

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Standards for the Management of Specific Hazardous Waste and Specific Types of Hazardous Waste Management Facilities
- 2) Code Citation: 35 Ill. Adm. Code 726
- 3)

<u>Section Numbers</u> :	<u>Proposed Actions</u> :
726.202	Amendment
726.203	Amendment
726.212	Amendment
726.Appendix G	Amendment
726.Table A	Amendment
- 4) Statutory Authority: 415 ILCS 5/7.2, 22.4, and 27
- 5) A Complete Description of Subjects and Issues Involved: The amendments to Part 726 are a single segment of the docket R16-7 rulemaking that also affects 35 Ill. Adm. Code 703, 720, 721, 722, 724, 725, 727, 728, and 733, each of which is covered by a separate notice in this issue of the *Illinois Register*. To save space, a more detailed description of the subjects and issues involved in the docket R16-7 rulemaking in this issue of the *Illinois Register* only in the answer to question 5 is stated in the Notice of Adopted Amendments for 35 Ill. Adm. Code 703. A comprehensive description is contained in the Board's opinion and order of March 3, 2016, proposing amendments in docket R16-7, which opinion and order is available from the address below.

Specifically, the amendments to Part 726 are corrections and clarifying amendments that are not directly derived from the instant federal amendments. This includes corrections submitted by USEPA as a result of review of the rules for the purpose of authorization of the Illinois RCRA Subtitle C program.

Tables appear in the Board's opinion and order of March 3, 2016 in docket R16-7 that list numerous corrections and amendments that are not based on current federal amendments. The tables contain deviations from the literal text of the federal amendments underlying these amendments, as well as corrections and clarifications that the Board made in the base text involved. Persons interested in the details of those corrections and amendments should refer to the March 3, 2016 opinion and order in docket R16-7.

Section 22.4 of the Environmental Protection Act [415 ILCS 5/22.4] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805].
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference docket R16-7 and be addressed to:

John T. Therriault, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago IL 60601

Please direct inquiries to the following person and reference docket R16-7:

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

312/814-6924

e-mail: michael.mccambridge@illinois.gov

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking may affect those small businesses, small municipalities, and not-for-profit corporations that generate, transport, treat, store, or dispose of hazardous waste. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805].
 - B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805].
 - C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805].
- 14) Regulatory Agenda on which this rulemaking was summarized: December 4, 2015, 39 Ill. Reg. 15637-39.

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

~~POLLUTION CONTROL BOARD~~

~~NOTICE OF PROPOSED AMENDMENTS~~

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

PART 726
STANDARDS FOR THE MANAGEMENT OF SPECIFIC HAZARDOUS WASTE AND
SPECIFIC TYPES OF HAZARDOUS WASTE MANAGEMENT FACILITIES

SUBPART A: GENERAL

Section
726.102 Electronic Reporting

SUBPART C: RECYCLABLE MATERIALS USED IN A
MANNER CONSTITUTING DISPOSAL

Section
726.120 Applicability
726.121 Standards Applicable to Generators and Transporters of Materials Used in a
Manner that Constitutes Disposal
726.122 Standards Applicable to Storers, Who Are Not the Ultimate Users, of Materials
that Are To Be Used in a manner that Constitutes Disposal
726.123 Standards Applicable to Users of Materials that Are Used in a Manner that
Constitutes Disposal

SUBPART D: HAZARDOUS WASTE BURNED FOR ENERGY RECOVERY

Section
726.130 Applicability (Repealed)
726.131 Prohibitions (Repealed)
726.132 Standards applicable to generators of hazardous waste fuel (Repealed)
726.133 Standards applicable to transporters of hazardous waste fuel (Repealed)
726.134 Standards applicable to marketers of hazardous waste fuel (Repealed)
726.135 Standards applicable to burners of hazardous waste fuel (Repealed)
726.136 Conditional exemption for spent materials and by-products exhibiting a
characteristic of hazardous waste (Repealed)

~~POLLUTION CONTROL BOARD~~

~~NOTICE OF PROPOSED AMENDMENTS~~

SUBPART E: USED OIL BURNED FOR ENERGY RECOVERY

Section	
726.140	Applicability (Repealed)
726.141	Prohibitions (Repealed)
726.142	Standards applicable to generators of used oil burned for energy recovery (Repealed)
726.143	Standards applicable to marketers of used oil burned for energy recovery (Repealed)
726.144	Standards applicable to burners of used oil burned for energy recovery (Repealed)

SUBPART F: RECYCLABLE MATERIALS UTILIZED FOR
PRECIOUS METAL RECOVERY

Section	
726.170	Applicability and Requirements

SUBPART G: SPENT LEAD-ACID BATTERIES BEING RECLAIMED

Section	
726.180	Applicability and Requirements

SUBPART H: HAZARDOUS WASTE BURNED IN BOILERS
AND INDUSTRIAL FURNACES

Section	
726.200	Applicability
726.201	Management Prior to Burning
726.202	Permit Standards for Burners
726.203	Interim Status Standards for Burners
726.204	Standards to Control Organic Emissions
726.205	Standards to Control PM
726.206	Standards to Control Metals Emissions
726.207	Standards to Control HCl and Chlorine Gas Emissions
726.208	Small Quantity On-Site Burner Exemption
726.209	Low Risk Waste Exemption
726.210	Waiver of DRE Trial Burn for Boilers
726.211	Standards for Direct Transfer
726.212	Regulation of Residues

~~POLLUTION CONTROL BOARD~~

~~NOTICE OF PROPOSED AMENDMENTS~~

726.219 Extensions of Time

SUBPART M: MILITARY MUNITIONS

Section

726.300 Applicability
726.301 Definitions
726.302 Definition of Solid Waste
726.303 Standards Applicable to the Transportation of Solid Waste Military Munitions
726.304 Standards Applicable to Emergency Responses
726.305 Standards Applicable to the Storage of Solid Waste Military Munitions
726.306 Standards Applicable to the Treatment and Disposal of Waste Military Munitions

SUBPART N: CONDITIONAL EXEMPTION FOR LOW-LEVEL MIXED WASTE
STORAGE, TREATMENT, TRANSPORTATION AND DISPOSAL

Section

726.310 Definitions
726.320 Storage and Treatment Conditional Exemption
726.325 Wastes Eligible for a Storage and Treatment Conditional Exemption for
Low-Level Mixed Waste
726.330 Conditions to Qualify for and Maintain a Storage and Treatment Conditional
Exemption
726.335 Treatment Allowed by a Storage and Treatment Conditional Exemption
726.340 Loss of a Storage and Treatment Conditional Exemption and Required Action
726.345 Reclaiming a Lost Storage and Treatment Conditional Exemption
726.350 Recordkeeping for a Storage and Treatment Conditional Exemption
726.355 Waste No Longer Eligible for a Storage and Treatment Conditional Exemption
726.360 Applicability of Closure Requirements to Storage Units
726.405 Transportation and Disposal Conditional Exemption
726.410 Wastes Eligible for a Transportation and Disposal Conditional Exemption
726.415 Conditions to Qualify for and Maintain a Transportation and Disposal Conditional
Exemption
726.420 Treatment Standards for Eligible Waste
726.425 Applicability of the Manifest and Transportation Condition
726.430 Effectiveness of a Transportation and Disposal Exemption
726.435 Disposal of Exempted Waste
726.440 Containers Used for Disposal of Exempted Waste
726.445 Notification

~~POLLUTION CONTROL BOARD~~

~~NOTICE OF PROPOSED AMENDMENTS~~

726.450	Recordkeeping for a Transportation and Disposal Conditional Exemption
726.455	Loss of a Transportation and Disposal Conditional Exemption and Required Action
726.460	Reclaiming a Lost Transportation and Disposal Conditional Exemption
726.APPENDIX A	Tier I and Tier II Feed Rate and Emissions Screening Limits for Metals
726.APPENDIX B	Tier I Feed Rate Screening Limits for Total Chlorine
726.APPENDIX C	Tier II Emission Rate Screening Limits for Free Chlorine and Hydrogen Chloride
726.APPENDIX D	Reference Air Concentrations
726.APPENDIX E	Risk-Specific Doses
726.APPENDIX F	Stack Plume Rise
726.APPENDIX G	Health-Based Limits for Exclusion of Waste-Derived Residues
726.APPENDIX H	Potential PICs for Determination of Exclusion of Waste-Derived Residues
726.APPENDIX I	Methods Manual for Compliance with BIF Regulations
726.APPENDIX J	Guideline on Air Quality Models (Repealed)
726.APPENDIX K	Lead-Bearing Materials that May be Processed in Exempt Lead Smelters
726.APPENDIX L	Nickel or Chromium-Bearing Materials that May Be Processed in Exempt Nickel-Chromium Recovery Furnaces
726.APPENDIX M	Mercury-Bearing Wastes that May Be Processed in Exempt Mercury Recovery Units
726.TABLE A	Exempt Quantities for Small Quantity Burner Exemption

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

SOURCE: Adopted in R85-22 at 10 Ill. Reg. 1162, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14156, effective August 12, 1986; amended in R87-26 at 12 Ill. Reg. 2900, effective January 15, 1988; amended in R89-1 at 13 Ill. Reg. 18606, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14533, effective August 22, 1990; amended in R90-11 at 15 Ill. Reg. 9727, effective June 17, 1991; amended in R91-13 at 16 Ill. Reg. 9858, effective June 9, 1992; amended in R92-10 at 17 Ill. Reg. 5865, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20904, effective November 22, 1993; amended in R94-7 at 18 Ill. Reg. 12500, effective July 29, 1994; amended in R95-4/R95-6 at 19 Ill. Reg. 10006, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11263, effective August 1, 1996; amended in

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

R96-10/R97-3/R97-5 at 22 Ill. Reg. 754, effective December 16, 1997; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 18042, effective September 28, 1998; amended in R99-15 at 23 Ill. Reg. 9482, effective July 26, 1999; amended in R00-13 at 24 Ill. Reg. 9853, effective June 20, 2000; amended in R02-1/R02-12/R02-17 at 26 Ill. Reg. 6667, effective April 22, 2002; amended in R03-7 at 27 Ill. Reg. 4200, effective February 14, 2003; amended in R03-18 at 27 Ill. Reg. 12916, effective July 17, 2003; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 3700, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 1096, effective December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 12741, effective July 14, 2008; amended in R11-2/R11-16 at 35 Ill. Reg. 18117, effective October 14, 2011; amended in R13-5 at 37 Ill. Reg. 3249, effective March 4, 2013; amended in R13-15 at 37 Ill. Reg. 17888, effective October 24, 2013; amended in R16-7 at 40 Ill. Reg. _____, effective _____.

SUBPART H: HAZARDOUS WASTE BURNED IN BOILERS
AND INDUSTRIAL FURNACES

Section 726.202 Permit Standards for Burners

- a) Applicability.
 - 1) General. An owner or operator of a BIF that burns hazardous waste and which does not operate under interim status must comply with the requirements of this Section and 35 Ill. Adm. Code 703.208 and 703.232, unless exempt pursuant to the small quantity burner exemption of Section 726.208.
 - 2) Applicability of 35 Ill. Adm. Code 724 standards. An owner or operator of a BIF that burns hazardous waste is subject to the following provisions of 35 Ill. Adm. Code 724, except as provided otherwise by this Subpart H:
 - A) In Subpart A (General), 35 Ill. Adm. Code 724.104;
 - B) In Subpart B (General facility standards), 35 Ill. Adm. Code 724.111 through 724.118;
 - C) In Subpart C (Preparedness and prevention), 35 Ill. Adm. Code 724.131 through 724.137;

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

R96-10/R97-3/R97-5 at 22 Ill. Reg. 754, effective December 16, 1997; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 18042, effective September 28, 1998; amended in R99-15 at 23 Ill. Reg. 9482, effective July 26, 1999; amended in R00-13 at 24 Ill. Reg. 9853, effective June 20, 2000; amended in R02-1/R02-12/R02-17 at 26 Ill. Reg. 6667, effective April 22, 2002; amended in R03-7 at 27 Ill. Reg. 4200, effective February 14, 2003; amended in R03-18 at 27 Ill. Reg. 12916, effective July 17, 2003; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 3700, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 1096, effective December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 12741, effective July 14, 2008; amended in R11-2/R11-16 at 35 Ill. Reg. 18117, effective October 14, 2011; amended in R13-5 at 37 Ill. Reg. 3249, effective March 4, 2013; amended in R13-15 at 37 Ill. Reg. 17888, effective October 24, 2013; amended in R16-7 at 40 Ill. Reg. _____, effective _____.

SUBPART H: HAZARDOUS WASTE BURNED IN BOILERS
AND INDUSTRIAL FURNACES

Section 726.202 Permit Standards for Burners

- a) Applicability.
 - 1) General. An owner or operator of a BIF that burns hazardous waste and which does not operate under interim status must comply with the requirements of this Section and 35 Ill. Adm. Code 703.208 and 703.232, unless exempt pursuant to the small quantity burner exemption of Section 726.208.
 - 2) Applicability of 35 Ill. Adm. Code 724 standards. An owner or operator of a BIF that burns hazardous waste is subject to the following provisions of 35 Ill. Adm. Code 724, except as provided otherwise by this Subpart H:
 - A) In Subpart A (General), 35 Ill. Adm. Code 724.104;
 - B) In Subpart B (General facility standards), 35 Ill. Adm. Code 724.111 through 724.118;
 - C) In Subpart C (Preparedness and prevention), 35 Ill. Adm. Code 724.131 through 724.137;

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- D) In Subpart D (Contingency plan and emergency procedures), 35 Ill. Adm. Code 724.151 through 724.156;
 - E) In Subpart E (Manifest system, recordkeeping and reporting), the applicable provisions of 35 Ill. Adm. Code 724.171 through 724.177;
 - F) In Subpart F (Releases from Solid Waste Management Units), 35 Ill. Adm. Code 724.190 and 724.201;
 - G) In Subpart G (Closure and post-closure), 35 Ill. Adm. Code 724.211 through 724.215;
 - H) In Subpart H (Financial requirements), 35 Ill. Adm. Code 724.241, 724.242, 724.243, and 724.247 through 724.251, except that the State of Illinois and the federal government are exempt from the requirements of Subpart H of 35 Ill. Adm. Code 724; and
 - I) Subpart BB (Air emission standards for equipment leaks), except 35 Ill. Adm. Code 724.950(a).
- b) Hazardous waste analysis.
- 1) The owner or operator must provide an analysis of the hazardous waste that quantifies the concentration of any constituent identified in Appendix H of 35 Ill. Adm. Code 721 that is reasonably expected to be in the waste. Such constituents must be identified and quantified if present, at levels detectable by using appropriate analytical methods. The constituents listed in Appendix H of 35 Ill. Adm. Code 721 that are excluded from this analysis must be identified and the basis for their exclusion explained. This analysis must provide all information required by this Subpart H and 35 Ill. Adm. Code 703.208 and 703.232 and must enable the Agency to prescribe such permit conditions as are necessary to adequately protect human health and the environment. Such analysis must be included as a portion of the Part B permit application, or, for facilities operating under the interim status standards of this Subpart H, as a portion of the trial burn plan that may be submitted before the Part B application pursuant to provisions of 35 Ill. Adm. Code 703.232(g), as well as any other analysis

~~POLLUTION CONTROL BOARD~~

~~NOTICE OF PROPOSED AMENDMENTS~~

required by the Agency. The owner or operator of a BIF not operating under the interim status standards must provide the information required by 35 Ill. Adm. Code 703.208 and 703.232 in the Part B application to the greatest extent possible.

- 2) Throughout normal operation, the owner or operator must conduct sampling and analysis as necessary to ensure that the hazardous waste, other fuels, and industrial furnace feedstocks fired into the BIF are within the physical and chemical composition limits specified in the permit.
- c) Emissions standards. An owner or operator must comply with emissions standards provided by Sections 726.204 through 726.207.
- d) Permits.
 - 1) The owner or operator must burn only hazardous wastes specified in the facility permit and only under the operating conditions specified pursuant to subsection (e) of this Section, except in approved trial burns under the conditions specified in 35 Ill. Adm. Code 703.232.
 - 2) Hazardous wastes not specified in the permit must not be burned until operating conditions have been specified under a new permit or permit modification, as applicable. Operating requirements for new wastes must be based on either trial burn results or alternative data included with Part B of a permit application pursuant to 35 Ill. Adm. Code 703.208.
 - 3) BIFs operating under the interim status standards of Section 726.203 are permitted pursuant to procedures provided by 35 Ill. Adm. Code 703.232(g).
 - 4) A permit for a new BIF (those BIFs not operating under the interim status standards) must establish appropriate conditions for each of the applicable requirements of this Section, including but not limited to allowable hazardous waste firing rates and operating conditions necessary to meet the requirements of subsection (e) of this Section, in order to comply with the following standards:
 - A) For the period beginning with initial introduction of hazardous

~~POLLUTION CONTROL BOARD~~

~~NOTICE OF PROPOSED AMENDMENTS~~

waste and ending with initiation of the trial burn, and only for the minimum time required to bring the device to a point of operational readiness to conduct a trial burn, not to exceed a duration of 720 hours operating time when burning hazardous waste, the operating requirements must be those most likely to ensure compliance with the emission standards of Sections 726.204 through 726.207, based on the Agency's engineering judgment. If the applicant is seeking a waiver from a trial burn to demonstrate conformance with a particular emission standard, the operating requirements during this initial period of operation must include those specified by the applicable provisions of Section 726.204, Section 726.205, Section 726.206, or Section 726.207. The Agency must extend the duration of this period for up to 720 additional hours when good cause for the extension is demonstrated by the applicant.

- B) For the duration of the trial burn, the operating requirements must be sufficient to demonstrate compliance with the emissions standards of Sections 726.204 through 726.207 and must be in accordance with the approved trial burn plan;
 - C) For the period immediately following completion of the trial burn, and only for the minimum period sufficient to allow sample analysis, data computation, submission of the trial burn results by the applicant, review of the trial burn results, and modification of the facility permit by the Agency to reflect the trial burn results, the operating requirements must be those most likely to ensure compliance with the emission standards Sections 726.204 through 726.207 based on the Agency's engineering judgment.
 - D) For the remaining duration of the permit, the operating requirements must be those demonstrated in a trial burn or by alternative data specified in 35 Ill. Adm. Code 703.208, as sufficient to ensure compliance with the emissions standards of Sections 726.204 through 726.207.
- e) Operating requirements.

~~POLLUTION CONTROL BOARD~~

~~NOTICE OF PROPOSED AMENDMENTS~~

- 1) General. A BIF burning hazardous waste must be operated in accordance with the operating requirements specified in the permit at all times when there is hazardous waste in the unit.
- 2) Requirements to ensure compliance with the organic emissions standards.
 - A) DRE (destruction or removal efficiency) standard. Operating conditions must be specified in either of the following ways: on a case-by-case basis for each hazardous waste burned, which conditions must be demonstrated (in a trial burn or by alternative data, as specified in 35 Ill. Adm. Code 703.208) to be sufficient to comply with the DRE performance standard of Section 726.204(a), or as special operating requirements provided by Section 726.204(a)(4) for the waiver of the DRE trial burn. When the DRE trial burn is not waived pursuant to Section 726.204(a)(4), each set of operating requirements must specify the composition of the hazardous waste (including acceptable variations in the physical and chemical properties of the hazardous waste that will not affect compliance with the DRE performance standard) to which the operating requirements apply. For each such hazardous waste, the permit must specify acceptable operating limits including, but not limited to, the following conditions, as appropriate:
 - i) Feed rate of hazardous waste and other fuels measured and specified as prescribed in subsection (e)(6) of this Section;
 - ii) Minimum and maximum device production rate when producing normal product expressed in appropriate units, measured and specified as prescribed in subsection (e)(6) of this Section;
 - iii) Appropriate controls of the hazardous waste firing system;
 - iv) Allowable variation in BIF system design or operating procedures;
 - v) Minimum combustion gas temperature measured at a location indicative of combustion chamber temperature,

~~POLLUTION CONTROL BOARD~~

~~NOTICE OF PROPOSED AMENDMENTS~~

- measured, and specified as prescribed in subsection (e)(6) of this Section;
- vi) An appropriate indicator of combustion gas velocity, measured and specified as prescribed in subsection (e)(6) of this Section, unless documentation is provided pursuant to 35 Ill. Adm. Code 703.232 demonstrating adequate combustion gas residence time; and
 - vii) Such other operating requirements as are necessary to ensure that the DRE performance standard of Section 726.204(a) is met.
- B) CO and hydrocarbon (HC) standards. The permit must incorporate a CO limit and, as appropriate, a HC limit as provided by Section 726.204(b), (c), (d), (e), and (f). The permit limits must be specified as follows:
- i) When complying with the CO standard of Section 726.204(b)(1), the permit limit is 100 ppmv;
 - ii) When complying with the alternative CO standard pursuant to Section 726.204(c), the permit limit for CO is based on the trial burn and is established as the average over all valid runs of the highest hourly rolling average CO level of each run; and, the permit limit for HC is 20 ppmv (as defined in Section 726.204(c)(1)), except as provided in Section 726.204(f); or
 - iii) When complying with the alternative HC limit for industrial furnaces pursuant to Section 726.204(f), the permit limit for HC and CO is the baseline level when hazardous waste is not burned as specified by that subsection.
- C) Start-up and shut-down. During start-up and shut-down of the BIF, hazardous waste (except waste fed solely as an ingredient under the Tier I (or adjusted Tier I) feed rate screening limits for metals and

~~POLLUTION CONTROL BOARD~~

~~NOTICE OF PROPOSED AMENDMENTS~~

chloride/chlorine, and except low risk waste exempt from the trial burn requirements pursuant to Sections 726.204(a)(5), 726.205, 726.206, and 726.207) must not be fed into the device, unless the device is operating within the conditions of operation specified in the permit.

