A) of this Section” to “subsection  
(b)(1)(A).”

721.985(c)(2)(E) (Board): Changed “subsection (c)(2)(C) of this Section” to “subsection  
(c)(2)(C).”

721.985(c)(2)(E)(i) (Board): Changed “subsection (c)(2)(E)(ii) of this Section” to “subsection  
(c)(2)(E)(ii).”

721.985(c)(4)(B) (Board): Changed “subsection (l) of this Section” to “subsection (l).”

721.985(c)(4)(C) (Board): Changed “subsection (k) of this Section” to “subsection (k).”

721.985(d)(1) (Board): Changed “subsection (e) of this Section” to “subsection (e).”

721.985(d)(2) (Board): Changed “subsection (f) of this Section” to “subsection (f).”

721.985(d)(3) (Board): Changed “subsection (g) of this Section” to “subsection (g).”

721.985(d)(4) (Board): Changed “subsection (h) of this Section” to “subsection (h).”

721.985(d)(5) (Board): Changed “subsection (i) of this Section” to “subsection (i).”

721.985(e) (Board): Changed “subsection (e)(3)(C) of this Section” to “subsection (e)(3)(C).”

721.985(e)(3)(B) (Board): Changed “subsections (e)(1) through (e)(3) of this Section” to  
“subsections (e)(1) through (e)(3).”

721.985(e)(3)(C) (Board): Changed “subsection (e)(3)(B) of this Section” to “subsection (e)(3)(B).”

721.985(e)(3)(D) (Board): Changed “subsection (e)(3)(B) or (e)(3)(C) of this Section” to “subsection (e)(3)(B) or (e)(3)(C).”

721.985(e)(3)(D)(i) (Board): Changed “subsection (e)(3)(D)(ii) of this Section” to “subsection (e)(3)(D)(ii).”

721.985(e)(3)(E) (Board): Changed “subsection (k) of this Section” to “subsection (k).”

721.985(e)(3)(F) (Board): Changed “subsections (f)(1) through (f)(3) of this Section” to “subsections (f)(1) through (f)(3).”

721.985(f)(3)(A)(iii) (Board): Changed “subsections (f)(3)(A)(i) and (f)(3)(A)(ii) of this Section” to “subsections (f)(3)(A)(i) and (f)(3)(A)(ii).”

721.985(f)(3)(A)(iv) (Board): Changed “subsection (f)(3)(D) of this Section” to “subsection (f)(3)(D).”

721.985(f)(3)(A)(v) (Board): Changed “subsection (f)(1)(B) of this Section” to “subsection (f)(1)(B)”; changed “subsection (k) of this Section” to “subsection (k).”

721.985(f)(3)(B)(ii) (Board): Changed “subsection (l) of this Section” to “subsection (l).”

721.985(f)(3)(B)(iii) (Board): Changed “subsection (k) of this Section” to “subsection (k).”

721.985(f)(3)(C) (Board): Changed “subsection (f)(3)(A) or (f)(3)(B) of this Section” to “subsection (f)(3)(A) or (f)(3)(B).”

721.985(f)(3)(C)(i) (Board): Changed “subsection (f)(3)(A) of this Section” to “subsection (f)(3)(A).”

721.985(f)(3)(C)(ii) (Board): Changed “subsection (f)(3)(C)(iii) of this Section” to “subsection (f)(3)(C)(iii).”

721.985(f)(3)(D) (Board): Changed “subsection (f)(3)(A)(iv) of this Section” to “subsection (f)(3)(A)(iv).”

721.985(f)(3)(D)(iv) (Board): Changed “subsection (f)(1)(B) of this Section” to “subsection (f)(1)(B).”

721.985(g) (Board): Changed “subsections (g)(1) through (g)(3) of this Section” to “subsections (g)(1) through (g)(3).”

721.985(g)(3)(C) (Board): Changed “subsection (l) of this Section” to “subsection (l).”

721.985(g)(3)(D) (Board): Changed “subsection (l) of this Section” to “subsection (l).”

721.985(h) (USEPA): Corrected “Section 724.987” to “Section 725.988.” See the entry in Table 1 above.

721.985(i) (Board): Changed “subsections (i)(1) through (i)(4) of this Section” to “subsections (i)(1) through (i)(4).”

721.985(i)(3) (Board): Changed “subsections (i)(1) and (i)(2) of this Section” to “subsections (i)(1) and (i)(2).”

- 721.985(j)(1) (Board): Changed “subsection (j)(2) of this Section” to “subsection (j)(2).”
- 721.985(j)(2) (Board): Changed “subsection (j)(1) of this Section” to “subsection (j)(1).”
- 721.985(k) (Board): Changed “subsection (c)(4), (e)(3), (f)(3), or (g)(3) of this Section” to “subsection (c)(4), (e)(3), (f)(3), or (g)(3).”
- 721.985(k)(1) (Board): Changed “subsection (k)(2) of this Section” to “subsection (k)(2).”
- 721.987(b)(1) (Board): Changed “subsection (b)(2) of this Section” to “subsection (b)(2).”
- 721.987(b)(1)(A) (Board): Changed “subsection (c) of this Section” to “subsection (c).”
- 721.987(b)(1)(B) (Board): Changed “subsection (c) of this Section” to “subsection (c).”
- 721.987(b)(1)(C) (Board): Changed “subsection (d) of this Section” to “subsection (d).”
- 721.987(b)(2) (Board): Changed “subsection (e) of this Section” to “subsection (e).”
- 721.987(c)(1)(A) (Board): Changed “subsection (f) of this Section” to “subsection (f).”
- 721.987(c)(2) (Board): Changed “subsection (c)(1)(B) or (c)(1)(C) of this Section” to “subsection (c)(1)(B) or (c)(1)(C).”
- 721.987(c)(4)(A) (Board): Changed “subsection (c)(4)(C) of this Section” to “subsection (c)(4)(C).”
- 721.987(c)(4)(B) (Board): Changed “subsection (c)(4)(C) of this Section” to “subsection (c)(4)(C).”
- 721.987(c)(5) (Board): Changed “subsection (f) of this Section” to “subsection (f).”
- 721.987(d)(1)(A) (Board): Changed “subsection (f) of this Section” to “subsection (f).”
- 721.987(d)(1)(B) (Board): Changed “subsection (g) of this Section” to “subsection (g).”
- 725.987(d)(1)(C) (Board): Changed “Method 27” to “Reference Method 27”; changed “subsection (g) of this Section” to “subsection (g).”
- 721.987(d)(4)(A) (Board): Changed “subsection (d)(4)(C) of this Section” to “subsection (d)(4)(C).”
- 721.987(d)(4)(B) (Board): Changed “subsection (d)(4)(C) of this Section” to “subsection (d)(4)(C).”
- 721.987(e)(1)(A) (Board): Changed “subsection (e)(2)(B) of this Section” to “subsection (e)(2)(B).”
- 721.987(e)(1)(B) (Board): Changed “subsections (e)(2)(A) and (e)(2)(B) of this Section” to “subsections (e)(2)(A) and (e)(2)(B).”
- 721.987(e)(3) (Board): Changed “subsection (e)(1) of this Section” to “subsection (e)(1).”
- 721.987(f) (Board): Changed “subsection (c)(1)(A) or (d)(1)(A) of this Section” to “subsection (c)(1)(A) or (d)(1)(A).”
- 721.987(f)(3) (Board): Changed “subsection (f)(4) of this Section” to “subsection (f)(4).”
- 721.987(g) (Board): Changed “subsection (d)(1)(B) of this Section” to “subsection (d)(1)(B).”

725.987(h) (Board): Changed “Method 27” to “Reference Method 27”; changed “subsection (d)(1)(B) of this Section” to “subsection (d)(1)(C).”

725.987(h)(1) (Board): Changed “Method 27” to “Reference Method 27.”

725.987(h)(3) (Board): Changed “Method 27” to “Reference Method 27.”

721.1101(a)(2) (Board): Changed “subsection (b) of this Section” to “subsection (b).”

721.1101(a)(2)(A) (Board): Changed “subsection (c)(1)(D) of this Section” to “subsection (c)(1)(D).”

725.1101(c)(1)(D) (Board): Changed “Method 22” to “Reference Method 22.”

721.1101(c)(2) (Board): Changed “subsections (a) through (c) of this Section” to “subsections (a) through (c).”

721.1101(c)(3)(C) (Board): Changed “subsection (c)(3)(A)(iv) of this Section” to “subsection (c)(3)(A)(iv).”

721.1101(d)(1) (Board): Changed “subsections (a) through (c) of this Section” to “subsections (a) through (c).”

726.202(d)(1) (Board): Changed “subsection (e) of this Section” to “subsection (e).”

726.202(d)(4) (Board): Changed “subsection (e) of this Section” to “subsection (e).”

726.202(e)(2)(A)(i) (Board): Changed “subsection (e)(6) of this Section” to “subsection (e)(6).”

726.202(e)(2)(A)(ii) (Board): Changed “subsection (e)(6) of this Section” to “subsection (e)(6).”

726.202(e)(2)(A)(v) (Board): Changed “subsection (e)(6) of this Section” to “subsection (e)(6).”

726.202(e)(2)(A)(vi) (Board): Changed “subsection (e)(6) of this Section” to “subsection (e)(6).”

726.202(e)(3) (Board): Changed “subsection (e)(6) of this Section” to “subsection (e)(6).”

726.202(e)(3)(A) (Board): Changed “subsections (e)(3)(B) and (e)(3)(C) of this Section” to “subsections (e)(3)(B) and (e)(3)(C).”

726.202(e)(3)(A)(i) (Board): Changed “subsection (e)(6) of this Section” to “subsection (e)(6).”

726.202(e)(3)(A)(ii) (Board): Changed “subsection (e)(6) of this Section” to “subsection (e)(6).”

726.202(e)(4)(A)(i) (Board): Changed “subsection (e)(6) of this Section” to “subsection (e)(6).”

726.202(e)(4)(A)(ii) (Board): Changed “subsection (e)(6) of this Section” to “subsection (e)(6).”

726.202(e)(4)(B)(ii) (Board): Changed “subsection (e)(6)(A) of this Section” to “subsection (e)(6)(A).”

726.202(e)(4)(B)(iii) (Board): Changed “subsection (e)(6) of this Section” to “subsection (e)(6).”

726.202(e)(4)(B)(iii) Board note (Board): Added explanation of combination of texts of 40 CFR 266.102(e)(4)(ii)(C)(I) and (e)(4)(ii)(C)(2) into subsection (e)(4)(B)(iii).

726.202(e)(4)(B)(iv) (Board): Changed “subsection (e)(6) of this Section” to “subsection (e)(6).”

726.202(e)(4)(B)(v) (Board): Changed “subsection (e)(6) of this Section” to “subsection (e)(6).”

726.202(e)(4)(B)(vi) (Board): Changed “subsection (e)(6) of this Section” to “subsection (e)(6).”

726.202(e)(4)(B)(vii) (Board): Changed “subsection (e)(6) of this Section” to “subsection (e)(6).”

726.202(e)(4)(C)(ii) (Board): Changed “subsection (e)(6)(A) of this Section” to “subsection (e)(6)(A).”

726.202(e)(4)(C)(iii) (Board): Changed “subsection (e)(6) of this Section” to “subsection (e)(6).”

726.202(e)(4)(C)(iii) Board note (Board): Added explanation of combination of texts of 40 CFR 266.102(e)(4)(iii)(C)(1) and (e)(4)(iii)(C)(2) into subsection (e)(4)(C)(iii).

726.202(e)(4)(C)(iv) (Board): Changed “subsection (e)(6) of this Section” to “subsection (e)(6).”

726.202(e)(4)(C)(v) (Board): Changed “subsection (e)(6) of this Section” to “subsection (e)(6).”

726.202(e)(4)(C)(vi) (Board): Changed “subsection (e)(6) of this Section” to “subsection (e)(6).”

726.202(e)(4)(C)(vii) (Board): Changed “subsection (e)(6) of this Section” to “subsection (e)(6).”

726.202(e)(5)(A)(i) (Board): Changed “subsection (e)(6) of this Section” to “subsection (e)(6).”

726.202(e)(5)(A)(ii) (Board): Changed “subsection (e)(6) of this Section” to “subsection (e)(6).”

726.202(e)(5)(B)(ii) (Board): Changed “subsection (e)(6) of this Section” to “subsection (e)(6).”

726.202(e)(5)(B)(iii) (Board): Changed “subsection (e)(6) of this Section” to “subsection (e)(6).”

726.202(e)(5)(B)(iv) (Board): Changed “subsection (e)(6) of this Section” to “subsection (e)(6).”

726.202(e)(6)(A) (Board): Changed “subsections (e)(2) through (e)(5) of this Section” to “subsections (e)(2) through (e)(5).”

726.202(e)(6)(A)(ii) Board note (Board): Corrected “266.100(e)(6)(i)(B)(1)” to “266.102(e)(6)(i)(B)(1)”; corrected “266.100(e)(6)(i)(B)(1)(i)” to “266.102(e)(6)(i)(B)(1)(i).”

726.202(e)(6)(B) (Board): Changed “subsection (e)(6)(A) of this Section” to “subsection (e)(6)(A).”

726.202(e)(6)(B)(ii) Board note (Board): Corrected “266.100(e)(6)(i)(B)(1)” to “266.102(e)(6)(i)(B)(1).”

726.202(e)(6)(C) (Board): Changed “subsections (e)(6)(A) and (e)(6)(B) of this Section” to “subsections (e)(6)(A) and (e)(6)(B).”