- 3) Requirements to ensure conformance with the particulate matter (PM) standard.
 - A) Except as provided in subsections (e)(3)(B) and (e)(3)(C) of this Section, the permit must specify the following operating requirements to ensure conformance with the PM standard specified in Section 726.205:
 - i) Total ash feed rate to the device from hazardous waste, other fuels, and industrial furnace feedstocks, measured and specified as prescribed in subsection (e)(6) of this Section;
 - ii) Maximum device production rate when producing normal product expressed in appropriate units, and measured and specified as prescribed in subsection (e)(6) of this Section;
 - iii) Appropriate controls on operation and maintenance of the hazardous waste firing system and any air pollution control system (APCS);
 - iv) Allowable variation in BIF system design including any APCS or operating procedures; and
 - v) Such other operating requirements as are necessary to ensure that the PM standard in Section 726.205(a) is met.
 - B) Permit conditions to ensure conformance with the PM standard must not be provided for facilities exempt from the PM standard pursuant to Section 726.205(b);
 - C) For cement kilns and light-weight aggregate kilns, permit conditions to ensure compliance with the PM standard must not

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

limit the ash content of hazardous waste or other feed materials.

- 4) Requirements to ensure conformance with the metals emissions standard.
 - A) For conformance with the Tier I (or adjusted Tier I) metals feed rate screening limits of Section 726.206(b) or (e), the permit must specify the following operating requirements:
 - i) Total feed rate of each metal in hazardous waste, other fuels and industrial furnace feedstocks measured and specified pursuant to provisions of subsection (e)(6) of this Section;
 - ii) Total feed rate of hazardous waste measured and specified as prescribed in subsection (e)(6) of this Section; and
 - iii) A sampling and metals analysis program for the hazardous waste, other fuels and industrial furnace feedstocks;
 - B) For conformance with the Tier II metals emission rate screening limits pursuant to Section 726.206(c) and the Tier III metals controls pursuant to Section 726.206(d), the permit must specify the following operating requirements:
 - i) Maximum emission rate for each metal specified as the average emission rate during the trial burn;
 - ii) Feed rate of total hazardous waste and pumpable hazardous waste, each measured and specified as prescribed in subsection (e)(6)(A) of this Section;
 - iii) Feed rate of each metal in the following feedstreams, measured and specified as prescribed in subsections (e)(6) of this Section: total feed streams; total hazardous waste feed; and total pumpable hazardous waste feed;

BOARD NOTE: The Board has combined the text of 40 CFR 266.102(e)(4)(ii)(C)(~~1~~) and (e)(4)(ii)(C)(2) into this

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

subsection (e)(4)(B)(iii) to comport with Illinois Administrative Code codification requirements.

- iv) Total feed rate of chlorine and chloride in total feed streams measured and specified as prescribed in subsection (e)(6) of this Section;
 - v) Maximum combustion gas temperature measured at a location indicative of combustion chamber temperature, and measured and specified as prescribed in subsection (e)(6) of this Section;
 - vi) Maximum flue gas temperature at the inlet to the PM APCS measured and specified as prescribed in subsection (e)(6) of this Section;
 - vii) Maximum device production rate when producing normal product expressed in appropriate units and measured and specified as prescribed in subsection (e)(6) of this Section;
 - viii) Appropriate controls on operation and maintenance of the hazardous waste firing system and any APCS;
 - ix) Allowable variation in BIF system design including any APCS or operating procedures; and
 - x) Such other operating requirements as are necessary to ensure that the metals standards pursuant to Section 726.206(c) or (d) are met.
- C) For conformance with an alternative implementation approach approved by the Agency pursuant to Section 726.206(f), the permit must specify the following operating requirements:
- i) Maximum emission rate for each metal specified as the average emission rate during the trial burn;
 - ii) Feed rate of total hazardous waste and pumpable hazardous

~~POLLUTION CONTROL BOARD~~

~~NOTICE OF PROPOSED AMENDMENTS~~

waste, each measured and specified as prescribed in subsection (e)(6)(A) of this Section;

- iii) Feed rate of each metal in the following feedstreams, measured and specified as prescribed in subsection (e)(6) of this Section: total hazardous waste feed; and total pumpable hazardous waste feed;

BOARD NOTE: The Board has combined the text of 40 CFR 266.102(e)(4)(iii)(C)(1) and (e)(4)(iii)(C)(2) into this subsection (e)(4)(C)(iii) to comport with Illinois Administrative Code codification requirements.

- iv) Total feed rate of chlorine and chloride in total feed streams measured and specified prescribed in subsection (e)(6) of this Section;
- v) Maximum combustion gas temperature measured at a location indicative of combustion chamber temperature, and measured and specified as prescribed in subsection (e)(6) of this Section;
- vi) Maximum flue gas temperature at the inlet to the PM APCS measured and specified as prescribed in subsection (e)(6) of this Section;
- vii) Maximum device production rate when producing normal product expressed in appropriate units and measured and specified as prescribed in subsection (e)(6) of this Section;
- viii) Appropriate controls on operation and maintenance of the hazardous waste firing system and any APCS;
- ix) Allowable variation in BIF system design including any APCS or operating procedures; and
- x) Such other operating requirements as are necessary to ensure that the metals standards pursuant to Section

~~POLLUTION CONTROL BOARD~~

~~NOTICE OF PROPOSED AMENDMENTS~~

726.206(c) or (d) are met.

- 5) Requirements to ensure conformance with the HCl and chlorine gas standards.
 - A) For conformance with the Tier I total chlorine and chloride feed rate screening limits of Section 726.207(b)(1), the permit must specify the following operating requirements:
 - i) Feed rate of total chlorine and chloride in hazardous waste, other fuels and industrial furnace feedstocks measured and specified as prescribed in subsection (e)(6) of this Section;
 - ii) Feed rate of total hazardous waste measured and specified as prescribed in subsection (e)(6) of this Section; and
 - iii) A sampling and analysis program for total chlorine and chloride for the hazardous waste, other fuels and industrial furnace feedstocks;
 - B) For conformance with the Tier II HCl and chlorine gas emission rate screening limits pursuant to Section 726.207(b)(2) and the Tier III HCl and chlorine gas controls pursuant to Section 726.207(c), the permit must specify the following operating requirements:
 - i) Maximum emission rate for HCl and for chlorine gas specified as the average emission rate during the trial burn;
 - ii) Feed rate of total hazardous waste measured and specified as prescribed in subsection (e)(6) of this Section;
 - iii) Total feed rate of chlorine and chloride in total feed streams, measured and specified as prescribed in subsection (e)(6) of this Section;
 - iv) Maximum device production rate when producing normal product expressed in appropriate units, measured and specified as prescribed in subsection (e)(6) of this Section;

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- v) Appropriate controls on operation and maintenance of the hazardous waste firing system and any APCS;
 - vi) Allowable variation in BIF system design including any APCS or operating procedures; and
 - vii) Such other operating requirements as are necessary to ensure that the HCl and chlorine gas standards pursuant to Section 726.207(b)(2) or (c) are met.
- 6) Measuring parameters and establishing limits based on trial burn data.
- A) General requirements. As specified in subsections (e)(2) through (e)(5) of this Section, each operating parameter must be measured, and permit limits on the parameter must be established, according to either of the following procedures:
 - i) Instantaneous limits. A parameter is measured and recorded on an instantaneous basis (i.e., the value that occurs at any time) and the permit limit specified as the time-weighted average during all valid runs of the trial burn; or
 - ii) Hourly rolling average. The limit for a parameter must be established and continuously monitored on an hourly rolling average basis, as defined in Section 726.200(i). The permit limit for the parameter must be established based on trial burn data as the average over all valid test runs of the highest hourly rolling average value for each run.

BOARD NOTE: The Board has combined the text of 40 CFR ~~266.100~~266.102(e)(6)(i)(B)(1)-~~266.102~~266.100(e)(6)(i)(B)(1) and (e)(6)(i)(B)(2) into this subsection (e)(6)(A)(ii) and moved the text of 40 CFR ~~266.100~~266.102(e)(6)(i)(B)(1)(i)-~~266.102~~266.100(e)(6)(i)(B)(1)(i) and (e)(6)(i)(B)(1)(ii) to appear as definitions of "continuous monitor" and "hourly rolling

~~POLLUTION CONTROL BOARD~~

~~NOTICE OF PROPOSED AMENDMENTS~~

average," respectively, in Section 726.200(i) to comport with Illinois Administrative Code codification requirements.

B) Rolling average limits for carcinogenic metals and lead. Feed rate limits for the carcinogenic metals (as defined in Section 726.200(i)) and lead must be established either on an hourly rolling average basis, as prescribed by subsection (e)(6)(A) of this Section, or on (up to) a 24 hour rolling average basis. If the owner or operator elects to use an average period from 2 to 24 hours, the following requirements apply:

- i) The feed rate of each metal must be limited at any time to ten times the feed rate that would be allowed on an hourly rolling average basis;
- ii) The continuous monitor must meet the specifications of "continuous monitor," "rolling average for the selected averaging period," and "one hour block average" as defined in Section 726.200(i); and

BOARD NOTE: The Board has moved the text of 40 CFR ~~266.100~~266.102(e)(6)(ii)(B)(1)-
~~266.102~~266.100(e)(6)(ii)(B)(1) and (e)(6)(ii)(B)(2) to appear as definitions in Section 726.200(i) to comport with Illinois Administrative Code codification requirements.

- iii) The permit limit for the feed rate of each metal must be established based on trial burn data as the average over all valid test runs of the highest hourly rolling average feed rate for each run.

C) Feed rate limits for metals, total chlorine and chloride, and ash. Feed rate limits for metals, total chlorine and chloride, and ash are established and monitored by knowing the concentration of the substance (i.e., metals, chloride/chlorine and ash) in each feedstream and the flow rate of the feedstream. To monitor the feed rate of these substances, the flow rate of each feedstream must

~~POLLUTION CONTROL BOARD~~

~~NOTICE OF PROPOSED AMENDMENTS~~

be monitored pursuant to the continuous monitoring requirements of subsections (e)(6)(A) and (e)(6)(B) of this Section.

- D) Conduct of trial burn testing.
 - i) If compliance with all applicable emissions standards of Sections 726.204 through 726.207 is not demonstrated simultaneously during a set of test runs, the operating conditions of additional test runs required to demonstrate compliance with remaining emissions standards must be as close as possible to the original operating conditions.
 - ii) Prior to obtaining test data for purposes of demonstrating compliance with the emissions standards of Sections 726.204 through 726.207 or establishing limits on operating parameters pursuant to this Section, the unit must operate under trial burn conditions for a sufficient period to reach steady-state operations. However, industrial furnaces that recycle collected PM back into the furnace and that comply with an alternative implementation approach for metals pursuant to Section 726.206(f) need not reach steady state conditions with respect to the flow of metals in the system prior to beginning compliance testing for metals emissions.
 - iii) Trial burn data on the level of an operating parameter for which a limit must be established in the permit must be obtained during emissions sampling for the pollutants (i.e., metals, PM, HCl/chlorine gas, organic compounds) for which the parameter must be established as specified by this subsection (e).

- 7) General requirements.
 - A) Fugitive emissions. Fugitive emissions must be controlled in one of the following ways:
 - i) By keeping the combustion zone totally sealed against fugitive emissions;

~~POLLUTION CONTROL BOARD~~

~~NOTICE OF PROPOSED AMENDMENTS~~

- ii) By maintaining the combustion zone pressure lower than atmospheric pressure; or
 - iii) By an alternative means of control demonstrated (with Part B of the permit application) to provide fugitive emissions control equivalent to maintenance of combustion zone pressure lower than atmospheric pressure.
- B) Automatic waste feed cutoff. A BIF must be operated with a functioning system that automatically cuts off the hazardous waste feed when operating conditions deviate from those established pursuant to this Section. In addition, the following requirements apply:
- i) The permit limit for (the indicator of) minimum combustion chamber temperature must be maintained while hazardous waste or hazardous waste residues remain in the combustion chamber;
 - ii) Exhaust gases must be ducted to the APCS operated in accordance with the permit requirements while hazardous waste or hazardous waste residues remain in the combustion chamber; and
 - iii) Operating parameters for which permit limits are established must continue to be monitored during the cutoff, and the hazardous waste feed must not be restarted until the levels of those parameters comply with the permit limits. For parameters that are monitored on an instantaneous basis, the Agency must establish a minimum period of time after a waste feed cutoff during which the parameter must not exceed the permit limit before the hazardous waste feed is restarted.
- C) Changes. A BIF must cease burning hazardous waste when combustion properties or feed rates of the hazardous waste, other fuels or industrial furnace feedstocks, or the BIF design or

~~POLLUTION CONTROL BOARD~~

~~NOTICE OF PROPOSED AMENDMENTS~~

operating conditions deviate from the limits as specified in the permit.

- 8) Monitoring and Inspections.
 - A) The owner or operator must monitor and record the following, at a minimum, while burning hazardous waste:
 - i) If specified by the permit, feed rates and composition of hazardous waste, other fuels, and industrial furnace feedstocks and feed rates of ash, metals, and total chlorine and chloride;
 - ii) If specified by the permit, CO, HCs, and oxygen on a continuous basis at a common point in the BIF downstream of the combustion zone and prior to release of stack gases to the atmosphere in accordance with operating requirements specified in subsection (e)(2)(B) of this Section. CO, HC, and oxygen monitors must be installed, operated, and maintained in accordance with methods specified in Appendix I of this Part; and
 - iii) Upon the request of the Agency, sampling and analysis of the hazardous waste (and other fuels and industrial furnace feedstocks as appropriate), residues, and exhaust emissions must be conducted to verify that the operating requirements established in the permit achieve the applicable standards of Sections 726.204, 726.205, 726.206, and 726.207.
 - B) All monitors must record data in units corresponding to the permit limit unless otherwise specified in the permit.
 - C) The BIF and associated equipment (pumps, valves, pipes, fuel storage tanks, etc.) must be subjected to thorough visual inspection when it contains hazardous waste, at least daily for leaks, spills, fugitive emissions, and signs of tampering.
 - D) The automatic hazardous waste feed cutoff system and associated

~~POLLUTION CONTROL BOARD~~

~~NOTICE OF PROPOSED AMENDMENTS~~

Section are fulfilled.

- B) ~~“Existing” or “in existence”~~ means a BIF for which the owner or operator filed a certification of precompliance with USEPA pursuant to federal 40 CFR 266.103(b); provided, however, that USEPA has not determined that the certification is invalid.
 - C) If a BIF is located at a facility that already has a RCRA permit or interim status, then the owner or operator must comply with the applicable regulations dealing with permit modifications in 35 Ill. Adm. Code 703.280 or changes in interim status in 35 Ill. Adm. Code 703.155.
- 2) Exemptions. The requirements of this Section do not apply to hazardous waste and facilities exempt under Section 726.200(b) or 726.208.
 - 3) Prohibition on burning dioxin-listed wastes. The following hazardous waste listed for dioxin and hazardous waste derived from any of these wastes must not be burned in a BIF operating under interim status: USEPA hazardous waste numbers F020, F021, F022, F023, F026, and F027.
 - 4) Applicability of 35 Ill. Adm. Code 725 standards. An owner or operator of a BIF that burns hazardous waste and which is operating under interim status is subject to the following provisions of 35 Ill. Adm. Code 725, except as provided otherwise by this Section:
 - A) In Subpart A of 35 Ill. Adm. Code 725 (General), 35 Ill. Adm. Code 725.104;
 - B) In Subpart B of 35 Ill. Adm. Code 725 (General facility standards), 35 Ill. Adm. Code 725.111 through 725.117;
 - C) In Subpart C of 35 Ill. Adm. Code 725 (Preparedness and prevention), 35 Ill. Adm. Code 725.131 through 725.137;
 - D) In Subpart D of 35 Ill. Adm. Code 725 (Contingency plan and emergency procedures), 35 Ill. Adm. Code 725.151 through

~~POLLUTION CONTROL BOARD~~

~~NOTICE OF PROPOSED AMENDMENTS~~

725.156;

- E) In Subpart E of 35 Ill. Adm. Code 725 (Manifest system, recordkeeping and reporting), 35 Ill. Adm. Code 725.171 through 725.177, except that 35 Ill. Adm. Code 725.171, 725.172 and 725.176 do not apply to owners and operators of on-site facilities that do not receive any hazardous waste from off-site sources;
 - F) In Subpart G of 35 Ill. Adm. Code 725 (Closure and post-closure), 35 Ill. Adm. Code 725.211 through 725.215;
 - G) In Subpart H of 35 Ill. Adm. Code 725 (Financial requirements), 35 Ill. Adm. Code 725.241, 725.242, 725.243, and 725.247 through 725.250, except that the State of Illinois and the federal government are exempt from the requirements of Subpart H of 35 Ill. Adm. Code 725; and
 - H) In Subpart BB of 35 Ill. Adm. Code 725 (Air emission standards for equipment leaks), except 35 Ill. Adm. Code 725.950(a).
- 5) Special requirements for furnaces. The following controls apply during interim status to industrial furnaces (e.g., kilns, cupolas) that feed hazardous waste for a purpose other than solely as an ingredient (see subsection (a)(5)(B) of this Section) at any location other than the hot end where products are normally discharged or where fuels are normally fired:
- A) Controls.
 - i) The hazardous waste must be fed at a location where combustion gas temperature is at least 1800° F;
 - ii) The owner or operator must determine that adequate oxygen is present in combustion gases to combust organic constituents in the waste and retain documentation of such determination in the facility record;
 - iii) For cement kiln systems, the hazardous waste must be fed into the kiln; and

~~POLLUTION CONTROL BOARD~~

~~NOTICE OF PROPOSED AMENDMENTS~~

- iv) The HC controls of Section 726.204(f) or subsection (c)(5) of this Section apply upon certification of compliance under subsection (c) of this Section, irrespective of the CO level achieved during the compliance test.
- B) Burning hazardous waste solely as an ingredient. A hazardous waste is burned for a purpose other than ~~solely as an ingredient~~ if it meets either of the following criteria:
 - i) The hazardous waste has a total concentration of nonmetal compounds listed in Appendix H of 35 Ill. Adm. Code 721, exceeding 500 ppm by weight, as fired and so is considered to be burned for destruction. The concentration of nonmetal compounds in a waste as-generated may be reduced to the 500 ppm limit by bona fide treatment that removes or destroys nonmetal constituents. Blending for dilution to meet the 500 ppm limit is prohibited and documentation that the waste has not been impermissibly diluted must be retained in the facility record; or
 - ii) The hazardous waste has a heating value of 5,000 Btu/lb or more, as fired, and so is considered to be burned as fuel. The heating value of a waste as-generated may be reduced to below the 5,000 Btu/lb limit by bona fide treatment that removes or destroys organic constituents. The heating value of a waste as-generated may be reduced to below the 5,000 Btu/lb limit by bona fide treatment that removes or destroys organic constituents. Blending to augment the heating value to meet the 5,000 Btu/lb limit is prohibited and documentation that the waste has not been impermissibly blended must be retained in the facility record.
- 6) Restrictions on burning hazardous waste that is not a fuel. Prior to certification of compliance under subsection (c) of this Section, an owner or operator must not feed hazardous waste that has a heating value less than 5000 Btu/lb, as generated, (except that the heating value of a waste

~~POLLUTION CONTROL BOARD~~

~~NOTICE OF PROPOSED AMENDMENTS~~

as-generated may be increased to above the 5,000 Btu/lb limit by bona fide treatment; however blending to augment the heating value to meet the 5,000 Btu/lb limit is prohibited and records must be kept to document that impermissible blending has not occurred) in a BIF, except that the following may occur:

- A) Hazardous waste may be burned solely as an ingredient;
 - B) Hazardous waste may be burned for purposes of compliance testing (or testing prior to compliance testing) for a total period of time not to exceed 720 hours;
 - C) Such waste may be burned if the Agency has documentation to show that the following was true prior to August 21, 1991:
 - i) The BIF was operating under the interim status standards for incinerators or thermal treatment units, Subparts O or P of 35 Ill. Adm. Code 725;
 - ii) The BIF met the interim status eligibility requirements under 35 Ill. Adm. Code 703.153 for Subparts O or P of 35 Ill. Adm. Code 725; and
 - iii) Hazardous waste with a heating value less than 5,000 Btu/lb was burned prior to that date; or
 - D) Such waste may be burned in a halogen acid furnace if the waste was burned as an excluded ingredient under 35 Ill. Adm. Code 721.102(e) prior to February 21, 1991, and documentation is kept on file supporting this claim.
- 7) Direct transfer to the burner. If hazardous waste is directly transferred from a transport vehicle to a BIF without the use of a storage unit, the owner or operator must comply with Section 726.211.
- b) Certification of precompliance. This subsection (b) corresponds with 40 CFR 266.103(b), under which USEPA required certain owners and operators to file a certification of precompliance by August 21, 1991. No similar filing with the

~~POLLUTION CONTROL BOARD~~

~~NOTICE OF PROPOSED AMENDMENTS~~

Agency was required, so the Board did not incorporate the federal filing requirement into the Illinois regulations. This statement maintains structural parity with the federal regulations.