726.202(e)(8)(A)(ii) (Board): Changed “subsection (e)(2)(B) of this Section” to “subsection (e)(2)(B).”

726.203(a)(5) (Board): Changed “subsection (a)(5)(B) of this Section” to “subsection (a)(5)(B).”

726.203(a)(5)(A)(iv) (Board): Changed “subsection (c)(5) of this Section” to “subsection (c)(5)””; changed “subsection (c) of this Section” to “subsection (c).”

726.203(a)(6) (Board): Changed “subsection (c) of this Section” to “subsection (c).”

726.203(b) (Board): Corrected “this subsection” to “this subsection (b).”

726.203(c) (Board): Changed “subsection (a)(5)(A)(iv) of this Section” to “subsection (a)(5)(A)(iv)””; changed “subsection (c)(7) of this Section” to “subsection (c)(7)””; changed “subsection (c)(4) of this Section” to “subsection (c)(4)””; changed “subsection (c)(1) of this Section” to “subsection (c)(1).”

726.203(c)(1) (Board): Changed “subsection (c)(4)(D) of this Section” to “subsection (c)(4)(D)””; changed “subsection (a)(5)(A)(iv) of this Section” to “subsection (a)(5)(A)(iv).”

726.203(c)(1)(B)(i) (Board): Changed “subsection (c)(3)(B) of this Section” to “subsection (c)(3)(B)””; corrected “subsection 726.206(b) or (e) of this Section” to “Section 726.206(b) or (e).”

726.203(c)(1)(F) (USEPA): Corrected “Section 726.207(b) or (e)” to “Section 726.206(b) or (e).” See the entry in Table 1 above.

726.203(c)(1)(H) (USEPA): Added “and the total chlorine and chloride feed rate screening limits under Section 726.207(b) or (e).”

726.203(c)(2) (Board): Changed “subsection (c)(3) of this Section” to “subsection (c)(3).”

726.203(c)(2)(B)(iv) (Board): Changed “subsection (c)(5) of this Section” to “subsection (c)(5).”

726.203(c)(2)(B)(iv) Board note (Board): Added explanation of combination of texts of 40 CFR 266.103(c)(2)(ii)(D)(1) through (c)(2)(ii)(D)(3) into subsection (c)(2)(B)(iv).

726.203(c)(2)(C)(ii) (Board): Changed “subsection (c)(1) of this Section” to “subsection (c)(1).”

726.203(c)(3)(A) (Board): Changed “subsection (b) of this Section” to “subsection (b)””; changed “subsection (c)(2) of this Section” to “subsection (c)(2).”

726.203(c)(3)(B)(ii) (Board): Changed “subsection (c)(1) of this Section” to “subsection (c)(1).”

726.203(c)(3)(B)(ii) Board note (Board): Added explanation of combination of texts of 40 CFR 266.103(c)(3)(ii)(B)(1) through (c)(3)(ii)(B)(5) into subsection (c)(3)(B)(ii).

726.203(c)(3)(B)(iii) (Board): Changed “subsection (c)(1) of this Section” to “subsection (c)(1).”

726.203(c)(3)(C)(ii) (Board): Changed “subsection (c)(3)(B)(i) or (c)(3)(B)(ii) of this Section” to “subsection (c)(3)(B)(i) or (c)(3)(B)(ii).”

726.203(c)(3)(C)(iii) (Board): Changed “subsection (c)(1) of this Section” to “subsection (c)(1).”

726.203(c)(4) (Board): Changed “subsection (a)(5)(A)(iv) of this Section” to “subsection (a)(5)(A)(iv).”

726.203(c)(4)(A)(vii) (Board): Changed “subsection (c)(2) of this Section” to “subsection (c)(2).”

726.203(c)(4)(A)(viii) (Board): Changed “subsection (c)(2) of this Section” to “subsection (c)(2).”

726.203(c)(4)(B)(ii) Board note (Board): Added explanation of combination of texts of 40 CFR 266.103(c)(4)(ii)(B)(1) through (c)(4)(ii)(B)(9) into subsection (c)(4)(B)(ii).

726.203(c)(4)(C) (Board): Changed “subsection (b) of this Section” to “subsection (b).”

726.203(c)(4)(D) (Board): Changed “subsection (c)(1) of this Section” to “subsection (c)(1).”

726.203(c)(4)(D)(ii) Board note (Board): Added explanation of combination of texts of 40 CFR 266.103(c)(4)(iv)(B)(1) and (c)(4)(iv)(B)(2) into subsection (c)(4)(D)(ii) and movement of 40 CFR 266.103(c)(4)(iv)(B)(1)(i) and (c)(4)(iv)(B)(1)(ii) to appear as definitions in Section 726.200(i).

726.203(c)(4)(D)(iii) (Board): Changed “subsection (c)(4)(D)(ii) of this Section” to “subsection (c)(4)(D)(ii).”

726.203(c)(4)(D)(iii) Board note (Board): Corrected “40 C.F.R. 266.103(c)(4)(iv)(C)(1) and (c)(4)(iv)(C)(3)” to “40 C.F.R. 266.103(c)(4)(iv)(C)(1) through (c)(4)(iv)(C)(3)”; corrected “(c)(b)(C)(iii)” to “(c)(4)(D)(iii)”; added explanation of combination of texts of 40 CFR 266.103(c)(4)(iv)(C)(1) and (c)(4)(iv)(C)(2) into subsection (c)(4)(D)(ii) and movement of 40 CFR 266.103(c)(4)(iv)(C)(2)(i) and (c)(4)(iv)(C)(2)(ii) to appear as definitions in Section 726.200(i).

726.203(c)(4)(D)(iv) (Board): Changed “subsections (c)(4)(D)(i) through (c)(4)(D)(iii) of this Section” to “subsections (c)(4)(D)(i) through (c)(4)(D)(iii).”

726.203(c)(5) (Board): Changed “subsection (a)(5)(A)(iv) of this Section” to “subsection (a)(5)(A)(iv)”; changed “subsection (c)(7) of this Section” to “subsection (c)(7).”

726.203(c)(6)(A) (Board): Changed “subsection (c)(3)(B)(i) of this Section” to “subsection (c)(3)(B)(i).”

726.203(c)(6)(B) (Board): Changed “subsection (c)(3)(B)(ii) of this Section” to “subsection (c)(3)(B)(ii).”

726.203(c)(7)(A)(i) (Board): Changed “subsection (l) of this Section” to “subsection (l).”

726.203(c)(7)(A)(iii) (Board): Changed “subsection (c)(7)(B) of this Section” to “subsection (c)(7)(B).”

726.203(c)(7)(B) Board note (Board): Added explanation of movement of 40 CFR 266.103(c)(7)(ii) to appear as Section 726.219.

726.203(c)(8)(B)(iii) (Board): Changed “subsection (b)(2) of this Section” to “subsection (b)(2).”