- c) Certification of compliance. The owner or operator must conduct emissions testing to document compliance with the emissions standards of Sections 726.204(b) through (e), 726.205, 726.206, and 726.207 and subsection (a)(5)(A)(iv) of this Section under the procedures prescribed by this subsection (c), except under extensions of time provided by subsection (c)(7) of this Section. Based on the compliance test, the owner or operator must submit to the Agency, on or before August 21, 1992, a complete and accurate ~~"~~certification of compliance~~"~~ (under subsection (c)(4) of this Section) with those emission standards establishing limits on the operating parameters specified in subsection (c)(1) of this Section.
 - 1) Limits on operating conditions. The owner or operator must establish limits on the following parameters based on operations during the compliance test (under procedures prescribed in subsection (c)(4)(D) of this Section) or as otherwise specified and include these limits with the certification of compliance. The BIF must be operated in accordance with these operating limits and the applicable emissions standards of Sections 726.204(b) through (e), 726.205, 726.206, and 726.207 and subsection (a)(5)(A)(iv) of this Section at all times when there is hazardous waste in the unit.
 - A) Feed rate of total hazardous waste and (unless complying the Tier I or adjusted Tier I metals feed rate screening limits under Section 726.206(b) or (e)), pumpable hazardous waste;
 - B) Feed rate of each metal in the following feedstreams:
 - i) Total feedstreams, except that industrial furnaces which must comply with the alternative metals implementation approach under subsection (c)(3)(B) of this Section must specify limits on the concentration of each metal in collected PM in lieu of feed rate limits for total feedstreams; and facilities that comply with Tier I or Adjusted Tier I metals feed rate screening limits may set

~~POLLUTION CONTROL BOARD~~

~~NOTICE OF PROPOSED AMENDMENTS~~

their operating limits at the metal feed rate screening limits determined under ~~subsection Section~~[Section subsection 726.206\(b\) or \(e\)](#) of this Section;

BOARD NOTE: Federal subsections 266.103(c)(1)(ii)(A)(1) and (c)(1)(ii)(A)(2) are condensed into subsection (c)(1)(B)(i).

- ii) Total hazardous waste feed (unless complying with the Tier I or adjusted Tier I metals feed rate screening limits under Section 726.206(b) or (e)); and
- iii) Total pumpable hazardous waste feed (unless complying with Tier I or Adjusted Tier I metals feed rate screening limits under Section 726.206(b) or (e));
- C) Total feed rate of total chlorine and chloride in total feed streams, except that facilities that comply with Tier I or Adjusted Tier I feed rate screening limits may set their operating limits at the total chlorine and chloride feed rate screening limits determined under Section 726.207(b)(1) or (e);
- D) Total feed rate of ash in total feed streams, except that the ash feed rate for cement kilns and light-weight aggregate kilns is not limited;
- E) CO concentration, and where required, HC concentration in stack gas. When complying with the CO controls of Section 726.204(b), the CO limit is 100 ppmv, and when complying with the HC controls of Section 726.204(c), the HC limit is 20 ppmv. When complying with the CO controls of Section 726.204(c), the CO limit is established based on the compliance test;
- F) Maximum production rate of the device in appropriate units when producing normal product unless complying with Tier I or Adjusted Tier I feed rate screening limits for chlorine under Section 726.207(b)(1) or (e) and for all metals under Section ~~726.207(b)~~ [726.206\(b\)](#) ~~726.207(b)~~ or (e), and the uncontrolled

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

particulate emissions do not exceed the standard under Section 726.205;

- G) Maximum combustion chamber temperature where the temperature measurement is as close to the combustion zone as possible and is upstream of any quench water injection, (unless complying with the Tier I adjusted Tier I metals feed rate screening limits under Section 726.206(b) or (e));
- H) Maximum flue gas temperature entering a PM control device (unless complying with Tier I or adjusted Tier I metals feed rate screening limits under Section 726.206(b) or (e) and the total chlorine and chloride feed rate screening limits under Section 726.207(b) or (e));
- I) For systems using wet scrubbers, including wet ionizing scrubbers (unless complying with the Tier I or adjusted Tier I metals feed rate screening limits under Section 726.206(b) or (e) and the total chlorine and chloride feed rate screening limits under Section 726.207(b)(1) or (e)):
 - i) Minimum liquid to flue gas ratio;
 - ii) Minimum scrubber blowdown from the system or maximum suspended solids content of scrubber water; and
 - iii) Minimum pH level of the scrubber water;
- J) For systems using venturi scrubbers, the minimum differential gas pressure across the venturi (unless complying the Tier I or adjusted Tier I metals feed rate screening limits under Section 726.206(b) or (e) and the total chlorine and chloride feed rate screening limits under Section 726.207(b)(1) or (e));
- K) For systems using dry scrubbers (unless complying with the Tier I or adjusted Tier I metals feed rate screening limits under Section 726.206(b) or (e) and the total chlorine and chloride feed rate screening limits under Section 726.207(b)(1) or (e)):

~~POLLUTION CONTROL BOARD~~

~~NOTICE OF PROPOSED AMENDMENTS~~

- i) Minimum caustic feed rate; and
 - ii) Maximum flue gas flow rate;
 - L) For systems using wet ionizing scrubbers or electrostatic precipitators (unless complying with the Tier I or adjusted Tier I metals feed rate screening limits under Section 726.206(b) or (e) and the total chlorine and chloride feed rate screening limits under Section 726.207(b)(1) or (e)):
 - i) Minimum electrical power in kVA to the precipitator plates; and
 - ii) Maximum flue gas flow rate;
 - M) For systems using fabric filters (baghouses), the minimum pressure drop (unless complying with the Tier I or adjusted Tier I metals feed rate screening limits under Section 726.206(b) or (e) and the total chlorine and chloride feed rate screening limits under Section 726.207(b)(1) or (e)).
- 2) Prior notice of compliance testing. At least 30 days prior to the compliance testing required by subsection (c)(3) of this Section, the owner or operator must notify the Agency and submit the following information:
- A) General facility information including:
 - i) USEPA facility ID number;
 - ii) Facility name, contact person, telephone number, and address;
 - iii) Person responsible for conducting compliance test, including company name, address, and telephone number, and a statement of qualifications;
 - iv) Planned date of the compliance test;

~~POLLUTION CONTROL BOARD~~

~~NOTICE OF PROPOSED AMENDMENTS~~

- B) Specific information on each device to be tested, including the following:
- i) A Description of BIF;
 - ii) A scaled plot plan showing the entire facility and location of the BIF;
 - iii) A description of the APCS;
 - iv) Identification of the continuous emission monitors that are installed, including the following: CO monitor; Oxygen monitor; HC monitor, specifying the minimum temperature of the system, and, if the temperature is less than 150^o C, an explanation of why a heated system is not used (see subsection (c)(5) of this Section) and a brief description of the sample gas conditioning system;
- BOARD NOTE: The Board has combined the text of 40 CFR 266.103(c)(2)(ii)(D)(1) through (c)(2)(ii)(D)(3) into this subsection (c)(2)(B)(iv) to comport with Illinois Administrative Code codification requirements.
- v) Indication of whether the stack is shared with another device that will be in operation during the compliance test; and
 - vi) Other information useful to an understanding of the system design or operation; and
- C) Information on the testing planned, including a complete copy of the test protocol and QA/QC plan, and a summary description for each test providing the following information at a minimum:
- i) Purpose of the test (e.g., demonstrate compliance with emissions of PM); and

~~POLLUTION CONTROL BOARD~~

~~NOTICE OF PROPOSED AMENDMENTS~~

- ii) Planned operating conditions, including levels for each pertinent parameter specified in subsection (c)(1) of this Section.
- 3) Compliance testing.
 - A) General. Compliance testing must be conducted under conditions for which the owner or operator has submitted a certification of precompliance under subsection (b) of this Section and under conditions established in the notification of compliance testing required by subsection (c)(2) of this Section. The owner or operator may seek approval on a case-by-case basis to use compliance test data from one unit in lieu of testing a similar on-site unit. To support the request, the owner or operator must provide a comparison of the hazardous waste burned and other feedstreams, and the design, operation, and maintenance of both the tested unit and the similar unit. The Agency must provide a written approval to use compliance test data in lieu of testing a similar unit if the Agency finds that the hazardous wastes, devices and the operating conditions are sufficiently similar, and the data from the other compliance test is adequate to meet the requirements of this subsection (c).
 - B) Special requirements for industrial furnaces that recycle collected PM. Owners and operators of industrial furnaces that recycle back into the furnace PM from the APCS must comply with one of the following procedures for testing to determine compliance with the metals standards of Section 726.206(c) or (d):
 - i) The special testing requirements prescribed in ~~"4"~~ Alternative Method for Implementing Metals Controls~~"2"~~ in Appendix I to this Part;
 - ii) Stack emissions testing for a minimum of six hours each day while hazardous waste is burned during interim status. The testing must be conducted when burning normal hazardous waste for that day at normal feed rates for that day and when the APCS is operated under normal

~~POLLUTION CONTROL BOARD~~

~~NOTICE OF PROPOSED AMENDMENTS~~

conditions. During interim status, hazardous waste analysis for metals content must be sufficient for the owner or operator to determine if changes in metals content affect the ability of the unit to meet the metals emissions standards established under Section 726.206(c) or (d). Under this option, operating limits (under subsection (c)(1) of this Section) must be established during compliance testing under this subsection (c)(3) only on the following parameters: feed rate of total hazardous waste; total feed rate of total chlorine and chloride in total feed streams; total feed rate of ash in total feed streams, except that the ash feed rate for cement kilns and light-weight aggregate kilns is not limited; CO concentration, and where required, HC concentration in stack gas; and maximum production rate of the device in appropriate units when producing normal product; or

BOARD NOTE: The Board has combined the text of 40 CFR 266.103(c)(3)(ii)(B)(1) through (c)(3)(ii)(B)(5) into this subsection (c)(3)(B)(ii) to comport with Illinois Administrative Code codification requirements.

- iii) Conduct compliance testing to determine compliance with the metals standards to establish limits on the operating parameters of subsection (c)(1) of this Section only after the kiln system has been conditioned to enable it to reach equilibrium with respect to metals fed into the system and metals emissions. During conditioning, hazardous waste and raw materials having the same metals content as will be fed during the compliance test must be fed at the feed rates that will be fed during the compliance test.
- C) Conduct of compliance testing.
- i) If compliance with all applicable emissions standards of Sections 726.204 through 726.207 is not demonstrated simultaneously during a set of test runs, the operating conditions of additional test runs required to demonstrate

~~POLLUTION CONTROL BOARD~~

~~NOTICE OF PROPOSED AMENDMENTS~~

compliance with remaining emissions standards must be as close as possible to the original operating conditions.

- ii) Prior to obtaining test data for purposes of demonstrating compliance with the applicable emissions standards of Sections 726.204 through 726.207 or establishing limits on operating parameters under this Section, the facility must operate under compliance test conditions for a sufficient period to reach steady-state operations. Industrial furnaces that recycle collected PM back into the furnace and that comply with subsection (c)(3)(B)(i) or (c)(3)(B)(ii) of this Section, however, need not reach steady state conditions with respect to the flow of metals in the system prior to beginning compliance testing for metals.
 - iii) Compliance test data on the level of an operating parameter for which a limit must be established in the certification of compliance must be obtained during emissions sampling for the pollutants (i.e., metals, PM, HCl/chlorine gas, organic compounds) for which the parameter must be established as specified by subsection (c)(1) of this Section.
- 4) Certification of compliance. Within 90 days of completing compliance testing, the owner or operator must certify to the Agency compliance with the emissions standards of Sections 726.204(b), (c) and (e); 726.205; 726.206; 726.207; and subsection (a)(5)(A)(iv) of this Section. The certification of compliance must include the following information:
- A) General facility and testing information, including the following:
 - i) USEPA facility ID number;
 - ii) Facility name, contact person, telephone number, and address;
 - iii) Person responsible for conducting compliance testing, including company name, address, and telephone number, and a statement of qualifications;

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- iv) Dates of each compliance test;
 - v) Description of BIF tested;
 - vi) Person responsible for QA/QC, title and telephone number, and statement that procedures prescribed in the QA/QC plan submitted under Section 726.203(c)(2)(C) have been followed, or a description of any changes and an explanation of why changes were necessary;
 - vii) Description of any changes in the unit configuration prior to or during testing that would alter any of the information submitted in the prior notice of compliance testing under subsection (c)(2) of this Section and an explanation of why the changes were necessary;
 - viii) Description of any changes in the planned test conditions prior to or during the testing that alter any of the information submitted in the prior notice of compliance testing under subsection (c)(2) of this Section and an explanation of why the changes were necessary; and
 - ix) The complete report on results of emissions testing.
- B) Specific information on each test, including the following:
- i) Purposes of test (e.g., demonstrate conformance with the emissions limits for PM, metals, HCl, chlorine gas, and CO);
 - ii) Summary of test results for each run and for each test including the following information: date of run; duration of run; time-weighted average and highest hourly rolling average CO level for each run and for the test; highest hourly rolling average HC level, if HC monitoring is required for each run and for the test; if dioxin and furan testing is required under Section 726.204(e), time-weighted

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

average emissions for each run and for the test of chlorinated dioxin and furan emissions, and the predicted maximum annual average ground level concentration of the toxicity equivalency factor (defined in Section 726.200(i)); time-weighted average PM emissions for each run and for the test; time-weighted average HCl and chlorine gas emissions for each run and for the test; time-weighted average emissions for the metals subject to regulation under Section 726.206 for each run and for the test; and QA/QC results.

BOARD NOTE: The Board has combined the text of 40 CFR 266.103(c)(4)(ii)(B)(1) through (c)(4)(ii)(B)(9) into this subsection (c)(4)(B)(ii) to comport with Illinois Administrative Code codification requirements.

- C) Comparison of the actual emissions during each test with the emissions limits prescribed by Sections 726.204(b), (c), and (e); 726.205; 726.206; and 726.207 and established for the facility in the certification of precompliance under subsection (b) of this Section.
- D) Determination of operating limits based on all valid runs of the compliance test for each applicable parameter listed in subsection (c)(1) of this Section using one of the following procedures:
 - i) Instantaneous limits. A parameter must be measured and recorded on an instantaneous basis (i.e., the value that occurs at any time) and the operating limit specified as the time-weighted average during all runs of the compliance test.
 - ii) Hourly rolling average basis. The limit for a parameter must be established and continuously monitored on an hourly rolling average basis, as defined in Section 726.200(i). The operating limit for the parameter must be established based on compliance test data as the average over all test runs of the highest hourly rolling average value

~~POLLUTION CONTROL BOARD~~

~~NOTICE OF PROPOSED AMENDMENTS~~

for each run.

BOARD NOTE: The Board has combined the text of 40 CFR 266.103(c)(4)(iv)(B)(1) and (c)(4)(iv)(B)(2) into this subsection (c)(4)(D)(ii) and moved the text of 40 CFR ~~266.103~~[226.103](#)(c)(4)(iv)(B)(1)(i) and (c)(4)(iv)(B)(1)(ii) to appear as definitions in Section 726.200(i) to comport with Illinois Administrative Code codification requirements.

- iii) Rolling average limits for carcinogenic metals (as defined in Section 726.200(i)) and lead. Feed rate limits for the carcinogenic metals and lead must be established either on an hourly rolling average basis as prescribed by subsection (c)(4)(D)(ii) of this Section or on (up to) a 24 hour rolling average basis. If the owner or operator elects to use an averaging period from two to 24 hours the following must occur: the feed rate of each metal must be limited at any time to ten times the feed rate that would be allowed on a hourly rolling average basis; the operating limit for the feed rate of each metal must be established based on compliance test data as the average over all test runs of the highest hourly rolling average feed rate for each run; and the continuous monitor and the rolling average for the selected averaging period are as defined in Section 726.200(i).

BOARD NOTE: The Board has combined the text of 40 ~~CFR~~[F.R.](#) 266.103(c)(4)(iv)(C)(1) ~~and~~ ~~through~~[throughand](#) (c)(4)(iv)(C)(3) are condensed into subsection ~~(c)(b)(C)(iii)~~ (c)(4)(D)(iii) and moved the text 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) ~~(c)(b)(C)(iii)~~ to comport with Illinois Administrative Code codification requirements.

- iv) Feed rate limits for metals, total chlorine and chloride, and ash. Feed rate limits for metals, total chlorine and chloride, and ash are established and monitored by knowing the concentration of the substance (i.e., metals,

~~POLLUTION CONTROL BOARD~~

~~NOTICE OF PROPOSED AMENDMENTS~~

chloride/chlorine, and ash) in each feedstream and the flow rate of the feedstream. To monitor the feed rate of these substances, the flow rate of each feedstream must be monitored under the continuous monitoring requirements of subsections (c)(4)(D)(i) through (c)(4)(D)(iii) of this Section.

- E) Certification of compliance statement. The following statement must accompany the certification of compliance:

"I certify under penalty of law that this information was prepared under my direction or supervision in accordance with a system designed to ensure that qualified personnel properly gathered and evaluated the information and supporting documentation. Copies of all emissions tests, dispersion modeling results, and other information used to determine conformance with the requirements of 35 Ill. Adm. Code 726.203(c) are available at the facility and can be obtained from the facility contact person listed above. Based on my inquiry of the person or persons who manage the facility, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

I also acknowledge that the operating limits established pursuant to 35 Ill. Adm. Code 726.203(c)(4)(D) are enforceable limits at which the facility can legally operate during interim status until a revised certification of compliance is submitted."

- 5) Special requirements for HC monitoring systems. When an owner or operator is required to comply with the HC controls provided by Section 726.204(c) or subsection (a)(5)(A)(iv) of this Section, a conditioned gas monitoring system may be used in conformance with specifications provided in Appendix I to this Part provided that the owner or operator

~~POLLUTION CONTROL BOARD~~

~~NOTICE OF PROPOSED AMENDMENTS~~

submits a certification of compliance without using extensions of time provided by subsection (c)(7) of this Section.

- 6) Special operating requirements for industrial furnaces that recycle collected PM. Owners and operators of industrial furnaces that recycle back into the furnace PM from the APCS must do the following:
 - A) When complying with the requirements of subsection (c)(3)(B)(i) of this Section, comply with the operating requirements prescribed in “Alternative Method to Implement the Metals Controls” in Appendix I to this Part; and
 - B) When complying with the requirements of subsection (c)(3)(B)(ii) of this Section, comply with the operating requirements prescribed by that subsection.
- 7) Extensions of time.
 - A) If the owner or operator does not submit a complete certification of compliance for all of the applicable emissions standards of Sections 726.204, 726.205, 726.206, and 726.207 by August 21, 1992, the owner or operator must do the following:
 - i) Stop burning hazardous waste and begin closure activities under subsection (l) of this Section for the hazardous waste portion of the facility;
 - ii) Limit hazardous waste burning only for purposes of compliance testing (and pretesting to prepare for compliance testing) a total period of 720 hours for the period of time beginning August 21, 1992, submit a notification to the Agency by August 21, 1992 stating that the facility is operating under restricted interim status and intends to resume burning hazardous waste, and submit a complete certification of compliance by August 23, 1993; or
 - iii) Obtain a case-by-case extension of time under subsection

~~POLLUTION CONTROL BOARD~~

~~NOTICE OF PROPOSED AMENDMENTS~~

(c)(7)(B) of this Section.

- B) Case-by-case extensions of time. See Section 726.219.

BOARD NOTE: The Board moved the text of 40 CFR 266.103(c)(7)(ii) to appear as Section 726.219 to comport with Illinois Administrative Code codification requirements.

- 8) Revised certification of compliance. The owner or operator may submit at any time a revised certification of compliance (recertification of compliance) under the following procedures:
- A) Prior to submittal of a revised certification of compliance, hazardous waste must not be burned for more than a total of 720 hours under operating conditions that exceed those established under a current certification of compliance, and such burning must be conducted only for purposes of determining whether the facility can operate under revised conditions and continue to meet the applicable emissions standards of Sections 726.204, 726.205, 726.206, and 726.207;
 - B) At least 30 days prior to first burning hazardous waste under operating conditions that exceed those established under a current certification of compliance, the owner or operator must notify the Agency and submit the following information:
 - i) USEPA facility ID number, and facility name, contact person, telephone number, and address;
 - ii) Operating conditions that the owner or operator is seeking to revise and description of the changes in facility design or operation that prompted the need to seek to revise the operating conditions;
 - iii) A determination that, when operating under the revised operating conditions, the applicable emissions standards of Sections 726.204, 726.205, 726.206, and 726.207 are not likely to be exceeded. To document this determination, the

~~POLLUTION CONTROL BOARD~~

~~NOTICE OF PROPOSED AMENDMENTS~~

owner or operator must submit the applicable information required under subsection (b)(2) of this Section; and

- iv) Complete emissions testing protocol for any pretesting and for a new compliance test to determine compliance with the applicable emissions standards of Sections 726.204, 726.205, 726.206, and 726.207 when operating under revised operating conditions. The protocol must include a schedule of pre-testing and compliance testing. If the owner or operator revises the scheduled date for the compliance test, the owner or operator must notify the Agency in writing at least 30 days prior to the revised date of the compliance test;
 - C) Conduct a compliance test under the revised operating conditions and the protocol submitted to the Agency to determine compliance with the applicable emissions standards of Sections 726.204, 726.205, 726.206, and 726.207; and
 - D) Submit a revised certification of compliance under subsection (c)(4) of this Section.
- d) Periodic Recertifications. The owner or operator must conduct compliance testing and submit to the Agency a recertification of compliance under provisions of subsection (c) of this Section within five years from submitting the previous certification or recertification. If the owner or operator seeks to recertify compliance under new operating conditions, the owner or operator must comply with the requirements of subsection (c)(8) of this Section.
- e) Noncompliance with certification schedule. If the owner or operator does not comply with the interim status compliance schedule provided by subsections (b), (c), and (d) of this Section, hazardous waste burning must terminate on the date that the deadline is missed, closure activities must begin under subsection (l) of this Section, and hazardous waste burning must not resume except under an operating permit issued under 35 Ill. Adm. Code 703.232. For purposes of compliance with the closure provisions of subsection (l) of this Section and 35 Ill. Adm. Code 725.212(d)(2) and 725.213, the BIF has received ~~the~~ the known final volume of hazardous waste ~~on~~ on the date the deadline is missed.

~~POLLUTION CONTROL BOARD~~

~~NOTICE OF PROPOSED AMENDMENTS~~

- f) Start-up and shut-down. Hazardous waste (except waste fed solely as an ingredient under the Tier I (or adjusted Tier I) feed rate screening limits for metals and chloride/chlorine) must not be fed into the device during start-up and shut-down of the BIF, unless the device is operating within the conditions of operation specified in the certification of compliance.
- g) Automatic waste feed cutoff. During the compliance test required by subsection (c)(3) of this Section and upon certification of compliance under subsection (c) of this Section, a BIF must be operated with a functioning system that automatically cuts off the hazardous waste feed when the applicable operating conditions specified in subsections (c)(1)(A) and (c)(1)(E) through (c)(1)(M) of this Section deviate from those established in the certification of compliance. In addition, the following must occur:
 - 1) To minimize emissions of organic compounds, the minimum combustion chamber temperature (or the indicator of combustion chamber temperature) that occurred during the compliance test must be maintained while hazardous waste or hazardous waste residues remain in the combustion chamber, with the minimum temperature during the compliance test defined as either of the following:
 - A) If compliance with the combustion chamber temperature limit is based on an hourly rolling average, the minimum temperature during the compliance test is considered to be the average over all runs of the lowest hourly rolling average for each run; or
 - B) If compliance with the combustion chamber temperature limit is based on an instantaneous temperature measurement, the minimum temperature during the compliance test is considered to be the time-weighted average temperature during all runs of the test; and
 - 2) Operating parameters limited by the certification of compliance must continue to be monitored during the cutoff, and the hazardous waste feed must not be restarted until the levels of those parameters comply with the limits established in the certification of compliance.
- h) Fugitive emissions. Fugitive emissions must be controlled as follows:

~~POLLUTION CONTROL BOARD~~

~~NOTICE OF PROPOSED AMENDMENTS~~

- 1) By keeping the combustion zone totally sealed against fugitive emissions;
or
 - 2) By maintaining the combustion zone pressure lower than atmospheric pressure; or
 - 3) By an alternative means of control that the owner or operator demonstrates provides fugitive emissions control equivalent to maintenance of combustion zone pressure lower than atmospheric pressure. Support for such demonstration must be included in the operating record.
- i) Changes. A BIF must cease burning hazardous waste when combustion properties, or feed rates of the hazardous waste, other fuels or industrial furnace feedstocks, or the BIF design or operating conditions deviate from the limits specified in the certification of compliance.
- j) Monitoring and Inspections.
- 1) The owner or operator must monitor and record the following, at a minimum, while burning hazardous waste:
 - A) Feed rates and composition of hazardous waste, other fuels, and industrial furnace feed stocks and feed rates of ash, metals, and total chlorine and chloride as necessary to ensure conformance with the certification of precompliance or certification of compliance;
 - B) CO, oxygen, and, if applicable, HC on a continuous basis at a common point in the BIF downstream of the combustion zone and prior to release of stack gases to the atmosphere in accordance with the operating limits specified in the certification of compliance. CO, HC, and oxygen monitors must be installed, operated, and maintained in accordance with methods specified in Appendix I to this Part; and
 - C) Upon the request of the Agency, sampling and analysis of the hazardous waste (and other fuels and industrial furnace feed stocks

~~POLLUTION CONTROL BOARD~~

~~NOTICE OF PROPOSED AMENDMENTS~~

- a) The device meets the following criteria:
 - 1) Boilers. Boilers must burn at least 50 percent coal on a total heat input or mass basis, whichever results in the greater mass feed rate of coal;
 - 2) Ore or mineral furnaces. Industrial furnaces subject to 35 Ill. Adm. Code 721.104(b)(7) must process at least 50 percent by weight of normal, nonhazardous raw materials;
 - 3) Cement kilns. Cement kilns must process at least 50 percent by weight of normal cement-production raw materials;

- b) The owner or operator demonstrates that the hazardous waste does not significantly affect the residue by demonstrating conformance with either of the following criteria:
 - 1) Comparison of waste-derived residue with normal residue. The waste-derived residue must not contain constituents listed in Appendix H to 35 Ill. Adm. Code 721 (toxic constituents) that could reasonably be attributable to the hazardous waste at concentrations significantly higher than in residue generated without burning or processing of hazardous waste, using the following procedure. Toxic compounds that could reasonably be attributable to burning or processing the hazardous waste (constituents of concern) include toxic constituents in the hazardous waste, and the organic compounds listed in Appendix H to 35 Ill. Adm. Code 721 that may be PICs. For polychlorinated dibenzo-p-dioxins and polychlorinated dibenzo-furans, analyses must be performed to determine specific congeners and homologues, and the results converted to 2,3,7,8-TCDD equivalent values using the procedure specified in section 4.0 of the documents referenced in Appendix I of this Part.
 - A) Normal residue. Concentrations of toxic constituents of concern in normal residue must be determined based on analyses of a minimum of 10 samples representing a minimum of 10 days of operation. Composite samples may be used to develop a sample for analysis provided that the compositing period does not exceed 24 hours. The upper tolerance limit (at 95 percent confidence with a 95 percent proportion of the sample distribution) of the

~~POLLUTION CONTROL BOARD~~

~~NOTICE OF PROPOSED AMENDMENTS~~

concentration in the normal residue must be considered the statistically-derived concentration in the normal residue. If changes in raw materials or fuels reduce the statistically-derived concentrations of the toxic constituents of concern in the normal residue, the statistically-derived concentrations must be revised or statistically-derived concentrations of toxic constituents in normal residue must be established for a new mode of operation with the new raw material or fuel. To determine the upper tolerance limit in the normal residue, the owner or operator must use statistical procedures prescribed in section 7.0 (Statistical Methodology for Bevill Residue Determinations) in federal appendix IX to 40 CFR 266 (Methods Manual for Compliance with the BIF Regulations), USEPA publication number EPA-454/R-92-019, incorporated by reference in 35 Ill. Adm. Code 720.111(b) (see Appendix I of this Part).

- B) Waste-derived residue. Waste derived residue must be sampled and analyzed as often as necessary to determine whether the residue generated during each 24-hour period has concentrations of toxic constituents that are higher than the concentrations established for the normal residue under subsection (b)(1)(A) of this Section. If so, hazardous waste burning has significantly affected the residue and the residue is not excluded from the definition of "hazardous waste." Concentrations of toxic constituents in waste-derived residue must be determined based on analysis of one or more samples obtained over a 24-hour period. Multiple samples may be analyzed, and multiple samples may be taken to form a composite sample for analysis provided that the sampling period does not exceed 24 hours. If more than one sample is analyzed to characterize waste-derived residues generated over a 24-hour period, the concentration of each toxic constituent must be the arithmetic mean of the concentrations in the samples. No results can be disregarded; or
- 2) Comparison of waste-derived residue concentrations with health-based limits.
 - A) Nonmetal constituents. The concentration of each nonmetal toxic

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

constituent of concern (specified in subsection (b)(1) of this Section) in the waste-derived residue must not exceed the health-based level specified in Appendix G of this Part, or the level of detection, whichever is higher. If a health-based limit for a constituent of concern is not listed in Appendix G of this Part, then a limit of 0.002 $\mu\text{g}/\text{kg}$ or the level of detection (using appropriate analytical methods), whichever is higher, must be used. The levels specified in Appendix G of this Part (and the default level of 0.002 $\mu\text{g}/\text{kg}$ or the level of detection for constituents, as identified in Note 1 of Appendix G of this Part) are administratively stayed under the condition, for those constituents specified in subsection (b)(1) of this Section, that the owner or operator complies with alternative levels defined as the land disposal restriction limits specified in 35 Ill. Adm. Code 728.143 and Table B to 35 Ill. Adm. Code 728 for F039 nonwastewaters. In complying with those alternative levels, if an owner or operator is unable to detect a constituent despite documenting use of the best good-faith efforts, as defined by applicable USEPA guidance and standards, the owner or operator is deemed to be in compliance for that constituent. Until USEPA develops new guidance or standards, the owner or operator may demonstrate such good-faith efforts by achieving a detection limit for the constituent that does not exceed an order of magnitude above (ten times) the level provided by 35 Ill. Adm. Code 728.143 and Table B to 35 Ill. Adm. Code 728 for F039 nonwastewater levels for polychlorinated dibenzo-p-dioxins and polychlorinated dibenzo-furans (D/F), analyses must be performed for total hexachlorodibenzo-p-dioxins, total hexachlorodibenzofurans, total pentachlorodibenzo-p-dioxins, total pentachlorodibenzofurans, total tetrachlorodibenzo-p-dioxins, and total tetrachlorodibenzofurans;

BOARD NOTE:

In a note to corresponding 40 CFR 266.112(b)(2)(i), USEPA stated as follows:

The administrative stay, under the condition that the owner or operator complies with alternative levels defined as the land disposal restriction limits

~~POLLUTION CONTROL BOARD~~

~~NOTICE OF PROPOSED AMENDMENTS~~

specified in 35 Ill. Adm. Code 728.143 for F039 nonwastewaters, remains in effect until further administrative action is taken and notice is published in the Federal Register and the Code of Federal Regulations.

Under Section 3006(b) and (g) of RCRA, 42 USC 6926(b) and (g), federal amendments do not go into effect in Illinois until the State of Illinois incorporates them into the State program. This applies unless the authority under which USEPA adopted the amendments is the Hazardous and Solid Waste Amendments of 1984 (HSWA), in which case the federal amendments become effective in Illinois on their federal effective date.

The federal regulations do not themselves define the phrase ~~"appropriate analytical methods,"~~ but USEPA did include a definition in its preamble discussion accompanying the rule. The Board directs attention to the following segment (at 70 Fed. Reg. 34538, 34541 (June 14, 2005)) for the purposes of subsections (b)(1)(C) and (b)(1)(D) of this Section:

~~Two~~[T]wo primary considerations in selecting an appropriate method, which together serve as our general definition of an appropriate method [are the following] ~~...~~ ~~...~~:

1. Appropriate methods are reliable and accepted as such in the scientific community.
2. Appropriate methods generate effective data.

USEPA went on to further elaborate these two concepts and to specify other documents that might provide guidance.

- B) Metal constituents. The concentration of metals in an extract obtained using the TCLP test must not exceed the levels specified

~~POLLUTION CONTROL BOARD~~

~~NOTICE OF PROPOSED AMENDMENTS~~

in Appendix G of this Part;

- C) Sampling and analysis. Wastewater-derived residue must be sampled and analyzed as often as necessary to determine whether the residue generated during each 24-hour period has concentrations of toxic constituents that are higher than the health-based levels. Concentrations of concern in the wastewater-derived residue must be determined based on analysis of one or more samples obtained over a 24-hour period. Multiple samples may be analyzed, and multiple samples may be taken to form a composite for analysis provided that the sampling period does not exceed 24 hours. If more than one sample is analyzed to characterize waste-derived residues generated over a 24-hour period, the concentration of each toxic constituent is the arithmetic mean of the concentrations of the samples. No results can be disregarded; and
- c) Records sufficient to document compliance with the provisions of this Section must be retained until closure of the BIF unit. At a minimum, the following must be recorded:
- 1) Levels of constituents in Appendix H to 35 Ill. Adm. Code 721 that are present in waste-derived residues;
 - 2) If the waste-derived residue is compared with normal residue under subsection (b)(1) of this Section:
 - A) The levels of constituents in Appendix H to 35 Ill. Adm. Code 721 that are present in normal residues; and
 - B) Data and information, including analyses of samples as necessary, obtained to determine if changes in raw materials or fuels would reduce the concentration of toxic constituents of concern in the normal residue.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section 726.APPENDIX G Health-Based Limits for Exclusion of Waste-Derived Residues

NOTE 1: Under Section 726.212(b)(2)(A), the health-based concentration limits for Appendix H to 35 Ill. Adm. Code 721 constituents for which a health-based concentration is not provided below is 2×10^{-6} mg/kg (0.000002 mg/kg or 0.002 µg/kg).

NOTE 2: The levels specified in this Section and the default level of 0.002 µg/kg (0.000002 mg/kg) or the level of detection for constituents, as identified in Note 1, are administratively stayed under the condition, for those constituents specified in Section 726.212(b)(1), that the owner or operator complies with alternative levels defined as the land disposal restriction limits specified in 35 Ill. Adm. Code 728.143 and Table B to 35 Ill. Adm. Code 728 for F039 nonwastewaters. See Section 726.212(b)(2)(A).

Metals-TCLP Extract Concentration Limits

Constituent	CAS No.	Concentration limits for residues (mg/kg)
Antimony	7440-36-0	1.
Arsenic	7440-38-2	5.
Barium	7440-39-3	100.
Beryllium	7440-41-7	0.007
Cadmium	7440-43-9	1.
Chromium	7440-47-3	5.
Lead	7439-92-1	5.
Mercury	7439-97-6	0.2
Nickel	7440-02-0	70.
Selenium	7782-49-2	1.
Silver	7440-22-4	5.
Thallium	7440-28-0	7.

Nonmetals-Residue Concentration Limits

Constituent	CAS No.	Concentration limits for residues (mg/kg)
Acetonitrile	75-05-8	0.2
Acetophenone	98-86-2	4.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Acrolein	107-02-8	0.5
Acrylamide	79-06-1	0.0002
Acrylonitrile	107-13-1	0.0007
Aldrin	309-00-2	0.00002
Allyl alcohol	107-18-6	0.2
Aluminum phosphide	20859-73-8	0.01
Aniline	62-53-3	0.06
Barium cyanide	542-62-1	1.
Benz(a)anthracene	56-55-3	0.0001
Benzene	71-43-2	0.005
Benzidine	92-87-5	0.000001
Bis(2-chloroethyl) ether	111-44-4	0.0003
Bis(chloromethyl) ether	542-88-1	0.000002
Bis(2-ethylhexyl) phthalate	117-81-7	30.
Bromoform	75-25-2	0.7
Calcium cyanide	592-01-8	0.000001
Carbon disulfide	75-15-0	4.
Carbon tetrachloride	56-23-5	0.005
Chlordane	57-74-9	0.0003
Chlorobenzene	108-90-7	1.
Chloroform	67-66-3	0.06
Copper cyanide	544-92-3	0.2
Cresols (Cresylic acid)	1319-77-3	2.
Cyanogen	460-19-5	1.
DDT	50-29-3	0.001
Dibenz(a, h)-anthracene	53-70-3	0.000007
1,2-Dibromo-3-chloropropane	96-12-8	0.00002
p-Dichlorobenzene	106-46-7	0.07.5
		0.075 <u>0.0750.0750.07.5</u>
Dichlorodifluoromethane	75-71-8	7.
1,1-Dichloroethylene	75-35-4	0.005
2,4-Dichlorophenol	120-83-2	0.1
1,3-Dichloropropene	542-75-6	0.001
Dieldrin	60-57-1	0.00002
Diethyl phthalate	84-66-2	30.
Diethylstilbestrol	56-53-1	0.0000001
		0.0000007 <u>0.00000070.0000001</u>
Dimethoate	60-51-5	0.03

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

2,4-Dinitrotoluene	121-14-2	0.0005
Diphenylamine	122-39-4	0.9
1,2-Diphenylhydrazine	122-66-7	0.0005
Endosulfan	115-29-7	0.002
Endrin	72-20-8	0.0002
Epichlorohydrin	106-89-8	0.04
Ethylene dibromide	106-93-4	0.0000001
		0.0000004 <u>0.0000004</u> <u>0.0000001</u>
Ethylene oxide	75-21-8	0.0003
Fluorine	7782-41-4	4.
Formic acid	64-18-6	70.
Heptachlor	76-44-8	0.00008
Heptachlor epoxide	1024-57-3	0.00004
Hexachlorobenzene	118-74-1	0.0002
Hexachlorobutadiene	87-68-3	0.005
Hexachlorocyclopentadiene	77-47-4	0.2
Hexachlorodibenzo-p-dioxins	19408-74-3	0.0000001
		0.00000006 <u>0.00000006</u> <u>0.0000001</u>
Hexachloroethane	67-72-1	0.03
Hydrazine	302-01-1	0.0001
Hydrogen cyanide	74-90-8	0.00007
Hydrogen sulfide	7783-06-4	0.000001
Isobutyl alcohol	78-83-1	10.
Methomyl	16752-77-5	1.
Methoxychlor	72-43-5	0.1
3-Methylcholanthrene	56-49-5	0.00004
4,4'-Methylenebis (2-chloroaniline)	101-14-4	0.002
Methylene chloride	75-09-2	0.05
Methyl ethyl ketone (MEK)	78-93-3	2.
Methyl hydrazine	60-34-4	0.0003
Methyl parathion	298-00-0	0.02
Naphthalene	91-20-3	10.
Nickel cyanide	557-19-7	0.7
Nitric oxide	10102-43-9	4.
Nitrobenzene	98-95-3	0.02
N-Nitrosodi-n-butylamine	924-16-3	0.00006
N-Nitrosodiethylamine	55-18-5	0.000002

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

N-Nitroso-N-methylurea	684-93-5	0.0000001
N-Nitrosopyrrolidine	930-55-2	0.0002
Pentachlorobenzene	608-93-5	0.03
Pentachloronitrobenzene (PCNB)	82-68-8	0.1
Pentachlorophenol	87-86-5	1.
Phenol	108-95-2	1.
Phenylmercury acetate	62-38-4	0.003
Phosphine	7803-51-2	0.01
Polychlorinated biphenyls, N.O.S	1336-36-3	0.00005
Potassium cyanide	151-50-8	2.
Potassium silver cyanide	506-61-6	7.
Pronamide	23950-58-5	3.
Pyridine	110-86-1	0.04
Reserpine	50-55-5	0.00003
Selenourea	630-10-4	0.2
Silver cyanide	506-64-9	4.
Sodium cyanide	143-33-9	1.
Strychnine	57-24-9	0.01
1,2,4,5-Tetrachlorobenzene	95-94-3	0.01
1,1,2,2-tetrachloroethane	79-34-5	0.002
Tetrachloroethylene	127-18-4	0.7
2,3,4,6-Tetrachlorophenol	58-90-2	0.01
Tetraethyl lead	78-00-2	0.000004
Thiourea	62-56-6	0.0002
Toluene	108-88-3	10.
Toxaphene	8001-35-2	0.005
1,1,2-Trichloroethane	79-00-5	0.006
Trichloroethylene	79-01-6	0.005
Trichloromonofluoromethane	75-69-4	10.
2,4,5-Trichlorophenol	95-95-4	4.
2,4,6-Trichlorophenol	88-06-2	4.
Vanadium pentoxide	1314-62-1	0.7
Vinyl chloride	75-01-4	0.002

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Document comparison by Workshare Compare on Monday, March 14, 2016
2:28:09 PM

Input:	
Document 1 ID	file:///I:/Input/Agency Rulemakings - Files Received\2016\Mar2016\35-726-Corrected Agency Proposed-(issue 12).docx
Description	35-726-Corrected Agency Proposed-(issue 12)
Document 2 ID	file:///I:/Input/Agency Rulemakings - Files Received\2016\Mar2016\35-726-r01(issue 12).docx
Description	35-726-r01(issue 12)
Rendering set	JCAR Delta

Legend:	
<u>Insertion</u>	
Deletion	
<u>Moved from</u>	
<u>Moved to</u>	
Style change	
Format change	
Moved deletion	
Inserted cell	
Deleted cell	
Moved cell	
Split/Merged cell	
Padding cell	

Statistics:	
	Count
Insertions	63
Deletions	80
Moved from	0
Moved to	0
Style change	0
Format changed	0
Total changes	143

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

6 PART 726
7 STANDARDS FOR THE MANAGEMENT OF SPECIFIC HAZARDOUS WASTE AND
8 SPECIFIC TYPES OF HAZARDOUS WASTE MANAGEMENT FACILITIES
9

10 SUBPART A: GENERAL
11

12 Section
13 726.102 Electronic Reporting
14

15 SUBPART C: RECYCLABLE MATERIALS USED IN A
16 MANNER CONSTITUTING DISPOSAL
17

18 Section
19 726.120 Applicability
20 726.121 Standards Applicable to Generators and Transporters of Materials Used in a
21 Manner that Constitutes Disposal
22 726.122 Standards Applicable to Storers, Who Are Not the Ultimate Users, of Materials
23 that Are To Be Used in a manner that Constitutes Disposal
24 726.123 Standards Applicable to Users of Materials that Are Used in a Manner that
25 Constitutes Disposal
26

27 SUBPART D: HAZARDOUS WASTE BURNED FOR ENERGY RECOVERY
28

29 Section
30 726.130 Applicability (Repealed)
31 726.131 Prohibitions (Repealed)
32 726.132 Standards applicable to generators of hazardous waste fuel (Repealed)
33 726.133 Standards applicable to transporters of hazardous waste fuel (Repealed)
34 726.134 Standards applicable to marketers of hazardous waste fuel (Repealed)
35 726.135 Standards applicable to burners of hazardous waste fuel (Repealed)
36 726.136 Conditional exemption for spent materials and by-products exhibiting a
37 characteristic of hazardous waste (Repealed)
38

39 SUBPART E: USED OIL BURNED FOR ENERGY RECOVERY
40

41 Section
42 726.140 Applicability (Repealed)
43 726.141 Prohibitions (Repealed)

- 44 726.142 Standards applicable to generators of used oil burned for energy recovery
- 45 (Repealed)
- 46 726.143 Standards applicable to marketers of used oil burned for energy recovery
- 47 (Repealed)
- 48 726.144 Standards applicable to burners of used oil burned for energy recovery (Repealed)