726.203(c)(8)(D) (Board): Changed “subsection (c)(4) of this Section” to “subsection (c)(4).”

726.203(d) (Board): Changed “subsection (c) of this Section” to “subsection (c)”; changed “subsection (c)(8) of this Section” to “subsection (c)(8).”

726.203(e) (Board): Changed “subsection (d) of this Section” to “subsection (d)”; changed “subsection (l) of this Section” to “subsection (l)” (twice).

726.203(g) (Board): Changed “subsection (c)(3) of this Section” to “subsection (c)(3)”; changed “subsection (c) of this Section” to “subsection (c)”; changed “subsections (c)(1)(A) and (c)(1)(E) through (c)(1)(M) of this Section” to “subsections (c)(1)(A) and (c)(1)(E) through (c)(1)(M).”

726.212(b)(1)(B) (Board): Changed “subsection (b)(1)(A) of this Section” to “subsection (b)(1)(A).”

726.212(b)(2)(A) (Board): Changed “subsection (b)(1) of this Section” to “subsection (b)(1)” (twice); removed the unnecessary parenthetical giving an abbreviated form for “dibenzofurans”; changed “subsections (b)(1)(C) and (b)(1)(D) of this Section” to “subsections (b)(1)(C) and (b)(1)(D).”

726.212(c)(2) (Board): Changed “subsection (b)(1) of this Section” to “subsection (b)(1).”

276.Appendix G, dichlorobenzene (USEPA): Corrected “0.07.5” to “0.075.” See the entry in Table 1 above.

276.Appendix G, diethylstilbesterol (USEPA): Corrected “0.0000001” to “0.0000007.” See the entry in Table 1 above.

276.Appendix G, ethylene dibromide (USEPA): Corrected “0.0000001” to “0.0000004.” See the entry in Table 1 above.

276.Appendix G, hexachlorodibenzo-p-dioxins (USEPA): Corrected “0.0000001” to “0.00000006.” See the entry in Table 1 above.

726.Table A Board note (Board): Added explanation of derivation from 40 C.F.R. 266.108(a)(1).”

727 table of contents, 727.Appendix A heading (Board): Marked as repealed.

727 table of contents, 727.Appendix A, 727.Illustration A heading (Board): Marked as repealed.

727 table of contents, 727.Appendix A, 727.Illustration B heading (Board): Marked as repealed.

727.130(a) Board note (Board): Changed “subsection (a) of this Section” to “subsection (a)”; updated the *Code of Federal Regulations* citation to the latest version available, including deletion of an obsolete *Federal Register* citation.

727.130(b) Board note (Board): Added explanation of derivation from 40 C.F.R. 267.31.”

727.130(c) Board note (Board): Changed “subsection (c) of this Section” to “subsection (c)”; updated the *Code of Federal Regulations* citation to the latest version available, including deletion of an obsolete *Federal Register* citation.

727.130(d) Board note (Board): Changed “subsection (d) of this Section” to “subsection (d)”; updated the *Code of Federal Regulations* citation to the latest version available, including deletion of an obsolete *Federal Register* citation.

727.130(e) Board note (Board): Changed “subsection (e) of this Section” to “subsection (e)”; updated the *Code of Federal Regulations* citation to the latest version available, including deletion of an obsolete *Federal Register* citation.

- 727.130(f) Board note (Board): Changed “subsection (f) of this Section” to “subsection (f)”; updated the *Code of Federal Regulations* citation to the latest version available, including deletion of an obsolete *Federal Register* citation.
- 727.130(g) Board note (Board): Changed “subsection (g) of this Section” to “subsection (g)”; updated the *Code of Federal Regulations* citation to the latest version available, including deletion of an obsolete *Federal Register* citation.
- 727.290(a)(1) (Board): Changed “subsection (f) of this Section” to “subsection (f).”
- 727.290(a)(2) (Board): Changed “subsection (f)(1) of this Section” to “subsection (f)(1).”
- 727.290(a) Board note (Board): Changed “subsection (a) of this Section” to “subsection (a)”; updated the *Code of Federal Regulations* citation to the latest version available, including deletion of an obsolete *Federal Register* citation.
- 727.290(b) Board note (Board): Changed “subsection (b) of this Section” to “subsection (b)”; updated the *Code of Federal Regulations* citation to the latest version available, including deletion of an obsolete *Federal Register* citation.
- 727.290(c) Board note (Board): Changed “subsection (c) of this Section” to “subsection (c)”; updated the *Code of Federal Regulations* citation to the latest version available, including deletion of an obsolete *Federal Register* citation.
- 727.290(d) Board note (Board): Changed “subsection (d) of this Section” to “subsection (d)”; updated the *Code of Federal Regulations* citation to the latest version available, including deletion of an obsolete *Federal Register* citation.
- 727.290(e)(2) (Board): Changed “subsection (b)(3) of this Section” to “subsection (b)(3).”
- 727.290(e)(3) (Board): Changed “subsection (c), (d), (e)(1), and (e)(2) of this Section” to “subsection (c), (d), (e)(1), and (e)(2)”; changed “subsection (c) and (d) of this Section” to “subsection (c) and (d).”
- 727.290(e) Board note (Board): Changed “subsection (e) of this Section” to “subsection (e)”; updated the *Code of Federal Regulations* citation to the latest version available, including deletion of an obsolete *Federal Register* citation.
- 727.290(f)(1)(A) (USEPA): Restored the words “any migration of wastes or accumulated liquid out of the system to” between “prevent” and “any soil.” See the entry in Table 1 above.
- 727.290(f)(2) (Board): Changed “subsection (f)(1) of this Section” to “subsection (f)(1).”
- 727.290(f) Board note (Board): Changed “subsection (f) of this Section” to “subsection (f)”; updated the *Code of Federal Regulations* citation to the latest version available, including deletion of an obsolete *Federal Register* citation.
- 727.290(g) Board note (Board): Changed “subsection (g) of this Section” to “subsection (g)”; updated the *Code of Federal Regulations* citation to the latest version available, including deletion of an obsolete *Federal Register* citation.
- 727.290(h)(1) (Board): Changed “subsections (f)(1) and (f)(2) of this Section” to “subsections (f)(1) and (f)(2).”

727.290(h) Board note (Board): Changed “subsection (h) of this Section” to “subsection (h)”; updated the *Code of Federal Regulations* citation to the latest version available, including deletion of an obsolete *Federal Register* citation.

727.290(i)(3) (Board): Changed “subsection (k) of this Section” to “subsection (k).”

727.290(i) Board note (Board): Changed “subsection (i) of this Section” to “subsection (i)”; updated the *Code of Federal Regulations* citation to the latest version available, including deletion of an obsolete *Federal Register* citation.

727.290(j)(4) (Board): Changed “subsections (j)(1) through (j)(3) of this Section” to “subsections (j)(1) through (j)(3).”