49

50 SUBPART F: RECYCLABLE MATERIALS UTILIZED FOR
51 PRECIOUS METAL RECOVERY

52

53 Section

- 54 726.170 Applicability and Requirements

55

56 SUBPART G: SPENT LEAD-ACID BATTERIES BEING RECLAIMED

57 Section

- 58 726.180 Applicability and Requirements

59

60 SUBPART H: HAZARDOUS WASTE BURNED IN BOILERS
61 AND INDUSTRIAL FURNACES

62

63 Section

- 64 726.200 Applicability
- 65 726.201 Management Prior to Burning
- 66 726.202 Permit Standards for Burners
- 67 726.203 Interim Status Standards for Burners
- 68 726.204 Standards to Control Organic Emissions
- 69 726.205 Standards to Control PM
- 70 726.206 Standards to Control Metals Emissions
- 71 726.207 Standards to Control HCl and Chlorine Gas Emissions
- 72 726.208 Small Quantity On-Site Burner Exemption
- 73 726.209 Low Risk Waste Exemption
- 74 726.210 Waiver of DRE Trial Burn for Boilers
- 75 726.211 Standards for Direct Transfer
- 76 726.212 Regulation of Residues
- 77 726.219 Extensions of Time

78

79 SUBPART M: MILITARY MUNITIONS

80

81 Section

- 82 726.300 Applicability
- 83 726.301 Definitions
- 84 726.302 Definition of Solid Waste
- 85 726.303 Standards Applicable to the Transportation of Solid Waste Military Munitions
- 86 726.304 Standards Applicable to Emergency Responses

87	726.305	Standards Applicable to the Storage of Solid Waste Military Munitions
88	726.306	Standards Applicable to the Treatment and Disposal of Waste Military Munitions
89		
90		SUBPART N: CONDITIONAL EXEMPTION FOR LOW-LEVEL MIXED WASTE
91		STORAGE, TREATMENT, TRANSPORTATION AND DISPOSAL
92	Section	
93	726.310	Definitions
94	726.320	Storage and Treatment Conditional Exemption
95	726.325	Wastes Eligible for a Storage and Treatment Conditional Exemption for Low-
96		Level Mixed Waste
97	726.330	Conditions to Qualify for and Maintain a Storage and Treatment Conditional
98		Exemption
99	726.335	Treatment Allowed by a Storage and Treatment Conditional Exemption
100	726.340	Loss of a Storage and Treatment Conditional Exemption and Required Action
101	726.345	Reclaiming a Lost Storage and Treatment Conditional Exemption
102	726.350	Recordkeeping for a Storage and Treatment Conditional Exemption
103	726.355	Waste No Longer Eligible for a Storage and Treatment Conditional Exemption
104	726.360	Applicability of Closure Requirements to Storage Units
105	726.405	Transportation and Disposal Conditional Exemption
106	726.410	Wastes Eligible for a Transportation and Disposal Conditional Exemption
107	726.415	Conditions to Qualify for and Maintain a Transportation and Disposal Conditional
108		Exemption
109	726.420	Treatment Standards for Eligible Waste
110	726.425	Applicability of the Manifest and Transportation Condition
111	726.430	Effectiveness of a Transportation and Disposal Exemption
112	726.435	Disposal of Exempted Waste
113	726.440	Containers Used for Disposal of Exempted Waste
114	726.445	Notification
115	726.450	Recordkeeping for a Transportation and Disposal Conditional Exemption
116	726.455	Loss of a Transportation and Disposal Conditional Exemption and Required
117		Action
118	726.460	Reclaiming a Lost Transportation and Disposal Conditional Exemption
119		
120	726.APPENDIX A	Tier I and Tier II Feed Rate and Emissions Screening Limits for
121		Metals
122	726.APPENDIX B	Tier I Feed Rate Screening Limits for Total Chlorine
123	726.APPENDIX C	Tier II Emission Rate Screening Limits for Free Chlorine and
124		Hydrogen Chloride
125	726.APPENDIX D	Reference Air Concentrations
126	726.APPENDIX E	Risk-Specific Doses
127	726.APPENDIX F	Stack Plume Rise
128	726.APPENDIX G	Health-Based Limits for Exclusion of Waste-Derived Residues
129	726.APPENDIX H	Potential PICs for Determination of Exclusion of Waste-Derived

130 Residues
 131 726.APPENDIX I Methods Manual for Compliance with BIF Regulations
 132 726.APPENDIX J Guideline on Air Quality Models (Repealed)
 133 726.APPENDIX K Lead-Bearing Materials that May be Processed in Exempt Lead
 134 Smelters
 135 726.APPENDIX L Nickel or Chromium-Bearing Materials that May Be Processed in
 136 Exempt Nickel-Chromium Recovery Furnaces
 137 726.APPENDIX M Mercury-Bearing Wastes that May Be Processed in Exempt
 138 Mercury Recovery Units
 139 726.TABLE A Exempt Quantities for Small Quantity Burner Exemption

141 AUTHORITY: Implementing Sections 7.2 and 22.4 and authorized by Section 27 of the
 142 Environmental Protection Act [415 ILCS 5/7.2, 22.4 and 27].
 143

144 SOURCE: Adopted in R85-22 at 10 Ill. Reg. 1162, effective January 2, 1986; amended in R86-1
 145 at 10 Ill. Reg. 14156, effective August 12, 1986; amended in R87-26 at 12 Ill. Reg. 2900,
 146 effective January 15, 1988; amended in R89-1 at 13 Ill. Reg. 18606, effective November 13,
 147 1989; amended in R90-2 at 14 Ill. Reg. 14533, effective August 22, 1990; amended in R90-11 at
 148 15 Ill. Reg. 9727, effective June 17, 1991; amended in R91-13 at 16 Ill. Reg. 9858, effective
 149 June 9, 1992; amended in R92-10 at 17 Ill. Reg. 5865, effective March 26, 1993; amended in
 150 R93-4 at 17 Ill. Reg. 20904, effective November 22, 1993; amended in R94-7 at 18 Ill. Reg.
 151 12500, effective July 29, 1994; amended in R95-4/R95-6 at 19 Ill. Reg. 10006, effective June 27,
 152 1995; amended in R95-20 at 20 Ill. Reg. 11263, effective August 1, 1996; amended in R96-
 153 10/R97-3/R97-5 at 22 Ill. Reg. 754, effective December 16, 1997; amended in R97-21/R98-
 154 3/R98-5 at 22 Ill. Reg. 18042, effective September 28, 1998; amended in R99-15 at 23 Ill. Reg.
 155 9482, effective July 26, 1999; amended in R00-13 at 24 Ill. Reg. 9853, effective June 20, 2000;
 156 amended in R02-1/R02-12/R02-17 at 26 Ill. Reg. 6667, effective April 22, 2002; amended in
 157 R03-7 at 27 Ill. Reg. 4200, effective February 14, 2003; amended in R03-18 at 27 Ill. Reg.
 158 12916, effective July 17, 2003; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 3700, effective
 159 February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 1096, effective December
 160 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 12741, effective July 14, 2008; amended in
 161 R11-2/R11-16 at 35 Ill. Reg. 18117, effective October 14, 2011; amended in R13-5 at 37 Ill.
 162 Reg. 3249, effective March 4, 2013; amended in R13-15 at 37 Ill. Reg. 17888, effective October
 163 24, 2013; amended in R16-7 at 40 Ill. Reg. _____, effective _____.

164
 165 SUBPART H: HAZARDOUS WASTE BURNED IN BOILERS
 166 AND INDUSTRIAL FURNACES
 167

168 **Section 726.202 Permit Standards for Burners**
 169

170 a) Applicability.

171 1) General. An owner or operator of a BIF that burns hazardous waste and
 172

173 which does not operate under interim status must comply with the
174 requirements of this Section and 35 Ill. Adm. Code 703.208 and 703.232,
175 unless exempt pursuant to the small quantity burner exemption of Section
176 726.208.

177
178 2) Applicability of 35 Ill. Adm. Code 724 standards. An owner or operator
179 of a BIF that burns hazardous waste is subject to the following provisions
180 of 35 Ill. Adm. Code 724, except as provided otherwise by this Subpart H:

- 181
- 182 A) In Subpart A (General), 35 Ill. Adm. Code 724.104;
- 183
- 184 B) In Subpart B (General facility standards), 35 Ill. Adm. Code
185 724.111 through 724.118;
- 186
- 187 C) In Subpart C (Preparedness and prevention), 35 Ill. Adm. Code
188 724.131 through 724.137;
- 189
- 190 D) In Subpart D (Contingency plan and emergency procedures), 35
191 Ill. Adm. Code 724.151 through 724.156;
- 192
- 193 E) In Subpart E (Manifest system, recordkeeping and reporting), the
194 applicable provisions of 35 Ill. Adm. Code 724.171 through
195 724.177;
- 196
- 197 F) In Subpart F (Releases from Solid Waste Management Units), 35
198 Ill. Adm. Code 724.190 and 724.201;
- 199
- 200 G) In Subpart G (Closure and post-closure), 35 Ill. Adm. Code
201 724.211 through 724.215;
- 202
- 203 H) In Subpart H (Financial requirements), 35 Ill. Adm. Code 724.241,
204 724.242, 724.243, and 724.247 through 724.251, except that the
205 State of Illinois and the federal government are exempt from the
206 requirements of Subpart H of 35 Ill. Adm. Code 724; and
- 207
- 208 I) Subpart BB (Air emission standards for equipment leaks), except
209 35 Ill. Adm. Code 724.950(a).

210
211 b) Hazardous waste analysis.

212
213 1) The owner or operator must provide an analysis of the hazardous waste
214 that quantifies the concentration of any constituent identified in Appendix
215 H of 35 Ill. Adm. Code 721 that is reasonably expected to be in the waste.

216 Such constituents must be identified and quantified if present, at levels
 217 detectable by using appropriate analytical methods. The constituents
 218 listed in Appendix H of 35 Ill. Adm. Code 721 that are excluded from this
 219 analysis must be identified and the basis for their exclusion explained.
 220 This analysis must provide all information required by this Subpart H and
 221 35 Ill. Adm. Code 703.208 and 703.232 and must enable the Agency to
 222 prescribe such permit conditions as are necessary to adequately protect
 223 human health and the environment. Such analysis must be included as a
 224 portion of the Part B permit application, or, for facilities operating under
 225 the interim status standards of this Subpart H, as a portion of the trial burn
 226 plan that may be submitted before the Part B application pursuant to
 227 provisions of 35 Ill. Adm. Code 703.232(g), as well as any other analysis
 228 required by the Agency. The owner or operator of a BIF not operating
 229 under the interim status standards must provide the information required
 230 by 35 Ill. Adm. Code 703.208 and 703.232 in the Part B application to the
 231 greatest extent possible.

- 232
- 233 2) Throughout normal operation, the owner or operator must conduct
- 234 sampling and analysis as necessary to ensure that the hazardous waste,
- 235 other fuels, and industrial furnace feedstocks fired into the BIF are within
- 236 the physical and chemical composition limits specified in the permit.
- 237
- 238 c) Emissions standards. An owner or operator must comply with emissions
- 239 standards provided by Sections 726.204 through 726.207.
- 240
- 241 d) Permits.
- 242
- 243 1) The owner or operator must burn only hazardous wastes specified in the
- 244 facility permit and only under the operating conditions specified pursuant
- 245 to subsection (e) of this Section, except in approved trial burns under the
- 246 conditions specified in 35 Ill. Adm. Code 703.232.
- 247
- 248 2) Hazardous wastes not specified in the permit must not be burned until
- 249 operating conditions have been specified under a new permit or permit
- 250 modification, as applicable. Operating requirements for new wastes must
- 251 be based on either trial burn results or alternative data included with Part
- 252 B of a permit application pursuant to 35 Ill. Adm. Code 703.208.
- 253
- 254 3) BIFs operating under the interim status standards of Section 726.203 are
- 255 permitted pursuant to procedures provided by 35 Ill. Adm. Code
- 256 703.232(g).
- 257
- 258 4) A permit for a new BIF (those BIFs not operating under the interim status

259
260
261
262
263
264
265
266
267
268
269
270
271
272
273
274
275
276
277
278
279
280
281
282
283
284
285
286
287
288
289
290
291
292
293
294
295
296
297
298
299
300
301

standards) must establish appropriate conditions for each of the applicable requirements of this Section, including but not limited to allowable hazardous waste firing rates and operating conditions necessary to meet the requirements of subsection (e) ~~of this Section~~, in order to comply with the following standards:

- A) For the period beginning with initial introduction of hazardous waste and ending with initiation of the trial burn, and only for the minimum time required to bring the device to a point of operational readiness to conduct a trial burn, not to exceed a duration of 720 hours operating time when burning hazardous waste, the operating requirements must be those most likely to ensure compliance with the emission standards of Sections 726.204 through 726.207, based on the Agency's engineering judgment. If the applicant is seeking a waiver from a trial burn to demonstrate conformance with a particular emission standard, the operating requirements during this initial period of operation must include those specified by the applicable provisions of Section 726.204, Section 726.205, Section 726.206, or Section 726.207. The Agency must extend the duration of this period for up to 720 additional hours when good cause for the extension is demonstrated by the applicant.
- B) For the duration of the trial burn, the operating requirements must be sufficient to demonstrate compliance with the emissions standards of Sections 726.204 through 726.207 and must be in accordance with the approved trial burn plan;
- C) For the period immediately following completion of the trial burn, and only for the minimum period sufficient to allow sample analysis, data computation, submission of the trial burn results by the applicant, review of the trial burn results, and modification of the facility permit by the Agency to reflect the trial burn results, the operating requirements must be those most likely to ensure compliance with the emission standards Sections 726.204 through 726.207 based on the Agency's engineering judgment.
- D) For the remaining duration of the permit, the operating requirements must be those demonstrated in a trial burn or by alternative data specified in 35 Ill. Adm. Code 703.208, as sufficient to ensure compliance with the emissions standards of Sections 726.204 through 726.207.

302
303
304
305
306
307
308
309
310
311
312
313
314
315
316
317
318
319
320
321
322
323
324
325
326
327
328
329
330
331
332
333
334
335
336
337
338
339
340
341
342
343
344

- e) Operating requirements.
 - 1) General. A BIF burning hazardous waste must be operated in accordance with the operating requirements specified in the permit at all times when there is hazardous waste in the unit.
 - 2) Requirements to ensure compliance with the organic emissions standards.
 - A) DRE (destruction or removal efficiency) standard. Operating conditions must be specified in either of the following ways: on a case-by-case basis for each hazardous waste burned, which conditions must be demonstrated (in a trial burn or by alternative data, as specified in 35 Ill. Adm. Code 703.208) to be sufficient to comply with the DRE performance standard of Section 726.204(a), or as special operating requirements provided by Section 726.204(a)(4) for the waiver of the DRE trial burn. When the DRE trial burn is not waived pursuant to Section 726.204(a)(4), each set of operating requirements must specify the composition of the hazardous waste (including acceptable variations in the physical and chemical properties of the hazardous waste that will not affect compliance with the DRE performance standard) to which the operating requirements apply. For each such hazardous waste, the permit must specify acceptable operating limits including, but not limited to, the following conditions, as appropriate:
 - i) Feed rate of hazardous waste and other fuels measured and specified as prescribed in subsection (e)(6) of this Section;
 - ii) Minimum and maximum device production rate when producing normal product expressed in appropriate units, measured and specified as prescribed in subsection (e)(6) of this Section;
 - iii) Appropriate controls of the hazardous waste firing system;
 - iv) Allowable variation in BIF system design or operating procedures;
 - v) Minimum combustion gas temperature measured at a location indicative of combustion chamber temperature, measured, and specified as prescribed in subsection (e)(6) of this Section;

345
346
347
348
349
350
351
352
353
354
355
356
357
358
359
360
361
362
363
364
365
366
367
368
369
370
371
372
373
374
375
376
377
378
379
380
381
382
383
384
385
386
387

- vi) An appropriate indicator of combustion gas velocity, measured and specified as prescribed in subsection (e)(6) of this Section, unless documentation is provided pursuant to 35 Ill. Adm. Code 703.232 demonstrating adequate combustion gas residence time; and
 - vii) Such other operating requirements as are necessary to ensure that the DRE performance standard of Section 726.204(a) is met.
- B) CO and hydrocarbon (HC) standards. The permit must incorporate a CO limit and, as appropriate, a HC limit as provided by Section 726.204(b), (c), (d), (e), and (f). The permit limits must be specified as follows:
- i) When complying with the CO standard of Section 726.204(b)(1), the permit limit is 100 ppmv;
 - ii) When complying with the alternative CO standard pursuant to Section 726.204(c), the permit limit for CO is based on the trial burn and is established as the average over all valid runs of the highest hourly rolling average CO level of each run; and, the permit limit for HC is 20 ppmv (as defined in Section 726.204(c)(1)), except as provided in Section 726.204(f); or
 - iii) When complying with the alternative HC limit for industrial furnaces pursuant to Section 726.204(f), the permit limit for HC and CO is the baseline level when hazardous waste is not burned as specified by that subsection.
- C) Start-up and shut-down. During start-up and shut-down of the BIF, hazardous waste (except waste fed solely as an ingredient under the Tier I (or adjusted Tier I) feed rate screening limits for metals and chloride/chlorine, and except low risk waste exempt from the trial burn requirements pursuant to Sections 726.204(a)(5), 726.205, 726.206, and 726.207) must not be fed into the device, unless the device is operating within the conditions of operation specified in the permit.
- 3) Requirements to ensure conformance with the particulate matter (PM) standard.

388
389
390
391
392
393
394
395
396
397
398
399
400
401
402
403
404
405
406
407
408
409
410
411
412
413
414
415
416
417
418
419
420
421
422
423
424
425
426
427
428
429
430

- A) Except as provided in subsections (e)(3)(B) and (e)(3)(C) of this Section, the permit must specify the following operating requirements to ensure conformance with the PM standard specified in Section 726.205:
 - i) Total ash feed rate to the device from hazardous waste, other fuels, and industrial furnace feedstocks, measured and specified as prescribed in subsection (e)(6) of this Section;
 - ii) Maximum device production rate when producing normal product expressed in appropriate units, and measured and specified as prescribed in subsection (e)(6) of this Section;
 - iii) Appropriate controls on operation and maintenance of the hazardous waste firing system and any air pollution control system (APCS);
 - iv) Allowable variation in BIF system design including any APCS or operating procedures; and
 - v) Such other operating requirements as are necessary to ensure that the PM standard in Section 726.205(a) is met.
 - B) Permit conditions to ensure conformance with the PM standard must not be provided for facilities exempt from the PM standard pursuant to Section 726.205(b);
 - C) For cement kilns and light-weight aggregate kilns, permit conditions to ensure compliance with the PM standard must not limit the ash content of hazardous waste or other feed materials.
- 4) Requirements to ensure conformance with the metals emissions standard.
- A) For conformance with the Tier I (or adjusted Tier I) metals feed rate screening limits of Section 726.206(b) or (e), the permit must specify the following operating requirements:
 - i) Total feed rate of each metal in hazardous waste, other fuels and industrial furnace feedstocks measured and specified pursuant to provisions of subsection (e)(6) of this Section;

- 431 ii) Total feed rate of hazardous waste measured and specified
- 432 as prescribed in subsection (e)(6) ~~of this Section~~; and
- 433
- 434 iii) A sampling and metals analysis program for the hazardous
- 435 waste, other fuels and industrial furnace feedstocks;
- 436

437 B) For conformance with the Tier II metals emission rate screening

438 limits pursuant to Section 726.206(c) and the Tier III metals

439 controls pursuant to Section 726.206(d), the permit must specify

440 the following operating requirements:

441

- 442 i) Maximum emission rate for each metal specified as the
- 443 average emission rate during the trial burn;
- 444
- 445 ii) Feed rate of total hazardous waste and pumpable hazardous
- 446 waste, each measured and specified as prescribed in
- 447 subsection (e)(6)(A) ~~of this Section~~;
- 448
- 449 iii) Feed rate of each metal in the following feedstreams,
- 450 measured and specified as prescribed in subsections (e)(6)
- 451 ~~of this Section~~: total feed streams; total hazardous waste
- 452 feed; and total pumpable hazardous waste feed;
- 453

454 BOARD NOTE: The Board has combined the text of 40

455 CFR 266.102(e)(4)(ii)(C)(1) and (e)(4)(ii)(C)(2) into this

456 subsection (e)(4)(B)(iii) to comport with Illinois

457 Administrative Code codification requirements.

458

- 459 iv) Total feed rate of chlorine and chloride in total feed streams
- 460 measured and specified as prescribed in subsection (e)(6) ~~of~~
- 461 ~~this Section~~;
- 462
- 463 v) Maximum combustion gas temperature measured at a
- 464 location indicative of combustion chamber temperature,
- 465 and measured and specified as prescribed in subsection
- 466 (e)(6) ~~of this Section~~;
- 467
- 468 vi) Maximum flue gas temperature at the inlet to the PM APCS
- 469 measured and specified as prescribed in subsection (e)(6) ~~of~~
- 470 ~~this Section~~;
- 471
- 472 vii) Maximum device production rate when producing normal
- 473 product expressed in appropriate units and measured and

474
475
476
477
478
479
480
481
482
483
484
485
486
487
488
489
490
491
492
493
494
495
496
497
498
499
500
501
502
503
504
505
506
507
508
509
510
511
512
513
514
515
516

specified as prescribed in subsection (e)(6) ~~of this Section;~~

- viii) Appropriate controls on operation and maintenance of the hazardous waste firing system and any APCS;
- ix) Allowable variation in BIF system design including any APCS or operating procedures; and
- x) Such other operating requirements as are necessary to ensure that the metals standards pursuant to Section 726.206(c) or (d) are met.

C) For conformance with an alternative implementation approach approved by the Agency pursuant to Section 726.206(f), the permit must specify the following operating requirements:

- i) Maximum emission rate for each metal specified as the average emission rate during the trial burn;
- ii) Feed rate of total hazardous waste and pumpable hazardous waste, each measured and specified as prescribed in subsection (e)(6)(A) ~~of this Section;~~
- iii) Feed rate of each metal in the following feedstreams, measured and specified as prescribed in subsection (e)(6) ~~of this Section:~~ total hazardous waste feed; and total pumpable hazardous waste feed;

BOARD NOTE: The Board has combined the text of 40 CFR 266.102(e)(4)(iii)(C)(1) and (e)(4)(iii)(C)(2) into this subsection (e)(4)(C)(iii) to comport with Illinois Administrative Code codification requirements.
- iv) Total feed rate of chlorine and chloride in total feed streams measured and specified prescribed in subsection (e)(6) ~~of this Section;~~
- v) Maximum combustion gas temperature measured at a location indicative of combustion chamber temperature, and measured and specified as prescribed in subsection (e)(6) ~~of this Section;~~
- vi) Maximum flue gas temperature at the inlet to the PM APCS

- 517 measured and specified as prescribed in subsection (e)(6) of
518 this Section;
519
520 vii) Maximum device production rate when producing normal
521 product expressed in appropriate units and measured and
522 specified as prescribed in subsection (e)(6) of this Section;
523
524 viii) Appropriate controls on operation and maintenance of the
525 hazardous waste firing system and any APCS;
526
527 ix) Allowable variation in BIF system design including any
528 APCS or operating procedures; and
529
530 x) Such other operating requirements as are necessary to
531 ensure that the metals standards pursuant to Section
532 726.206(c) or (d) are met.
533
- 534 5) Requirements to ensure conformance with the HCl and chlorine gas
535 standards.
536
- 537 A) For conformance with the Tier I total chlorine and chloride feed
538 rate screening limits of Section 726.207(b)(1), the permit must
539 specify the following operating requirements:
540
- 541 i) Feed rate of total chlorine and chloride in hazardous waste,
542 other fuels and industrial furnace feedstocks measured and
543 specified as prescribed in subsection (e)(6) of this Section;
544
545 ii) Feed rate of total hazardous waste measured and specified
546 as prescribed in subsection (e)(6) of this Section; and
547
548 iii) A sampling and analysis program for total chlorine and
549 chloride for the hazardous waste, other fuels and industrial
550 furnace feedstocks;
551
- 552 B) For conformance with the Tier II HCl and chlorine gas emission
553 rate screening limits pursuant to Section 726.207(b)(2) and the Tier
554 III HCl and chlorine gas controls pursuant to Section 726.207(c),
555 the permit must specify the following operating requirements:
556
- 557 i) Maximum emission rate for HCl and for chlorine gas
558 specified as the average emission rate during the trial burn;
559

- 560 ii) Feed rate of total hazardous waste measured and specified
- 561 as prescribed in subsection (e)(6) of this Section;
- 562
- 563 iii) Total feed rate of chlorine and chloride in total feed
- 564 streams, measured and specified as prescribed in subsection
- 565 (e)(6) of this Section;
- 566
- 567 iv) Maximum device production rate when producing normal
- 568 product expressed in appropriate units, measured and
- 569 specified as prescribed in subsection (e)(6) of this Section;
- 570
- 571 v) Appropriate controls on operation and maintenance of the
- 572 hazardous waste firing system and any APCS;
- 573
- 574 vi) Allowable variation in BIF system design including any
- 575 APCS or operating procedures; and
- 576
- 577 vii) Such other operating requirements as are necessary to
- 578 ensure that the HCl and chlorine gas standards pursuant to
- 579 Section 726.207(b)(2) or (c) are met.
- 580

6) Measuring parameters and establishing limits based on trial burn data.

- 581
- 582
- 583 A) General requirements. As specified in subsections (e)(2) through
- 584 (e)(5) of this Section, each operating parameter must be measured,
- 585 and permit limits on the parameter must be established, according
- 586 to either of the following procedures:
- 587
- 588 i) Instantaneous limits. A parameter is measured and
- 589 recorded on an instantaneous basis (i.e., the value that
- 590 occurs at any time) and the permit limit specified as the
- 591 time-weighted average during all valid runs of the trial
- 592 burn; or
- 593
- 594 ii) Hourly rolling average. The limit for a parameter must be
- 595 established and continuously monitored on an hourly
- 596 rolling average basis, as defined in Section 726.200(i). The
- 597 permit limit for the parameter must be established based on
- 598 trial burn data as the average over all valid test runs of the
- 599 highest hourly rolling average value for each run.
- 600

601 BOARD NOTE: The Board has combined the text of 40
 602 CFR 266.102(e)(6)(i)(B)(1) ~~266.100(e)(6)(i)(B)(1)~~ and

603
604
605
606
607
608
609
610
611
612
613
614
615
616
617
618
619
620
621
622
623
624
625
626
627
628
629
630
631
632
633
634
635
636
637
638
639
640
641
642
643
644
645

(e)(6)(i)(B)(2) into this subsection (e)(6)(A)(ii) and moved the text of 40 CFR ~~266.102(e)(6)(i)(B)(I)(i)~~ ~~266.100(e)(6)(i)(B)(I)(i)~~ and (e)(6)(i)(B)(I)(ii) to appear as definitions of "continuous monitor" and "hourly rolling average," respectively, in Section 726.200(i) to comport with Illinois Administrative Code codification requirements.

B) Rolling average limits for carcinogenic metals and lead. Feed rate limits for the carcinogenic metals (as defined in Section 726.200(i)) and lead must be established either on an hourly rolling average basis, as prescribed by subsection (e)(6)(A) ~~of this Section~~, or on (up to) a 24 hour rolling average basis. If the owner or operator elects to use an average period from 2 to 24 hours, the following requirements apply:

- i) The feed rate of each metal must be limited at any time to ten times the feed rate that would be allowed on an hourly rolling average basis;
- ii) The continuous monitor must meet the specifications of "continuous monitor," "rolling average for the selected averaging period," and "one hour block average" as defined in Section 726.200(i); and

BOARD NOTE: The Board has moved the text of 40 CFR ~~266.102(e)(6)(ii)(B)(I)~~ ~~266.100(e)(6)(ii)(B)(I)~~ and (e)(6)(ii)(B)(2) to appear as definitions in Section 726.200(i) to comport with Illinois Administrative Code codification requirements.

- iii) The permit limit for the feed rate of each metal must be established based on trial burn data as the average over all valid test runs of the highest hourly rolling average feed rate for each run.

C) Feed rate limits for metals, total chlorine and chloride, and ash. Feed rate limits for metals, total chlorine and chloride, and ash are established and monitored by knowing the concentration of the substance (i.e., metals, chloride/chlorine and ash) in each feedstream and the flow rate of the feedstream. To monitor the feed rate of these substances, the flow rate of each feedstream must be monitored pursuant to the continuous monitoring requirements

646
647
648
649
650
651
652
653
654
655
656
657
658
659
660
661
662
663
664
665
666
667
668
669
670
671
672
673
674
675
676
677
678
679
680
681
682
683
684
685
686
687
688

of subsections (e)(6)(A) and (e)(6)(B) of this Section.

- D) Conduct of trial burn testing.
 - i) If compliance with all applicable emissions standards of Sections 726.204 through 726.207 is not demonstrated simultaneously during a set of test runs, the operating conditions of additional test runs required to demonstrate compliance with remaining emissions standards must be as close as possible to the original operating conditions.
 - ii) Prior to obtaining test data for purposes of demonstrating compliance with the emissions standards of Sections 726.204 through 726.207 or establishing limits on operating parameters pursuant to this Section, the unit must operate under trial burn conditions for a sufficient period to reach steady-state operations. However, industrial furnaces that recycle collected PM back into the furnace and that comply with an alternative implementation approach for metals pursuant to Section 726.206(f) need not reach steady state conditions with respect to the flow of metals in the system prior to beginning compliance testing for metals emissions.
 - iii) Trial burn data on the level of an operating parameter for which a limit must be established in the permit must be obtained during emissions sampling for the pollutants (i.e., metals, PM, HCl/chlorine gas, organic compounds) for which the parameter must be established as specified by this subsection (e).

7) General requirements.

- A) Fugitive emissions. Fugitive emissions must be controlled in one of the following ways:
 - i) By keeping the combustion zone totally sealed against fugitive emissions;
 - ii) By maintaining the combustion zone pressure lower than atmospheric pressure; or
 - iii) By an alternative means of control demonstrated (with Part

689
690
691
692
693
694
695
696
697
698
699
700
701
702
703
704
705
706
707
708
709
710
711
712
713
714
715
716
717
718
719
720
721
722
723
724
725
726
727
728
729
730
731

B of the permit application) to provide fugitive emissions control equivalent to maintenance of combustion zone pressure lower than atmospheric pressure.

B) Automatic waste feed cutoff. A BIF must be operated with a functioning system that automatically cuts off the hazardous waste feed when operating conditions deviate from those established pursuant to this Section. In addition, the following requirements apply:

- i) The permit limit for (the indicator of) minimum combustion chamber temperature must be maintained while hazardous waste or hazardous waste residues remain in the combustion chamber;
- ii) Exhaust gases must be ducted to the APCS operated in accordance with the permit requirements while hazardous waste or hazardous waste residues remain in the combustion chamber; and
- iii) Operating parameters for which permit limits are established must continue to be monitored during the cutoff, and the hazardous waste feed must not be restarted until the levels of those parameters comply with the permit limits. For parameters that are monitored on an instantaneous basis, the Agency must establish a minimum period of time after a waste feed cutoff during which the parameter must not exceed the permit limit before the hazardous waste feed is restarted.

C) Changes. A BIF must cease burning hazardous waste when combustion properties or feed rates of the hazardous waste, other fuels or industrial furnace feedstocks, or the BIF design or operating conditions deviate from the limits as specified in the permit.

8) Monitoring and Inspections.

A) The owner or operator must monitor and record the following, at a minimum, while burning hazardous waste:

- i) If specified by the permit, feed rates and composition of hazardous waste, other fuels, and industrial furnace

732
733
734
735
736
737
738
739
740
741
742
743
744
745
746
747
748
749
750
751
752
753
754
755
756
757
758
759
760
761
762
763
764
765
766
767
768
769
770
771
772
773
774

feedstocks and feed rates of ash, metals, and total chlorine and chloride;

- ii) If specified by the permit, CO, HCs, and oxygen on a continuous basis at a common point in the BIF downstream of the combustion zone and prior to release of stack gases to the atmosphere in accordance with operating requirements specified in subsection (e)(2)(B) of this Section. CO, HC, and oxygen monitors must be installed, operated, and maintained in accordance with methods specified in Appendix I of this Part; and
- iii) Upon the request of the Agency, sampling and analysis of the hazardous waste (and other fuels and industrial furnace feedstocks as appropriate), residues, and exhaust emissions must be conducted to verify that the operating requirements established in the permit achieve the applicable standards of Sections 726.204, 726.205, 726.206, and 726.207.

- B) All monitors must record data in units corresponding to the permit limit unless otherwise specified in the permit.
- C) The BIF and associated equipment (pumps, valves, pipes, fuel storage tanks, etc.) must be subjected to thorough visual inspection when it contains hazardous waste, at least daily for leaks, spills, fugitive emissions, and signs of tampering.
- D) The automatic hazardous waste feed cutoff system and associated alarms must be tested at least once every seven days when hazardous waste is burned to verify operability, unless the applicant demonstrates to the Agency that weekly inspections will unduly restrict or upset operations and that less frequent inspections will be adequate. At a minimum, operational testing must be conducted at least once every 30 days.
- E) These monitoring and inspection data must be recorded and the records must be placed in the operating record required by 35 Ill. Adm. Code 724.173.

- 9) Direct transfer to the burner. If hazardous waste is directly transferred from a transport vehicle to a BIF without the use of a storage unit, the owner and operator must comply with Section 726.211.

- 775 10) Recordkeeping. The owner or operator must maintain in the operating
776 record of the facility all information and data required by this Section for
777 five years.
778
- 779 11) Closure. At closure, the owner or operator must remove all hazardous
780 waste and hazardous waste residues (including, but not limited to, ash,
781 scrubber waters, and scrubber sludges) from the BIF.
782

783 (Source: Amended at 40 Ill. Reg. _____, effective _____)
784

785 **Section 726.203 Interim Status Standards for Burners**
786

- 787 a) Purpose, scope, and applicability.
788
- 789 1) General.
790
- 791 A) The purpose of this Section is to establish minimum national
792 standards for owners and operators of "existing" BIFs that burn
793 hazardous waste where such standards define the acceptable
794 management of hazardous waste during the period of interim
795 status. The standards of this Section apply to owners and operators
796 of existing facilities until either a permit is issued under Section
797 726.202(d) or until closure responsibilities identified in this
798 Section are fulfilled.
799
- 800 B) "Existing" or "in existence" means a BIF for which the owner or
801 operator filed a certification of precompliance with USEPA
802 pursuant to federal 40 CFR 266.103(b); provided, however, that
803 USEPA has not determined that the certification is invalid.
804
- 805 C) If a BIF is located at a facility that already has a RCRA permit or
806 interim status, then the owner or operator must comply with the
807 applicable regulations dealing with permit modifications in 35 Ill.
808 Adm. Code 703.280 or changes in interim status in 35 Ill. Adm.
809 Code 703.155.
810
- 811 2) Exemptions. The requirements of this Section do not apply to hazardous
812 waste and facilities exempt under Section 726.200(b) or 726.208.
813
- 814 3) Prohibition on burning dioxin-listed wastes. The following hazardous
815 waste listed for dioxin and hazardous waste derived from any of these
816 wastes must not be burned in a BIF operating under interim status:
817 USEPA hazardous waste numbers F020, F021, F022, F023, F026, and

818
819
820
821
822
823
824
825
826
827
828
829
830
831
832
833
834
835
836
837
838
839
840
841
842
843
844
845
846
847
848
849
850
851
852
853
854
855
856
857
858
859
860

F027.

- 4) Applicability of 35 Ill. Adm. Code 725 standards. An owner or operator of a BIF that burns hazardous waste and which is operating under interim status is subject to the following provisions of 35 Ill. Adm. Code 725, except as provided otherwise by this Section:
 - A) In Subpart A of 35 Ill. Adm. Code 725 (General), 35 Ill. Adm. Code 725.104;
 - B) In Subpart B of 35 Ill. Adm. Code 725 (General facility standards), 35 Ill. Adm. Code 725.111 through 725.117;
 - C) In Subpart C of 35 Ill. Adm. Code 725 (Preparedness and prevention), 35 Ill. Adm. Code 725.131 through 725.137;
 - D) In Subpart D of 35 Ill. Adm. Code 725 (Contingency plan and emergency procedures), 35 Ill. Adm. Code 725.151 through 725.156;
 - E) In Subpart E of 35 Ill. Adm. Code 725 (Manifest system, recordkeeping and reporting), 35 Ill. Adm. Code 725.171 through 725.177, except that 35 Ill. Adm. Code 725.171, 725.172 and 725.176 do not apply to owners and operators of on-site facilities that do not receive any hazardous waste from off-site sources;
 - F) In Subpart G of 35 Ill. Adm. Code 725 (Closure and post-closure), 35 Ill. Adm. Code 725.211 through 725.215;
 - G) In Subpart H of 35 Ill. Adm. Code 725 (Financial requirements), 35 Ill. Adm. Code 725.241, 725.242, 725.243, and 725.247 through 725.250, except that the State of Illinois and the federal government are exempt from the requirements of Subpart H of 35 Ill. Adm. Code 725; and
 - H) In Subpart BB of 35 Ill. Adm. Code 725 (Air emission standards for equipment leaks), except 35 Ill. Adm. Code 725.950(a).
- 5) Special requirements for furnaces. The following controls apply during interim status to industrial furnaces (e.g., kilns, cupolas) that feed hazardous waste for a purpose other than solely as an ingredient (see subsection (a)(5)(B) of this Section) at any location other than the hot end where products are normally discharged or where fuels are normally fired:

861
862
863
864
865
866
867
868
869
870
871
872
873
874
875
876
877
878
879
880
881
882
883
884
885
886
887
888
889
890
891
892
893
894
895
896
897
898
899
900
901
902
903

- A) Controls.
 - i) The hazardous waste must be fed at a location where combustion gas temperature is at least 1800°F;
 - ii) The owner or operator must determine that adequate oxygen is present in combustion gases to combust organic constituents in the waste and retain documentation of such determination in the facility record;
 - iii) For cement kiln systems, the hazardous waste must be fed into the kiln; and
 - iv) The HC controls of Section 726.204(f) or subsection (c)(5) ~~of this Section~~ apply upon certification of compliance under subsection (c) ~~of this Section~~, irrespective of the CO level achieved during the compliance test.

- B) Burning hazardous waste solely as an ingredient. A hazardous waste is burned for a purpose other than "solely as an ingredient" if it meets either of the following criteria:
 - i) The hazardous waste has a total concentration of nonmetal compounds listed in Appendix H of 35 Ill. Adm. Code 721, exceeding 500 ppm by weight, as fired and so is considered to be burned for destruction. The concentration of nonmetal compounds in a waste as-generated may be reduced to the 500 ppm limit by bona fide treatment that removes or destroys nonmetal constituents. Blending for dilution to meet the 500 ppm limit is prohibited and documentation that the waste has not been impermissibly diluted must be retained in the facility record; or
 - ii) The hazardous waste has a heating value of 5,000 Btu/lb or more, as fired, and so is considered to be burned as fuel. The heating value of a waste as-generated may be reduced to below the 5,000 Btu/lb limit by bona fide treatment that removes or destroys organic constituents. The heating value of a waste as-generated may be reduced to below the 5,000 Btu/lb limit by bona fide treatment that removes or destroys organic constituents. Blending to augment the heating value to meet the 5,000 Btu/lb limit is prohibited

- 904 and documentation that the waste has not been
 905 impermissibly blended must be retained in the facility
 906 record.
 907
- 908 6) Restrictions on burning hazardous waste that is not a fuel. Prior to
 909 certification of compliance under subsection (c) ~~of this Section~~, an owner
 910 or operator must not feed hazardous waste that has a heating value less
 911 than 5000 Btu/lb, as generated, (except that the heating value of a waste
 912 as-generated may be increased to above the 5,000 Btu/lb limit by bona
 913 fide treatment; however blending to augment the heating value to meet the
 914 5,000 Btu/lb limit is prohibited and records must be kept to document that
 915 impermissible blending has not occurred) in a BIF, except that the
 916 following may occur:
 917
- 918 A) Hazardous waste may be burned solely as an ingredient;
 - 919
 - 920 B) Hazardous waste may be burned for purposes of compliance
 921 testing (or testing prior to compliance testing) for a total period of
 922 time not to exceed 720 hours;
 - 923
 - 924 C) Such waste may be burned if the Agency has documentation to
 925 show that the following was true prior to August 21, 1991:
 926
 - 927 i) The BIF was operating under the interim status standards
 928 for incinerators or thermal treatment units, Subparts O or P
 929 of 35 Ill. Adm. Code 725;
 - 930
 - 931 ii) The BIF met the interim status eligibility requirements
 932 under 35 Ill. Adm. Code 703.153 for Subparts O or P of 35
 933 Ill. Adm. Code 725; and
 - 934
 - 935 iii) Hazardous waste with a heating value less than 5,000
 936 Btu/lb was burned prior to that date; or
 - 937 - 938 D) Such waste may be burned in a halogen acid furnace if the waste
 939 was burned as an excluded ingredient under 35 Ill. Adm. Code
 940 721.102(e) prior to February 21, 1991, and documentation is kept
 941 on file supporting this claim.
 942
- 943 7) Direct transfer to the burner. If hazardous waste is directly transferred
 944 from a transport vehicle to a BIF without the use of a storage unit, the
 945 owner or operator must comply with Section 726.211.
 946

- 947 b) Certification of precompliance. This subsection (b) corresponds with 40 CFR
 948 266.103(b), under which USEPA required certain owners and operators to file a
 949 certification of precompliance by August 21, 1991. No similar filing with the
 950 Agency was required, so the Board did not incorporate the federal filing
 951 requirement into the Illinois regulations. This statement maintains structural
 952 parity with the federal regulations.
 953
- 954 c) Certification of compliance. The owner or operator must conduct emissions
 955 testing to document compliance with the emissions standards of Sections
 956 726.204(b) through (e), 726.205, 726.206, and 726.207 and subsection
 957 (a)(5)(A)(iv) ~~of this Section~~ under the procedures prescribed by this subsection
 958 (c), except under extensions of time provided by subsection (c)(7) ~~of this Section~~.
 959 Based on the compliance test, the owner or operator must submit to the Agency,
 960 on or before August 21, 1992, a complete and accurate "certification of
 961 compliance" (under subsection (c)(4) ~~of this Section~~) with those emission
 962 standards establishing limits on the operating parameters specified in subsection
 963 (c)(1) ~~of this Section~~.
 964
- 965 1) Limits on operating conditions. The owner or operator must establish
 966 limits on the following parameters based on operations during the
 967 compliance test (under procedures prescribed in subsection (c)(4)(D) ~~of~~
 968 ~~this Section~~) or as otherwise specified and include these limits with the
 969 certification of compliance. The BIF must be operated in accordance with
 970 these operating limits and the applicable emissions standards of Sections
 971 726.204(b) through (e), 726.205, 726.206, and 726.207 and subsection
 972 (a)(5)(A)(iv) ~~of this Section~~ at all times when there is hazardous waste in
 973 the unit.
 974
- 975 A) Feed rate of total hazardous waste and (unless complying the Tier I
 976 or adjusted Tier I metals feed rate screening limits under Section
 977 726.206(b) or (e)), pumpable hazardous waste;
 978
- 979 B) Feed rate of each metal in the following feedstreams:
 980
- 981 i) Total feedstreams, except that industrial furnaces which
 982 must comply with the alternative metals implementation
 983 approach under subsection (c)(3)(B) ~~of this Section~~ must
 984 specify limits on the concentration of each metal in
 985 collected PM in lieu of feed rate limits for total
 986 feedstreams; and facilities that comply with Tier I or
 987 Adjusted Tier I metals feed rate screening limits may set
 988 their operating limits at the metal feed rate screening limits
 989 determined under Section ~~subsection~~ 726.206(b) or (e) ~~of~~

990
991
992
993
994
995
996
997
998
999
1000
1001
1002
1003
1004
1005
1006
1007
1008
1009
1010
1011
1012
1013
1014
1015
1016
1017
1018
1019
1020
1021
1022
1023
1024
1025
1026
1027
1028
1029
1030
1031
1032

this Section;

BOARD NOTE: Federal subsections 266.103(c)(1)(ii)(A)(1) and (c)(1)(ii)(A)(2) are condensed into subsection (c)(1)(B)(i).