727.290(j) Board note (Board): Changed “subsection (j) of this Section” to “subsection (j)”; updated the *Code of Federal Regulations* citation to the latest version available, including deletion of an obsolete *Federal Register* citation.

727.290(k)(4) (Board): Changed “subsection (k)(4)(A) of this Section” to “subsection (k)(4)(A).”

727.290(k)(5)(A) (Board): Changed “subsections (k)(5)(B) and (k)(5)(C) of this Section” to “subsections (k)(5)(B) and (k)(5)(C)”; changed “subsection (l) of this Section” to “subsection (l).”

727.290(k)(6) (Board): Changed “subsection (k)(5) of this Section” to “subsection (k)(5).”

727.290(k) Board note (Board): Changed “subsection (k) of this Section” to “subsection (k)”; updated the *Code of Federal Regulations* citation to the latest version available, including deletion of an obsolete *Federal Register* citation.

727.290(l) Board note (Board): Changed “subsection (l) of this Section” to “subsection (l)”; updated the *Code of Federal Regulations* citation to the latest version available, including deletion of an obsolete *Federal Register* citation.

727.290(m) Board note (Board): Changed “subsection (m) of this Section” to “subsection (m)”; updated the *Code of Federal Regulations* citation to the latest version available, including deletion of an obsolete *Federal Register* citation.

727.290(n) Board note (Board): Changed “subsection (n) of this Section” to “subsection (n)”; updated the *Code of Federal Regulations* citation to the latest version available, including deletion of an obsolete *Federal Register* citation.

727.290(o) Board note (Board): Changed “subsection (o) of this Section” to “subsection (o)”; updated the *Code of Federal Regulations* citation to the latest version available, including deletion of an obsolete *Federal Register* citation.

727.Appendix A, 727.Illustration A (Board): Repealed the Chief Financial Officer letter form for facility closure. See discussion in the opinion segment above.

727.Appendix A, 727.Illustration A (Board): Repealed the Chief Financial Officer letter form for facility closure. See discussion in the opinion segment above.

727.Appendix B, 727.Table A heading (Board): Revised the format so that “APPENDIX” and “TABLE” appear in all-caps.

- 727.Appendix B, 727.Table A (Board): Removed the entries for 40 C.F.R. 267.151(a), which are being repealed.
- 727.Appendix B, 727.Table B heading (Board): Revised the format so that “APPENDIX” and “TABLE” appear in all-caps.
- 727.Appendix B, 727.Table B, 727.240(d)(6)(A) (Board): Removed the entry because 40 C.F.R. 267.143(f)(1) was codified as 35 Ill. Adm. Code 727.240(m).
- 727.Appendix B, 727.Table B, 727.240(d)(6)(B) (Board): Removed the entry because 40 C.F.R. 267.143(f)(2) was codified as 35 Ill. Adm. Code 727.240(n).
- 727.Appendix B, 727.Table B, 727.240(h)(6)(B) (Board): Removed the entry because 40 C.F.R. 267.147(f)(2) was codified as 35 Ill. Adm. Code 727.240(p).
- 727.Appendix B, 727.Table B, 727.240(h)(7)(B) (Board): Removed the entry because 40 C.F.R. 267.147(g)(2) was codified as 35 Ill. Adm. Code 727.240(q).
- 727.Appendix B, 727.Table B, 727.240(o) (Board): Corrected “267.143(f)(3)” to “267.143(g)(3).”
- 727.Appendix B, 727.Table B, 727.240(o)(1) (Board): Corrected “267.143(f)(3)(i)” to “267.143(g)(3)(i).”
- 727.Appendix B, 727.Table B, 727.240(o)(1)(A) (Board): Corrected “267.143(f)(3)(i)(A)” to “267.143(g)(3)(i)(A).”
- 727.Appendix B, 727.Table B, 727.240(o)(1)(B) (Board): Corrected “267.143(f)(3)(i)(B)” to “267.143(g)(3)(i)(B).”
- 727.Appendix B, 727.Table B, 727.240(o)(2) (Board): Corrected “267.143(f)(3)(ii)” to “267.143(g)(3)(ii).”
- 727.Appendix B, 727.Table B, 727.240(o)(3) (Board): Corrected “267.143(f)(3)(iii)” to “267.143(g)(3)(iii).”
- 727.Appendix B, 727.Table B, Appendix A, Illustration A (Board): Removed the entries for 40 C.F.R. 267.151(a), which are being repealed.
- 727.Appendix B, 727.Table B, Appendix A, Illustration B (Board): Removed the entries for 40 C.F.R. 267.151(a), which are being repealed.
- 728.101(e)(5) (USEPA): Removed this provision in its entirety.
- 728.101(h) Board note (Board): Updated the *Code of Federal Regulations* citations to the latest version available, including deletion of a now-obsolete *Federal Register* citation to later amendments.
- 728.107(a)(1) (Board): Changed “subsection (b) of this Section” to “subsection (b).”
- 728.107(a)(5)(C) (Board): Changed “subsection (a)(5) of this Section” to “subsection (a)(5)”; changed “subsection (a)(3) of this Section” to “subsection (a)(3).”
- 728.107(a)(9)(D) (Board): Changed “subsections (a)(6) and (a)(7) of this Section” to “subsections (a)(6) and (a)(7).”
- 728.107(a)(10) (Board): Changed “subsection (a) of this Section” to “subsection (a).”