- ii) Total hazardous waste feed (unless complying with the Tier I or adjusted Tier I metals feed rate screening limits under Section 726.206(b) or (e)); and
 - iii) Total pumpable hazardous waste feed (unless complying with Tier I or Adjusted Tier I metals feed rate screening limits under Section 726.206(b) or (e));
- C) Total feed rate of total chlorine and chloride in total feed streams, except that facilities that comply with Tier I or Adjusted Tier I feed rate screening limits may set their operating limits at the total chlorine and chloride feed rate screening limits determined under Section 726.207(b)(1) or (e);
 - D) Total feed rate of ash in total feed streams, except that the ash feed rate for cement kilns and light-weight aggregate kilns is not limited;
 - E) CO concentration, and where required, HC concentration in stack gas. When complying with the CO controls of Section 726.204(b), the CO limit is 100 ppmv, and when complying with the HC controls of Section 726.204(c), the HC limit is 20 ppmv. When complying with the CO controls of Section 726.204(c), the CO limit is established based on the compliance test;
 - F) Maximum production rate of the device in appropriate units when producing normal product unless complying with Tier I or Adjusted Tier I feed rate screening limits for chlorine under Section 726.207(b)(1) or (e) and for all metals under Section ~~726.206(b)~~726.207(b) or (e), and the uncontrolled particulate emissions do not exceed the standard under Section 726.205;
 - G) Maximum combustion chamber temperature where the temperature measurement is as close to the combustion zone as possible and is upstream of any quench water injection, (unless complying with the Tier I adjusted Tier I metals feed rate screening limits under Section 726.206(b) or (e));

1033
 1034
 1035
 1036
 1037
 1038
 1039
 1040
 1041
 1042
 1043
 1044
 1045
 1046
 1047
 1048
 1049
 1050
 1051
 1052
 1053
 1054
 1055
 1056
 1057
 1058
 1059
 1060
 1061
 1062
 1063
 1064
 1065
 1066
 1067
 1068
 1069
 1070
 1071
 1072
 1073
 1074
 1075

- H) Maximum flue gas temperature entering a PM control device (unless complying with Tier I or adjusted Tier I metals feed rate screening limits under Section 726.206(b) or (e) and the total chlorine and chloride feed rate screening limits under Section 726.207(b) or (e));

- I) For systems using wet scrubbers, including wet ionizing scrubbers (unless complying with the Tier I or adjusted Tier I metals feed rate screening limits under Section 726.206(b) or (e) and the total chlorine and chloride feed rate screening limits under Section 726.207(b)(1) or (e)):
 - i) Minimum liquid to flue gas ratio;
 - ii) Minimum scrubber blowdown from the system or maximum suspended solids content of scrubber water; and
 - iii) Minimum pH level of the scrubber water;

- J) For systems using venturi scrubbers, the minimum differential gas pressure across the venturi (unless complying the Tier I or adjusted Tier I metals feed rate screening limits under Section 726.206(b) or (e) and the total chlorine and chloride feed rate screening limits under Section 726.207(b)(1) or (e));

- K) For systems using dry scrubbers (unless complying with the Tier I or adjusted Tier I metals feed rate screening limits under Section 726.206(b) or (e) and the total chlorine and chloride feed rate screening limits under Section 726.207(b)(1) or (e)):
 - i) Minimum caustic feed rate; and
 - ii) Maximum flue gas flow rate;

- L) For systems using wet ionizing scrubbers or electrostatic precipitators (unless complying with the Tier I or adjusted Tier I metals feed rate screening limits under Section 726.206(b) or (e) and the total chlorine and chloride feed rate screening limits under Section 726.207(b)(1) or (e)):
 - i) Minimum electrical power in kVA to the precipitator plates; and

1076
1077
1078
1079
1080
1081
1082
1083
1084
1085
1086
1087
1088
1089
1090
1091
1092
1093
1094
1095
1096
1097
1098
1099
1100
1101
1102
1103
1104
1105
1106
1107
1108
1109
1110
1111
1112
1113
1114
1115
1116
1117
1118

- ii) Maximum flue gas flow rate;
- M) For systems using fabric filters (baghouses), the minimum pressure drop (unless complying with the Tier I or adjusted Tier I metals feed rate screening limits under Section 726.206(b) or (e) and the total chlorine and chloride feed rate screening limits under Section 726.207(b)(1) or (e)).
- 2) Prior notice of compliance testing. At least 30 days prior to the compliance testing required by subsection (c)(3) ~~of this Section~~, the owner or operator must notify the Agency and submit the following information:
 - A) General facility information including:
 - i) USEPA facility ID number;
 - ii) Facility name, contact person, telephone number, and address;
 - iii) Person responsible for conducting compliance test, including company name, address, and telephone number, and a statement of qualifications;
 - iv) Planned date of the compliance test;
 - B) Specific information on each device to be tested, including the following:
 - i) A Description of BIF;
 - ii) A scaled plot plan showing the entire facility and location of the BIF;
 - iii) A description of the APCS;
 - iv) Identification of the continuous emission monitors that are installed, including the following: CO monitor; Oxygen monitor; HC monitor, specifying the minimum temperature of the system, and, if the temperature is less than 150° C, an explanation of why a heated system is not used (see subsection (c)(5) ~~of this Section~~) and a brief description of the sample gas conditioning system;

BOARD NOTE: The Board has combined the text of 40 CFR 266.103(c)(2)(ii)(D)(1) through (c)(2)(ii)(D)(3) into this subsection (c)(2)(B)(iv) to comport with Illinois Administrative Code codification requirements.

- v) Indication of whether the stack is shared with another device that will be in operation during the compliance test; and
 - vi) Other information useful to an understanding of the system design or operation; and
- C) Information on the testing planned, including a complete copy of the test protocol and QA/QC plan, and a summary description for each test providing the following information at a minimum:
- i) Purpose of the test (e.g., demonstrate compliance with emissions of PM); and
 - ii) Planned operating conditions, including levels for each pertinent parameter specified in subsection (c)(1) of this Section.
- 3) Compliance testing.
- A) General. Compliance testing must be conducted under conditions for which the owner or operator has submitted a certification of precompliance under subsection (b) of this Section and under conditions established in the notification of compliance testing required by subsection (c)(2) of this Section. The owner or operator may seek approval on a case-by-case basis to use compliance test data from one unit in lieu of testing a similar on-site unit. To support the request, the owner or operator must provide a comparison of the hazardous waste burned and other feedstreams, and the design, operation, and maintenance of both the tested unit and the similar unit. The Agency must provide a written approval to use compliance test data in lieu of testing a similar unit if the Agency finds that the hazardous wastes, devices and the operating conditions are sufficiently similar, and the data from the other compliance test is adequate to meet the requirements of this subsection (c).

1119
1120
1121
1122
1123
1124
1125
1126
1127
1128
1129
1130
1131
1132
1133
1134
1135
1136
1137
1138
1139
1140
1141
1142
1143
1144
1145
1146
1147
1148
1149
1150
1151
1152
1153
1154
1155
1156
1157
1158
1159
1160
1161

1162
1163
1164
1165
1166
1167
1168
1169
1170
1171
1172
1173
1174
1175
1176
1177
1178
1179
1180
1181
1182
1183
1184
1185
1186
1187
1188
1189
1190
1191
1192
1193
1194
1195
1196
1197
1198
1199
1200
1201
1202
1203
1204

B) Special requirements for industrial furnaces that recycle collected PM. Owners and operators of industrial furnaces that recycle back into the furnace PM from the APCS must comply with one of the following procedures for testing to determine compliance with the metals standards of Section 726.206(c) or (d):

i) The special testing requirements prescribed in "Alternative Method for Implementing Metals Controls" in Appendix I to this Part;

ii) Stack emissions testing for a minimum of six hours each day while hazardous waste is burned during interim status. The testing must be conducted when burning normal hazardous waste for that day at normal feed rates for that day and when the APCS is operated under normal conditions. During interim status, hazardous waste analysis for metals content must be sufficient for the owner or operator to determine if changes in metals content affect the ability of the unit to meet the metals emissions standards established under Section 726.206(c) or (d). Under this option, operating limits (under subsection (c)(1) ~~of this Section~~) must be established during compliance testing under this subsection (c)(3) only on the following parameters: feed rate of total hazardous waste; total feed rate of total chlorine and chloride in total feed streams; total feed rate of ash in total feed streams, except that the ash feed rate for cement kilns and light-weight aggregate kilns is not limited; CO concentration, and where required, HC concentration in stack gas; and maximum production rate of the device in appropriate units when producing normal product; or

BOARD NOTE: The Board has combined the text of 40 CFR 266.103(c)(3)(ii)(B)(1) through (c)(3)(ii)(B)(5) into this subsection (c)(3)(B)(ii) to comport with Illinois Administrative Code codification requirements.

iii) Conduct compliance testing to determine compliance with the metals standards to establish limits on the operating parameters of subsection (c)(1) ~~of this Section~~ only after the kiln system has been conditioned to enable it to reach equilibrium with respect to metals fed into the system and metals emissions. During conditioning, hazardous waste

and raw materials having the same metals content as will be fed during the compliance test must be fed at the feed rates that will be fed during the compliance test.

- C) Conduct of compliance testing.
 - i) If compliance with all applicable emissions standards of Sections 726.204 through 726.207 is not demonstrated simultaneously during a set of test runs, the operating conditions of additional test runs required to demonstrate compliance with remaining emissions standards must be as close as possible to the original operating conditions.
 - ii) Prior to obtaining test data for purposes of demonstrating compliance with the applicable emissions standards of Sections 726.204 through 726.207 or establishing limits on operating parameters under this Section, the facility must operate under compliance test conditions for a sufficient period to reach steady-state operations. Industrial furnaces that recycle collected PM back into the furnace and that comply with subsection (c)(3)(B)(i) or (c)(3)(B)(ii) of this Section, however, need not reach steady state conditions with respect to the flow of metals in the system prior to beginning compliance testing for metals.
 - iii) Compliance test data on the level of an operating parameter for which a limit must be established in the certification of compliance must be obtained during emissions sampling for the pollutants (i.e., metals, PM, HCl/chlorine gas, organic compounds) for which the parameter must be established as specified by subsection (c)(1) of this Section.
- 4) Certification of compliance. Within 90 days of completing compliance testing, the owner or operator must certify to the Agency compliance with the emissions standards of Sections 726.204(b), (c) and (e); 726.205; 726.206; 726.207; and subsection (a)(5)(A)(iv) of this Section. The certification of compliance must include the following information:
 - A) General facility and testing information, including the following:
 - i) USEPA facility ID number;
 - ii) Facility name, contact person, telephone number, and

1205
1206
1207
1208
1209
1210
1211
1212
1213
1214
1215
1216
1217
1218
1219
1220
1221
1222
1223
1224
1225
1226
1227
1228
1229
1230
1231
1232
1233
1234
1235
1236
1237
1238
1239
1240
1241
1242
1243
1244
1245
1246
1247

- 1248 address;
- 1249
- 1250 iii) Person responsible for conducting compliance testing,
- 1251 including company name, address, and telephone number,
- 1252 and a statement of qualifications;
- 1253
- 1254 iv) Dates of each compliance test;
- 1255
- 1256 v) Description of BIF tested;
- 1257
- 1258 vi) Person responsible for QA/QC, title and telephone number,
- 1259 and statement that procedures prescribed in the QA/QC
- 1260 plan submitted under Section 726.203(c)(2)(C) have been
- 1261 followed, or a description of any changes and an
- 1262 explanation of why changes were necessary;
- 1263
- 1264 vii) Description of any changes in the unit configuration prior
- 1265 to or during testing that would alter any of the information
- 1266 submitted in the prior notice of compliance testing under
- 1267 subsection (c)(2) ~~of this Section~~ and an explanation of why
- 1268 the changes were necessary;
- 1269
- 1270 viii) Description of any changes in the planned test conditions
- 1271 prior to or during the testing that alter any of the
- 1272 information submitted in the prior notice of compliance
- 1273 testing under subsection (c)(2) ~~of this Section~~ and an
- 1274 explanation of why the changes were necessary; and
- 1275
- 1276 ix) The complete report on results of emissions testing.
- 1277
- 1278 B) Specific information on each test, including the following:
- 1279
- 1280 i) Purposes of test (e.g., demonstrate conformance with the
- 1281 emissions limits for PM, metals, HCl, chlorine gas, and
- 1282 CO);
- 1283
- 1284 ii) Summary of test results for each run and for each test
- 1285 including the following information: date of run; duration
- 1286 of run; time-weighted average and highest hourly rolling
- 1287 average CO level for each run and for the test; highest
- 1288 hourly rolling average HC level, if HC monitoring is
- 1289 required for each run and for the test; if dioxin and furan
- 1290 testing is required under Section 726.204(e), time-weighted

average emissions for each run and for the test of chlorinated dioxin and furan emissions, and the predicted maximum annual average ground level concentration of the toxicity equivalency factor (defined in Section 726.200(i)); time-weighted average PM emissions for each run and for the test; time-weighted average HCl and chlorine gas emissions for each run and for the test; time-weighted average emissions for the metals subject to regulation under Section 726.206 for each run and for the test; and QA/QC results.

BOARD NOTE: The Board has combined the text of 40 CFR 266.103(c)(4)(ii)(B)(1) through (c)(4)(ii)(B)(9) into this subsection (c)(4)(B)(ii) to comport with Illinois Administrative Code codification requirements.

- C) Comparison of the actual emissions during each test with the emissions limits prescribed by Sections 726.204(b), (c), and (e); 726.205; 726.206; and 726.207 and established for the facility in the certification of precompliance under subsection (b) ~~of this Section.~~

- D) Determination of operating limits based on all valid runs of the compliance test for each applicable parameter listed in subsection (c)(1) ~~of this Section~~ using one of the following procedures:
 - i) Instantaneous limits. A parameter must be measured and recorded on an instantaneous basis (i.e., the value that occurs at any time) and the operating limit specified as the time-weighted average during all runs of the compliance test.

 - ii) Hourly rolling average basis. The limit for a parameter must be established and continuously monitored on an hourly rolling average basis, as defined in Section 726.200(i). The operating limit for the parameter must be established based on compliance test data as the average over all test runs of the highest hourly rolling average value for each run.

BOARD NOTE: The Board has combined the text of 40 CFR 266.103(c)(4)(iv)(B)(1) and (c)(4)(iv)(B)(2) into this subsection (c)(4)(D)(ii) and moved the text of 40 CFR

226.103(c)(4)(iv)(B)(I)(i) and (c)(4)(iv)(B)(I)(ii) to appear as definitions in Section 726.200(i) to comport with Illinois Administrative Code codification requirements.

- iii) Rolling average limits for carcinogenic metals (as defined in Section 726.200(i)) and lead. Feed rate limits for the carcinogenic metals and lead must be established either on an hourly rolling average basis as prescribed by subsection (c)(4)(D)(ii) ~~of this Section~~ or on (up to) a 24 hour rolling average basis. If the owner or operator elects to use an averaging period from two to 24 hours the following must occur: the feed rate of each metal must be limited at any time to ten times the feed rate that would be allowed on a hourly rolling average basis; the operating limit for the feed rate of each metal must be established based on compliance test data as the average over all test runs of the highest hourly rolling average feed rate for each run; and the continuous monitor and the rolling average for the selected averaging period are as defined in Section 726.200(i).

BOARD NOTE: The Board has combined the text of 40 ~~CFR~~ CFR 266.103(c)(4)(iv)(C)(1) ~~through and (c)(4)(iv)(C)(3) are condensed into subsection (c)(4)(D)(iii) and moved the text 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)(e)(b)(C)(iii) to comport with Illinois Administrative Code codification requirements.~~

- iv) Feed rate limits for metals, total chlorine and chloride, and ash. Feed rate limits for metals, total chlorine and chloride, and ash are established and monitored by knowing the concentration of the substance (i.e., metals, chloride/chlorine, and ash) in each feedstream and the flow rate of the feedstream. To monitor the feed rate of these substances, the flow rate of each feedstream must be monitored under the continuous monitoring requirements of subsections (c)(4)(D)(i) through (c)(4)(D)(iii) ~~of this Section.~~

- E) Certification of compliance statement. The following statement must accompany the certification of compliance:

"I certify under penalty of law that this information was

1377 prepared under my direction or supervision in accordance
 1378 with a system designed to ensure that qualified personnel
 1379 properly gathered and evaluated the information and
 1380 supporting documentation. Copies of all emissions tests,
 1381 dispersion modeling results, and other information used to
 1382 determine conformance with the requirements of 35 Ill.
 1383 Adm. Code 726.203(c) are available at the facility and can
 1384 be obtained from the facility contact person listed above.
 1385 Based on my inquiry of the person or persons who manage
 1386 the facility, or those persons directly responsible for
 1387 gathering the information, the information submitted is, to
 1388 the best of my knowledge and belief, true, accurate, and
 1389 complete. I am aware that there are significant penalties
 1390 for submitting false information, including the possibility
 1391 of fine and imprisonment for knowing violations.
 1392

1393 I also acknowledge that the operating limits established
 1394 pursuant to 35 Ill. Adm. Code 726.203(c)(4)(D) are
 1395 enforceable limits at which the facility can legally operate
 1396 during interim status until a revised certification of
 1397 compliance is submitted."
 1398

- 1399 5) Special requirements for HC monitoring systems. When an owner or
 1400 operator is required to comply with the HC controls provided by Section
 1401 726.204(c) or subsection (a)(5)(A)(iv) ~~of this Section~~, a conditioned gas
 1402 monitoring system may be used in conformance with specifications
 1403 provided in Appendix I to this Part provided that the owner or operator
 1404 submits a certification of compliance without using extensions of time
 1405 provided by subsection (c)(7) ~~of this Section~~.
 1406
- 1407 6) Special operating requirements for industrial furnaces that recycle
 1408 collected PM. Owners and operators of industrial furnaces that recycle
 1409 back into the furnace PM from the APCS must do the following:
 1410
- 1411 A) When complying with the requirements of subsection (c)(3)(B)(i)
 1412 ~~of this Section~~, comply with the operating requirements prescribed
 1413 in "Alternative Method to Implement the Metals Controls" in
 1414 Appendix I to this Part; and
 - 1415
 - 1416 B) When complying with the requirements of subsection (c)(3)(B)(ii)
 1417 ~~of this Section~~, comply with the operating requirements prescribed
 1418 by that subsection.
 1419

- 1420 7) Extensions of time.
 1421
 1422 A) If the owner or operator does not submit a complete certification of
 1423 compliance for all of the applicable emissions standards of
 1424 Sections 726.204, 726.205, 726.206, and 726.207 by August 21,
 1425 1992, the owner or operator must do the following:
 1426
 1427 i) Stop burning hazardous waste and begin closure activities
 1428 under subsection (l) ~~of this Section~~ for the hazardous waste
 1429 portion of the facility;
 1430
 1431 ii) Limit hazardous waste burning only for purposes of
 1432 compliance testing (and pretesting to prepare for
 1433 compliance testing) a total period of 720 hours for the
 1434 period of time beginning August 21, 1992, submit a
 1435 notification to the Agency by August 21, 1992 stating that
 1436 the facility is operating under restricted interim status and
 1437 intends to resume burning hazardous waste, and submit a
 1438 complete certification of compliance by August 23, 1993;
 1439 or
 1440
 1441 iii) Obtain a case-by-case extension of time under subsection
 1442 (c)(7)(B) ~~of this Section~~.
 1443
 1444 B) Case-by-case extensions of time. See Section 726.219.
 1445
 1446 BOARD NOTE: The Board moved the text of 40 CFR
 1447 266.103(c)(7)(ii) to appear as Section 726.219 to comport with
 1448 Illinois Administrative Code codification requirements.
 1449
 1450 8) Revised certification of compliance. The owner or operator may submit at
 1451 any time a revised certification of compliance (recertification of
 1452 compliance) under the following procedures:
 1453
 1454 A) Prior to submittal of a revised certification of compliance,
 1455 hazardous waste must not be burned for more than a total of 720
 1456 hours under operating conditions that exceed those established
 1457 under a current certification of compliance, and such burning must
 1458 be conducted only for purposes of determining whether the facility
 1459 can operate under revised conditions and continue to meet the
 1460 applicable emissions standards of Sections 726.204, 726.205,
 1461 726.206, and 726.207;
 1462

1463
 1464
 1465
 1466
 1467
 1468
 1469
 1470
 1471
 1472
 1473
 1474
 1475
 1476
 1477
 1478
 1479
 1480
 1481
 1482
 1483
 1484
 1485
 1486
 1487
 1488
 1489
 1490
 1491
 1492
 1493
 1494
 1495
 1496
 1497
 1498
 1499
 1500
 1501
 1502
 1503
 1504
 1505