- 728.107(b) (Board): Changed “subsection (d) of this Section” to “subsection (d).”
- 728.107(b)(4)(B) (Board): Changed “subsections (b)(1), (b)(2), and (b)(3) of this Section” to “subsections (b)(1), (b)(2), and (b)(3).”
- 728.107(b)(6) (Board): Changed “subsection (b)(4) of this Section” to “subsection (b)(4)”; changed “subsection (b)(3) of this Section” to “subsection (b)(3).”
- 728.107(c)(1) (Board): Changed “subsection (a) or (b) of this Section” to “subsection (a) or (b).”
- 728.107(c)(4) (Board): Changed “subsections (c)(1) through (c)(3) of this Section” to “subsections (c)(1) through (c)(3).”
- 728.107(d)(1)(C) (USEPA): Corrected “721.103(e)(1)” to “721.103(f)(1).” See the entry in Table 1 above.
- 728.107(d)(2) (USEPA): Corrected “721.102(f)(1)” to “721.103(f)(1).” See the entry in Table 1 above.
- 728.107(d)(3) (USEPA): Corrected “721.102(f)(1)” to “721.103(f)(1).” See the entry in Table 1 above.
- 728.Appendix C heading (Board): Revised the format so that “APPENDIX” appears in all-caps.
- 728.Appendix C, I.1 (Board): Added “CAS No. 75-27-4” in parentheses.
- 728.Appendix C, I.2 (Board): Added “CAS No. 74-83-9” in parentheses.
- 728.Appendix C, I.3 (Board): Added the IUPAC name “tetrachloromethane” in parentheses; added “CAS No. 56-23-5” in parentheses.
- 728.Appendix C, I.4 (Board): Added “CAS No. 108-90-7” in parentheses.
- 728.Appendix C, I.5 (Board): Added “CAS No. 126-99-8” in parentheses.
- 728.Appendix C, I.6 (Board): Added “CAS No. 124-48-1” in parentheses.
- 728.Appendix C, I.7 (Board): Added “CAS No. 75-00-3” in parentheses.
- 728.Appendix C, I.8 (Board): Added the IUPAC name “(2-chloroethoxy)ethene” in parentheses; added “CAS No. 110-75-8” in parentheses.
- 728.Appendix C, I.9 (Board): Added the IUPAC name “trichloromethane” in parentheses; added “CAS No. 67-66-3” in parentheses.
- 728.Appendix C, I.10 (Board): Added “CAS No. 74-87-3” in parentheses.
- 728.Appendix C, I.11 (Board): Added the IUPAC name “3-chloroprop-1-ene” in parentheses; added “CAS No. 107-05-1” in parentheses.
- 728.Appendix C, I.12 (Board): Added “CAS No. 96-12-8” in parentheses.
- 728.Appendix C, I.13 (Board): Corrects “1,2-dibromomethane” to “1,2-dibromoethane”; added “CAS No. 106-93-4” in parentheses.
- 728.Appendix C, I.14 (Board): Added “CAS No. 74-95-3” in parentheses.
- 728.Appendix C, I.15 (Board): Added the IUPAC name “(2E)-1,4-dichloro-2-butene” in parentheses; added “CAS No. 110-57-6” in parentheses.

- 728.Appendix C, I.16 (Board): Added “CAS No. 75-71-8” in parentheses.
- 728.Appendix C, I.17 (Board): Added “CAS No. 75-34-3” in parentheses.
- 728.Appendix C, I.18 (Board): Added “CAS No. 107-06-2” in parentheses.
- 728.Appendix C, I.19 (Board): Added the IUPAC name “1,1-dichloroethene” in parentheses; added “CAS No. 75-35-4” in parentheses.
- 728.Appendix C, I.20 (Board): Added the IUPAC name “(1E)-1,2-dichloroethene” in parentheses; added “CAS No. 156-60-5” in parentheses.
- 728.Appendix C, I.21 (Board): Added “CAS No. 78-87-5” in parentheses.
- 728.Appendix C, I.22 (Board): Added the IUPAC name “(1E)-1,3-dichloroprop-1-ene” in parentheses; added “CAS No. 10061-02-6” in parentheses.
- 728.Appendix C, I.23 (Board): Added the IUPAC name “(1Z)-1,3-dichloroprop-1-ene” in parentheses; added “CAS No. 10061-01-5” in parentheses.
- 728.Appendix C, I.24 (Board): Added “CAS No. 74-88-4” in parentheses.
- 728.Appendix C, I.25 (Board): Added the IUPAC name “dichloromethane” in parentheses; added “CAS No. 75-09-2” in parentheses.
- 728.Appendix C, I.26 (Board): Added “CAS No. 630-20-6” in parentheses.
- 728.Appendix C, I.27 (Board): Added “CAS No. 79-34-5” in parentheses.
- 728.Appendix C, I.28 (Board): Added “CAS No. 127-18-4” in parentheses.
- 728.Appendix C, I.29 (Board): Added “CAS No. 75-25-2” in parentheses.
- 728.Appendix C, I.30 (Board): Added “CAS No. 71-55-6” in parentheses.
- 728.Appendix C, I.31 (Board): Added “CAS No. 79-00-5” in parentheses.
- 728.Appendix C, I.32 (Board): Added “CAS No. 79-01-6” in parentheses.
- 728.Appendix C, I.33 (Board): Added the IUPAC name “trichlorofluoromethane” in parentheses; added “CAS No. 75-69-4” in parentheses.
- 728.Appendix C, I.34 (Board): Corrected “1,2,3-thrichloropropane” to 1,2,3-trichloropropane”; added “CAS No. 96-18-4” in parentheses.
- 728.Appendix C, I.35 (Board): Added the IUPAC name “chloroethene” in parentheses; added “CAS No. 75-01-4” in parentheses.
- 728.Appendix C, II.1 (Board): Added the IUPAC name “1,2-bis(2-chlorethoxy)ethane” in parentheses; added “CAS No. 112-26-5” in parentheses.
- 728.Appendix C, II.2 (Board): Corrected “bis(2-chloroethyl)ether” to “bis(2-chloroethyl) ether”; added the IUPAC name “1,1'-oxybis(2-chloroethane)” in parentheses; added “CAS No. 111-44-4” in parentheses.
- 728.Appendix C, II.3 (Board): Added the IUPAC name “2,2'-oxybis(2-chloropropane)” in parentheses; added “CAS No. 39638-32-9” in parentheses.

- 728.Appendix C, II.4 (Board): Added the IUPAC name “4-chlorobenzeneamine” in parentheses; added “CAS No. 106-47-8” in parentheses.
- 728.Appendix C, II.5 (Board): Added the IUPAC name “ethyl 2,2-bis(4-chlorophenyl)-2-hydroxyacetate” in parentheses; added “CAS No. 510-15-6” in parentheses.
- 728.Appendix C, II.6 (Board): Added the IUPAC name “4-chloro-3-methylphenol” in parentheses; added “CAS No. 59-50-7” in parentheses.
- 728.Appendix C, II.7 (Board): Added “CAS No. 91-58-7” in parentheses.
- 728.Appendix C, II.8 (Board): Added “CAS No. 95-57-8” in parentheses.
- 728.Appendix C, II.9 (Board): Added the IUPAC name “3-chloropronanenitrile” in parentheses; added “CAS No. 542-76-7” in parentheses.
- 728.Appendix C, II.10 (Board): Added the IUPAC name “1,3-dichlorobenzene” in parentheses; added “CAS No. 541-73-1” in parentheses.
- 728.Appendix C, II.11 (Board): Added the IUPAC name “1,2-dichlorobenzene” in parentheses; added “CAS No. 95-50-1” in parentheses.
- 728.Appendix C, II.12 (Board): Added the IUPAC name “1,4-dichlorobenzene” in parentheses; added “CAS No. 106-46-7” in parentheses.
- 728.Appendix C, II.13 (Board): Added the IUPAC name “4-(4-amino-3-chlorophenyl)-2-chloroaniline” in parentheses; added “CAS No. 91-94-1” in parentheses.
- 728.Appendix C, II.14 (Board): Added “CAS No. 120-83-2” in parentheses.
- 728.Appendix C, II.15 (Board): Added “CAS No. 87-65-0” in parentheses.
- 728.Appendix C, II.16 (Board): Added “CAS No. 118-74-1” in parentheses.
- 728.Appendix C, II.17 (Board): Added the IUPAC name “hexachlorobuta-1,3-diene” in parentheses; added “CAS No. 87-68-3” in parentheses.
- 728.Appendix C, II.18 (Board): Added “CAS No. 77-47-4” in parentheses.
- 728.Appendix C, II.19 (Board): Added “CAS No. 67-72-1” in parentheses.
- 728.Appendix C, II.20 (Board): Added the IUPAC name “2,2'-methylenebis(3,4,6-trichlorophenol)” in parentheses; added “CAS No. 70-30-4” in parentheses.
- 728.Appendix C, II.21 (Board): Added “CAS No. 1888-71-7” in parentheses.
- 728.Appendix C, II.22 (Board): Added the IUPAC name “4-[(4-amino-3-chlorophenyl)methyl]-2-chloroaniline” in parentheses; added “CAS No. 101-14-4” in parentheses.
- 728.Appendix C, II.23 (Board): Added “CAS No. 608-93-5” in parentheses.
- 728.Appendix C, II.24 (Board): Added “CAS No. 76-01-7” in parentheses.
- 728.Appendix C, II.25 (Board): Added “CAS No. 82-68-8” in parentheses.
- 728.Appendix C, II.26 (Board): Added “CAS No. 87-86-5” in parentheses.
- 728.Appendix C, II.27 (Board): Added the IUPAC name “3,5-dichloro-N-(1,1-dimethylprop-2-ynyl)benzamide” in parentheses; added “CAS No. 23950-58-5” in parentheses.

- 728.Appendix C, II.28 (Board): Added “CAS No. 95-94-3” in parentheses.
- 728.Appendix C, II.29 (Board): Added “CAS No. 58-90-2” in parentheses.
- 728.Appendix C, II.30 (Board): Added “CAS No. 120-82-1” in parentheses.
- 728.Appendix C, II.31 (Board): Added “CAS No. 95-95-4” in parentheses.
- 728.Appendix C, II.32 (Board): Added “CAS No. 88-06-2” in parentheses.
- 728.Appendix C, II.33 (Board): Corrected “tris(2,3-dibromopropyl)-phosphate” to “tris(2,3-dibromopropyl) phosphate”; added “CAS No. 126-72-7” in parentheses.
- 728.Appendix C, III.1 (Board): Added the IUPAC name “(1R,4S,4aS,5S,8R,8aR)-1,2,3,4,10,10-hexachloro-1,2,4a,5,8,8a-hexahydro-1,4:5,8-dimethano-naphthlene” in parentheses; added “CAS No. 309-00-2” in parentheses.
- 728.Appendix C, III.2 (Board): Added the IUPAC name “ $\alpha$ -1,2,3,4,5,6-hexachlorocyclohexane” in parentheses; added “CAS No. 319-84-6” in parentheses.
- 728.Appendix C, III.3 (Board): Added the IUPAC name “ $\beta$ -1,2,3,4,5,6-hexachlorocyclohexane” in parentheses; added “CAS No. 319-85-7” in parentheses.
- 728.Appendix C, III.4 (Board): Added the IUPAC name “ $\delta$ -1,2,3,4,5,6-hexachlorocyclohexane” in parentheses; added “CAS No. 58-89-9” in parentheses.
- 728.Appendix C, III.5 (Board): Added the IUPAC name “ $\gamma$ -1,2,3,4,5,6-hexachlorocyclohexane” in parentheses; added “CAS No. 319-86-8” in parentheses.
- 728.Appendix C, III.6 (Board): Corrected “chlorodane” to “chlordane” added the IUPAC name “1,2,4,5,6,7,8,8-octachloro-3a,4,5,5a-tetrahydro-4,7-methanoindane” in parentheses; added “CAS No. 57-74-9” in parentheses.
- 728.Appendix C, III.7 (Board): Added the IUPAC name “1,1-bis(4-chlorophenyl)-2,2-dichloroethane” in parentheses; added “CAS No. 72-54-8” in parentheses.
- 728.Appendix C, III.8 (Board): Added the IUPAC name “1,1-bis(4-chlorophenyl)-2,2-dichloroethene” in parentheses; added “CAS No. 72-55-9” in parentheses.
- 728.Appendix C, III.9 (Board): Added the IUPAC name “1,1,1-trichloro-2,2-bis(4-chlorophenyl)ethane” in parentheses; added “CAS No. 50-29-3” in parentheses.
- 728.Appendix C, III.10 (Board): Added the IUPAC name “(1aR,2R,2aS,3S,6R,7S,7aS)-3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a,7,7a-octahydro-2,7:3,6-dimethanonaphtho[2,3-b]oxirene” in parentheses; added “CAS No. 60-57-1” in parentheses.
- 728.Appendix C, III.11 (Board): Added the IUPAC name “(3 $\alpha$ ,5a $\beta$ ,6 $\alpha$ ,9 $\alpha$ ,9a $\beta$ )-6,7,8,9,10,10-hexachloro-1,5,5a,6,9,9a-hexahydro-6,9-methano-2,4,3-benzodioxathiepine-3-oxide” in parentheses; added “CAS No. 959-98-8” in parentheses.
- 728.Appendix C, III.12 (Board): Added the IUPAC name “(3 $\alpha$ ,5a $\beta$ ,6 $\beta$ ,9 $\beta$ ,9a $\alpha$ )-6,7,8,9,10,10-hexachloro-1,5,5a,6,9,9a-hexahydro-6,9-methano-2,4,3-benzodioxathiepine-3-oxide” in parentheses; added “CAS No. 33213-65-9” in parentheses.
- 728.Appendix C, III.13 (Board): Added the IUPAC name “1a $\alpha$ ,2 $\beta$ ,2a $\beta$ ,3a $\alpha$ ,6 $\alpha$ ,6a $\beta$ ,7 $\beta$ ,7a $\alpha$ )-3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a,7,7a-octahydro-2,7:3,6-dimethanonaphth(2,3-b)oxirene” in parentheses; added “CAS No. 72-20-8” in parentheses.

- 728.Appendix C, III.14 (Board): Added the IUPAC name “1 $\alpha$ ,2 $\beta$ ,2a $\beta$ ,4 $\beta$ ,4a $\beta$ ,5 $\beta$ ,6a $\beta$ ,6b $\beta$ ,7R\*)-2,2a,3,3,4,7-hexachlorodecahydro-1,2,4-methenocyclopenta(c,d)pentalene-5-carboxaldehyde” in parentheses; added “CAS No. 7421-93-4” in parentheses.
- 728.Appendix C, III.15 (Board): Added the IUPAC name “1,4,5,6,7,8,8-heptachloro-3a,4,7,7a-tetrahydro-4,7-methano-1H-indene” in parentheses; added “CAS No. 76-44-8” in parentheses.
- 728.Appendix C, III.16 (Board): Added the IUPAC name “(1aR,1bS,2R,5S,5aR,6S,6aR)-2,3,4,5,6,7,7-heptachloro-1a,1b,5,5a,6,6a-hexahydro-2,5-methano-2H-indeno(1,2b)oxirene” in parentheses; added “CAS No. 1024-57-3” in parentheses.
- 728.Appendix C, III.17 (Board): Added the IUPAC name “(1R,4S,4aS,5R,8S,8aR)-rel-1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro-1,4:5,8-dimethanonaphthlaene” in parentheses; added “CAS No. 465-73-6” in parentheses.
- 728.Appendix C, III.18 (Board): Added the IUPAC name “1,1a,3,3a,4,5,5a,5b,6-decachlorooctahydro-1,3,4-metheno-2H-cyclobuta(cd)pentalen-2-one” in parentheses; added “CAS No. 143-50-0” in parentheses.
- 728.Appendix C, III.19 (Board): Corrected “mehoxyclor” to “methoxychlor”; added the IUPAC name “1,1'-(2,2,2-trichloroethylidene)bis(4-methoxybenzene)” in parentheses; added “CAS No. 72-43-5” in parentheses.
- 728.Appendix C, III.20 (Board): Added “CAS No. 8001-35-2” in parentheses.
- 728.Appendix C, IV.1 (Board): Added “CAS No. 94-75-7” in parentheses.
- 728.Appendix C, IV.2 (Board): Added the IUPAC name “2-(2,4,5-trichlorophenoxy)propionic acid” in parentheses; added “CAS No. 93-72-1” in parentheses.
- 728.Appendix C, IV.3 (Board): Added the IUPAC name “2,4,5-trichlorophenoxyacetic acid” in parentheses; added “CAS No. 93-76-5” in parentheses.
- 728.Appendix C, V.1 (Board): Added “CAS No. 12674-11-2” in parentheses.
- 728.Appendix C, V.2 (Board): Added “CAS No. 11104-28-2” in parentheses.
- 728.Appendix C, V.3 (Board): Added “CAS No. 11141-16-5” in parentheses.
- 728.Appendix C, V.4 (Board): Added “CAS No. 53469-21-9” in parentheses.
- 728.Appendix C, V.5 (Board): Added “CAS No. 12672-29-6” in parentheses.
- 728.Appendix C, V.6 (Board): Added “CAS No. 11097-69-1” in parentheses.
- 728.Appendix C, V.7 (Board): Added “CAS No. 11096-82-5” in parentheses.
- 728.Appendix C, V.8 (Board): Added “CAS No. 1336-36-3” in parentheses.
- 728.Appendix C, VI.1 (Board): Added “CAS No. 34465-46-8” in parentheses.
- 728.Appendix C, VI.2 (Board): Added “CAS No. 55684-94-1” in parentheses.
- 728.Appendix C, VI.3 (Board): Added “CAS No. 36088-22-9” in parentheses.
- 728.Appendix C, VI.4 (Board): Added “CAS No. 30402-15-4” in parentheses.
- 728.Appendix C, VI.5 (Board): Added “CAS No. 41903-57-5” in parentheses.

- 728.Appendix C, VI.6 (Board): Added “CAS No. 30402-14-3; 55722-27-5” in parentheses.
- 728.Appendix C, VI.7 (Board): Added the IUPAC name “2,3,7,8-tetrachlorodibenzo[b,e][1,4]dioxin” in parentheses; added “CAS No. 1746-01-6” in parentheses.
- 728.Appendix C Board note (Board): Updated the *Code of Federal Regulations* citations to the latest version available.
- 728.Appendix G heading (Board): Revised the format so that “APPENDIX” appears in all-caps.
- 728.Appendix G, Table 1, K088 (USEPA): The Board has deleted the listing for “mixed with radioactive wastes” and added a second listing for K088 “all others” that states an effective date of January 8, 1997. See the entry in Table 1 above.
- 728.Table C heading (Board): Revised the format so that “TABLE” appears in all-caps.
- 728.Table C Board note (Board): Corrected “Table I” to “Table 1” for the attribution statement; updated the *Code of Federal Regulations* citations to the latest version available.
- 728.Table T, D010 (USEPA): Restored the words “and meet Section 728.148 standards<sup>8</sup>.” See the entry in Table 1 above.
- 728.Table T, F039 (USEPA): Added the entry for 1,2,3,4,6,7,8,9-octachlorodibenzofuran.
- 728.Table T, K049 (USEPA): Corrected the CAS number for chrysene from “2218-01-9” to “218-01-9.” See the entry in Table 1 above.
- 728.Table T, K051 (USEPA): Corrected the CAS number for chrysene from “2218-01-9” to “218-01-9.” See the entry in Table 1 above.
- 728.Table T, K156 (USEPA): Corrected the CAS number for carbaryl from “63-25-21” to “63-25-2.” See the entry in Table 1 above.
- 728.Table T, K158 (USEPA): Added the entry for benomyl.
- 728.Table T, P056 (USEPA): Corrected the CAS number for fluoride from “16964-48-8” to “16984-48-8.” See the entry in Table 1 above.
- 728.Table T, U085 (USEPA): Corrected “1,2:3,4-diepoxybutane” to “1,2,3,4-diepoxybutane.” See the entry in Table 1 above.
- 728.Table T, U404 (USEPA): Corrected the CAS number for triethylamine from “101-44-8” to “121-44-8.” See the entry in Table 1 above.
- 728.Table T Board note (Board): Updated the *Code of Federal Regulations* citations to the latest version available.
- 733.104 heading (Board): Corrected the heading to “Mercury-Containing Equipment” to agree with the heading as it appears in the table of contents.
- 733.104(a) (Board): Changed “subsection (b) of this Section” to “subsection (b).”
- 733.104(b)(1) (Board): Changed “subsection (c) of this Section” to “subsection (c).”
- 733.104(b)(2) (Board): Changed “subsection (b)(1) of this Section” to “subsection (b)(1).”

733.132(a)(1) (Board): Changed “subsections (a)(2) and (a)(3) of this Section” to “subsections (a)(2) and (a)(3).”

733.132(a)(2) (Board): Corrected “notified USEPA or the Agency” to “notified USEPA and the Agency”; added “which” before “has received” to a subsequent restrictive relative clause.

733.132(a)(3) (Board): Corrected “notified USEPA or the Agency” to “notified USEPA and the Agency.”

733.132(b) Board note (Board): Changed “to obtain USEPA Form 8700-12 call the Agency at 217-782-6761” to “obtain USEPA Form 8700-12 from the Agency”; added “the generator or consolidation point must sent . . . the required notification.

Note: This is consistent with similar amendments made in RCRA Subtitle C Update, USEPA Amendments (July 1, 2012 through December 31, 2012), R13-15 (Sep. 5, 2013).

I, Don A. Brown, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion on March 3, 2016, by a vote of 5-0.



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Don A. Brown, Assistant Clerk  
Illinois Pollution Control Board