- B) At least 30 days prior to first burning hazardous waste under operating conditions that exceed those established under a current certification of compliance, the owner or operator must notify the Agency and submit the following information:
 - i) USEPA facility ID number, and facility name, contact person, telephone number, and address;
 - ii) Operating conditions that the owner or operator is seeking to revise and description of the changes in facility design or operation that prompted the need to seek to revise the operating conditions;
 - iii) A determination that, when operating under the revised operating conditions, the applicable emissions standards of Sections 726.204, 726.205, 726.206, and 726.207 are not likely to be exceeded. To document this determination, the owner or operator must submit the applicable information required under subsection (b)(2) of this Section; and
 - iv) Complete emissions testing protocol for any pretesting and for a new compliance test to determine compliance with the applicable emissions standards of Sections 726.204, 726.205, 726.206, and 726.207 when operating under revised operating conditions. The protocol must include a schedule of pre-testing and compliance testing. If the owner or operator revises the scheduled date for the compliance test, the owner or operator must notify the Agency in writing at least 30 days prior to the revised date of the compliance test;
- C) Conduct a compliance test under the revised operating conditions and the protocol submitted to the Agency to determine compliance with the applicable emissions standards of Sections 726.204, 726.205, 726.206, and 726.207; and
- D) Submit a revised certification of compliance under subsection (c)(4) of this Section.

d) Periodic Recertifications. The owner or operator must conduct compliance testing and submit to the Agency a recertification of compliance under provisions of subsection (c) of this Section within five years from submitting the previous certification or recertification. If the owner or operator seeks to recertify

- 1506 compliance under new operating conditions, the owner or operator must comply
 1507 with the requirements of subsection (c)(8) ~~of this Section~~.
- 1508
- 1509 e) Noncompliance with certification schedule. If the owner or operator does not
 1510 comply with the interim status compliance schedule provided by subsections (b),
 1511 (c), and (d) ~~of this Section~~, hazardous waste burning must terminate on the date
 1512 that the deadline is missed, closure activities must begin under subsection (l) ~~of~~
 1513 ~~this Section~~, and hazardous waste burning must not resume except under an
 1514 operating permit issued under 35 Ill. Adm. Code 703.232. For purposes of
 1515 compliance with the closure provisions of subsection (l) ~~of this Section~~ and 35 Ill.
 1516 Adm. Code 725.212(d)(2) and 725.213, the BIF has received "the known final
 1517 volume of hazardous waste" on the date the deadline is missed.
- 1518
- 1519 f) Start-up and shut-down. Hazardous waste (except waste fed solely as an
 1520 ingredient under the Tier I (or adjusted Tier I) feed rate screening limits for metals
 1521 and chloride/chlorine) must not be fed into the device during start-up and shut-
 1522 down of the BIF, unless the device is operating within the conditions of operation
 1523 specified in the certification of compliance.
- 1524
- 1525 g) Automatic waste feed cutoff. During the compliance test required by subsection
 1526 (c)(3) ~~of this Section~~ and upon certification of compliance under subsection (c) ~~of~~
 1527 ~~this Section~~, a BIF must be operated with a functioning system that automatically
 1528 cuts off the hazardous waste feed when the applicable operating conditions
 1529 specified in subsections (c)(1)(A) and (c)(1)(E) through (c)(1)(M) ~~of this Section~~
 1530 deviate from those established in the certification of compliance. In addition, the
 1531 following must occur:
- 1532
- 1533 1) To minimize emissions of organic compounds, the minimum combustion
 1534 chamber temperature (or the indicator of combustion chamber
 1535 temperature) that occurred during the compliance test must be maintained
 1536 while hazardous waste or hazardous waste residues remain in the
 1537 combustion chamber, with the minimum temperature during the
 1538 compliance test defined as either of the following:
- 1539
- 1540 A) If compliance with the combustion chamber temperature limit is
 1541 based on an hourly rolling average, the minimum temperature
 1542 during the compliance test is considered to be the average over all
 1543 runs of the lowest hourly rolling average for each run; or
- 1544
- 1545 B) If compliance with the combustion chamber temperature limit is
 1546 based on an instantaneous temperature measurement, the minimum
 1547 temperature during the compliance test is considered to be the
 1548 time-weighted average temperature during all runs of the test; and

1549
 1550
 1551
 1552
 1553
 1554
 1555
 1556
 1557
 1558
 1559
 1560
 1561
 1562
 1563
 1564
 1565
 1566
 1567
 1568
 1569
 1570
 1571
 1572
 1573
 1574
 1575
 1576
 1577
 1578
 1579
 1580
 1581
 1582
 1583
 1584
 1585
 1586
 1587
 1588
 1589
 1590
 1591

2) Operating parameters limited by the certification of compliance must continue to be monitored during the cutoff, and the hazardous waste feed must not be restarted until the levels of those parameters comply with the limits established in the certification of compliance.

h) Fugitive emissions. Fugitive emissions must be controlled as follows:

- 1) By keeping the combustion zone totally sealed against fugitive emissions; or
- 2) By maintaining the combustion zone pressure lower than atmospheric pressure; or
- 3) By an alternative means of control that the owner or operator demonstrates provides fugitive emissions control equivalent to maintenance of combustion zone pressure lower than atmospheric pressure. Support for such demonstration must be included in the operating record.

i) Changes. A BIF must cease burning hazardous waste when combustion properties, or feed rates of the hazardous waste, other fuels or industrial furnace feedstocks, or the BIF design or operating conditions deviate from the limits specified in the certification of compliance.

j) Monitoring and Inspections.

- 1) The owner or operator must monitor and record the following, at a minimum, while burning hazardous waste:
 - A) Feed rates and composition of hazardous waste, other fuels, and industrial furnace feed stocks and feed rates of ash, metals, and total chlorine and chloride as necessary to ensure conformance with the certification of precompliance or certification of compliance;
 - B) CO, oxygen, and, if applicable, HC on a continuous basis at a common point in the BIF downstream of the combustion zone and prior to release of stack gases to the atmosphere in accordance with the operating limits specified in the certification of compliance. CO, HC, and oxygen monitors must be installed, operated, and maintained in accordance with methods specified in Appendix I to this Part; and

- 1592 C) Upon the request of the Agency, sampling and analysis of the
1593 hazardous waste (and other fuels and industrial furnace feed stocks
1594 as appropriate) and the stack gas emissions must be conducted to
1595 verify that the operating conditions established in the certification
1596 of precompliance or certification of compliance achieve the
1597 applicable standards of Sections 726.204, 726.205, 726.206, and
1598 726.207.
1599
- 1600 2) The BIF and associated equipment (pumps, valves, pipes, fuel storage
1601 tanks, etc.) must be subjected to thorough visual inspection when they
1602 contain hazardous waste, at least daily for leaks, spills, fugitive emissions,
1603 and signs of tampering.
1604
- 1605 3) The automatic hazardous waste feed cutoff system and associated alarms
1606 must be tested at least once every seven days when hazardous waste is
1607 burned to verify operability, unless the owner or operator can demonstrate
1608 that weekly inspections will unduly restrict or upset operations and that
1609 less frequent inspections will be adequate. Support for such
1610 demonstration must be included in the operating record. At a minimum,
1611 operational testing must be conducted at least once every 30 days.
1612
- 1613 4) These monitoring and inspection data must be recorded and the records
1614 must be placed in the operating log.
1615
- 1616 k) Recordkeeping. The owner or operator must keep in the operating record of the
1617 facility all information and data required by this Section for five years.
1618
- 1619 l) Closure. At closure, the owner or operator must remove all hazardous waste and
1620 hazardous waste residues (including, but not limited to, ash, scrubber waters and
1621 scrubber sludges) from the BIF and must comply with 35 Ill. Adm. Code 725.211
1622 through 725.215.
1623

1624 (Source: Amended at 40 Ill. Reg. _____, effective _____)
1625

1626 **Section 726.212 Regulation of Residues**
1627

1628 A residue derived from the burning or processing of hazardous waste in a BIF is not excluded
1629 from the definition of a hazardous waste under 35 Ill. Adm. Code 721.104(b)(4), (b)(7), or
1630 (b)(8), unless the device and the owner or operator meet the following requirements:
1631

1632 a) The device meets the following criteria:
1633

- 1634 1) Boilers. Boilers must burn at least 50 percent coal on a total heat input or

- 1635 mass basis, whichever results in the greater mass feed rate of coal;
1636
1637 2) Ore or mineral furnaces. Industrial furnaces subject to 35 Ill. Adm. Code
1638 721.104(b)(7) must process at least 50 percent by weight of normal,
1639 nonhazardous raw materials;
1640
1641 3) Cement kilns. Cement kilns must process at least 50 percent by weight of
1642 normal cement-production raw materials;
1643
1644 b) The owner or operator demonstrates that the hazardous waste does not
1645 significantly affect the residue by demonstrating conformance with either of the
1646 following criteria:
1647
1648 1) Comparison of waste-derived residue with normal residue. The waste-
1649 derived residue must not contain constituents listed in Appendix H to 35
1650 Ill. Adm. Code 721 (toxic constituents) that could reasonably be
1651 attributable to the hazardous waste at concentrations significantly higher
1652 than in residue generated without burning or processing of hazardous
1653 waste, using the following procedure. Toxic compounds that could
1654 reasonably be attributable to burning or processing the hazardous waste
1655 (constituents of concern) include toxic constituents in the hazardous waste,
1656 and the organic compounds listed in Appendix H to 35 Ill. Adm. Code 721
1657 that may be PICs. For polychlorinated dibenzo-p-dioxins and
1658 polychlorinated dibenzo-furans, analyses must be performed to determine
1659 specific congeners and homologues, and the results converted to 2,3,7,8-
1660 TCDD equivalent values using the procedure specified in section 4.0 of
1661 the documents referenced in Appendix I of this Part.
1662
1663 A) Normal residue. Concentrations of toxic constituents of concern in
1664 normal residue must be determined based on analyses of a
1665 minimum of 10 samples representing a minimum of 10 days of
1666 operation. Composite samples may be used to develop a sample
1667 for analysis provided that the compositing period does not exceed
1668 24 hours. The upper tolerance limit (at 95 percent confidence with
1669 a 95 percent proportion of the sample distribution) of the
1670 concentration in the normal residue must be considered the
1671 statistically-derived concentration in the normal residue. If
1672 changes in raw materials or fuels reduce the statistically-derived
1673 concentrations of the toxic constituents of concern in the normal
1674 residue, the statistically-derived concentrations must be revised or
1675 statistically-derived concentrations of toxic constituents in normal
1676 residue must be established for a new mode of operation with the
1677 new raw material or fuel. To determine the upper tolerance limit

- 1678 in the normal residue, the owner or operator must use statistical
 1679 procedures prescribed in section 7.0 (Statistical Methodology for
 1680 Bevill Residue Determinations) in federal appendix IX to 40 CFR
 1681 266 (Methods Manual for Compliance with the BIF Regulations),
 1682 USEPA publication number EPA 454/R-92-019, incorporated by
 1683 reference in 35 Ill. Adm. Code 720.111(b) (see Appendix I of this
 1684 Part).
- 1685
- 1686 B) Waste-derived residue. Waste derived residue must be sampled
 1687 and analyzed as often as necessary to determine whether the
 1688 residue generated during each 24-hour period has concentrations of
 1689 toxic constituents that are higher than the concentrations
 1690 established for the normal residue under subsection (b)(1)(A) of
 1691 this Section. If so, hazardous waste burning has significantly
 1692 affected the residue and the residue is not excluded from the
 1693 definition of "hazardous waste." Concentrations of toxic
 1694 constituents in waste-derived residue must be determined based on
 1695 analysis of one or more samples obtained over a 24-hour period.
 1696 Multiple samples may be analyzed, and multiple samples may be
 1697 taken to form a composite sample for analysis provided that the
 1698 sampling period does not exceed 24 hours. If more than one
 1699 sample is analyzed to characterize waste-derived residues
 1700 generated over a 24-hour period, the concentration of each toxic
 1701 constituent must be the arithmetic mean of the concentrations in
 1702 the samples. No results can be disregarded; or
- 1703
- 1704 2) Comparison of waste-derived residue concentrations with health-based
 1705 limits.
- 1706
- 1707 A) Nonmetal constituents. The concentration of each nonmetal toxic
 1708 constituent of concern (specified in subsection (b)(1) of this
 1709 Section) in the waste-derived residue must not exceed the health-
 1710 based level specified in Appendix G of this Part, or the level of
 1711 detection, whichever is higher. If a health-based limit for a
 1712 constituent of concern is not listed in Appendix G of this Part, then
 1713 a limit of 0.002 μ /kg or the level of detection (using appropriate
 1714 analytical methods), whichever is higher, must be used. The levels
 1715 specified in Appendix G of this Part (and the default level of 0.002
 1716 μ /kg or the level of detection for constituents, as identified in Note
 1717 1 of Appendix G of this Part) are administratively stayed under the
 1718 condition, for those constituents specified in subsection (b)(1) of
 1719 this Section, that the owner or operator complies with alternative
 1720 levels defined as the land disposal restriction limits specified in 35

1721 Ill. Adm. Code 728.143 and Table B to 35 Ill. Adm. Code 728 for
 1722 F039 nonwastewaters. In complying with those alternative levels,
 1723 if an owner or operator is unable to detect a constituent despite
 1724 documenting use of the best good-faith efforts, as defined by
 1725 applicable USEPA guidance and standards, the owner or operator
 1726 is deemed to be in compliance for that constituent. Until USEPA
 1727 develops new guidance or standards, the owner or operator may
 1728 demonstrate such good-faith efforts by achieving a detection limit
 1729 for the constituent that does not exceed an order of magnitude
 1730 above (ten times) the level provided by 35 Ill. Adm. Code 728.143
 1731 and Table B to 35 Ill. Adm. Code 728 for F039 nonwastewater
 1732 levels for polychlorinated dibenzo-p-dioxins and polychlorinated
 1733 dibenzo-furans (D/F), analyses must be performed for total
 1734 hexachlorodibenzo-p-dioxins, total hexachlorodibenzofurans, total
 1735 pentachlorodibenzo-p-dioxins, total pentachlorodibenzofurans,
 1736 total tetrachlorodibenzo-p-dioxins, and total
 1737 tetrachlorodibenzofurans;

1738
 1739 BOARD NOTE:

1740 In a note to corresponding 40 CFR 266.112(b)(2)(i),
 1741 USEPA stated as follows:

1742
 1743 The administrative stay, under the condition that the
 1744 owner or operator complies with alternative levels
 1745 defined as the land disposal restriction limits
 1746 specified in 35 Ill. Adm. Code 728.143 for F039
 1747 nonwastewaters, remains in effect until further
 1748 administrative action is taken and notice is
 1749 published in the Federal Register and the Code of
 1750 Federal Regulations.

1751
 1752 Under Section 3006(b) and (g) of RCRA, 42 USC 6926(b)
 1753 and (g), federal amendments do not go into effect in Illinois
 1754 until the State of Illinois incorporates them into the State
 1755 program. This applies unless the authority under which
 1756 USEPA adopted the amendments is the Hazardous and
 1757 Solid Waste Amendments of 1984 (HSWA), in which case
 1758 the federal amendments become effective in Illinois on
 1759 their federal effective date.

1760
 1761 The federal regulations do not themselves define the phrase
 1762 "appropriate analytical methods," but USEPA did include a
 1763 definition in its preamble discussion accompanying the

1764 rule. The Board directs attention to the following segment
1765 (at 70 Fed. Reg. 34538, 34541 (June 14, 2005)) for the
1766 purposes of subsections (b)(1)(C) and (b)(1)(D) of this
1767 Section:

1768 Two primary considerations in selecting an
1769 appropriate method, which together serve as our general
1770 definition of an appropriate method [are the following]:

- 1771 1. Appropriate methods are reliable and accepted as
1772 such in the scientific community.
- 1773 2. Appropriate methods generate effective data.

1774 USEPA went on to further elaborate these two concepts
1775 and to specify other documents that might provide
1776 guidance.

1777 B) Metal constituents. The concentration of metals in an extract
1778 obtained using the TCLP test must not exceed the levels specified
1779 in Appendix G of this Part;

1780 C) Sampling and analysis. Wastewater-derived residue must be
1781 sampled and analyzed as often as necessary to determine whether
1782 the residue generated during each 24-hour period has
1783 concentrations of toxic constituents that are higher than the health-
1784 based levels. Concentrations of concern in the wastewater-derived
1785 residue must be determined based on analysis of one or more
1786 samples obtained over a 24-hour period. Multiple samples may be
1787 analyzed, and multiple samples may be taken to form a composite
1788 for analysis provided that the sampling period does not exceed 24
1789 hours. If more than one sample is analyzed to characterize waste-
1790 derived residues generated over a 24-hour period, the
1791 concentration of each toxic constituent is the arithmetic mean of
1792 the concentrations of the samples. No results can be disregarded;
1793 and

1794 c) Records sufficient to document compliance with the provisions of this Section
1795 must be retained until closure of the BIF unit. At a minimum, the following must
1796 be recorded:

- 1797 1) Levels of constituents in Appendix H to 35 Ill. Adm. Code 721 that are
1798 present in waste-derived residues;

1764
1765
1766
1767
1768
1769
1770
1771
1772
1773
1774
1775
1776
1777
1778
1779
1780
1781
1782
1783
1784
1785
1786
1787
1788
1789
1790
1791
1792
1793
1794
1795
1796
1797
1798
1799
1800
1801
1802
1803
1804
1805
1806

1807
1808
1809
1810
1811
1812
1813
1814
1815
1816
1817
1818
1819
1820

- 2) If the waste-derived residue is compared with normal residue under subsection (b)(1) ~~of this Section~~:
 - A) The levels of constituents in Appendix H to 35 Ill. Adm. Code 721 that are present in normal residues; and
 - B) Data and information, including analyses of samples as necessary, obtained to determine if changes in raw materials or fuels would reduce the concentration of toxic constituents of concern in the normal residue.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

1821 **Section 726.APPENDIX G Health-Based Limits for Exclusion of Waste-Derived Residues**

1822
 1823 NOTE 1: Under Section 726.212(b)(2)(A), the health-based concentration limits for Appendix H
 1824 to 35 Ill. Adm. Code 721 constituents for which a health-based concentration is not provided
 1825 below is 2×10^{-6} mg/kg (0.000002 mg/kg or 0.002 µg/kg).

1826
 1827 NOTE 2: The levels specified in this Section and the default level of 0.002 µg/kg (0.000002
 1828 mg/kg) or the level of detection for constituents, as identified in Note 1, are administratively
 1829 stayed under the condition, for those constituents specified in Section 726.212(b)(1), that the
 1830 owner or operator complies with alternative levels defined as the land disposal restriction limits
 1831 specified in 35 Ill. Adm. Code 728.143 and Table B to 35 Ill. Adm. Code 728 for F039
 1832 nonwastewaters. See Section 726.212(b)(2)(A).

1833
 1834 **Metals-TCLP Extract Concentration Limits**

Constituent	CAS No.	Concentration limits for residues (mg/kg)
Antimony	7440-36-0	1.
Arsenic	7440-38-2	5.
Barium	7440-39-3	100.
Beryllium	7440-41-7	0.007
Cadmium	7440-43-9	1.
Chromium	7440-47-3	5.
Lead	7439-92-1	5.
Mercury	7439-97-6	0.2
Nickel	7440-02-0	70.
Selenium	7782-49-2	1.
Silver	7440-22-4	5.
Thallium	7440-28-0	7.

1836
 1837 **Nonmetals-Residue Concentration Limits**

Constituent	CAS No.	Concentration limits for residues (mg/kg)
Acetonitrile	75-05-8	0.2
Acetophenone	98-86-2	4.
Acrolein	107-02-8	0.5
Acrylamide	79-06-1	0.0002
Acrylonitrile	107-13-1	0.0007
Aldrin	309-00-2	0.00002
Allyl alcohol	107-18-6	0.2

1836

1837

1838

Aluminum phosphide	20859-73-8	0.01
Aniline	62-53-3	0.06
Barium cyanide	542-62-1	1.
Benz(a)anthracene	56-55-3	0.0001
Benzene	71-43-2	0.005
Benzidine	92-87-5	0.000001
Bis(2-chloroethyl) ether	111-44-4	0.0003
Bis(chloromethyl) ether	542-88-1	0.000002
Bis(2-ethylhexyl) phthalate	117-81-7	30.
Bromoform	75-25-2	0.7
Calcium cyanide	592-01-8	0.000001
Carbon disulfide	75-15-0	4.
Carbon tetrachloride	56-23-5	0.005
Chlordane	57-74-9	0.0003
Chlorobenzene	108-90-7	1.
Chloroform	67-66-3	0.06
Copper cyanide	544-92-3	0.2
Cresols (Cresylic acid)	1319-77-3	2.
Cyanogen	460-19-5	1.
DDT	50-29-3	0.001
Dibenz(a, h)-anthracene	53-70-3	0.000007
1,2-Dibromo-3-chloropropane	96-12-8	0.00002
p-Dichlorobenzene	106-46-7	<u>0.0750-07.5</u>
Dichlorodifluoromethane	75-71-8	7.
1,1-Dichloroethylene	75-35-4	0.005
2,4-Dichlorophenol	120-83-2	0.1
1,3-Dichloropropene	542-75-6	0.001
Dieldrin	60-57-1	0.00002
Diethyl phthalate	84-66-2	30.
Diethylstilbestrol	56-53-1	<u>0.00000070-0000001</u>
Dimethoate	60-51-5	0.03
2,4-Dinitrotoluene	121-14-2	0.0005
Diphenylamine	122-39-4	0.9
1,2-Diphenylhydrazine	122-66-7	0.0005
Endosulfan	115-29-7	0.002
Endrin	72-20-8	0.0002
Epichlorohydrin	106-89-8	0.04
Ethylene dibromide	106-93-4	<u>0.00000040-0000001</u>
Ethylene oxide	75-21-8	0.0003
Fluorine	7782-41-4	4.
Formic acid	64-18-6	70.
Heptachlor	76-44-8	0.00008
Heptachlor epoxide	1024-57-3	0.00004

Hexachlorobenzene	118-74-1	0.0002
Hexachlorobutadiene	87-68-3	0.005
Hexachlorocyclopentadiene	77-47-4	0.2
Hexachlorodibenzo-p-dioxins	19408-74-3	<u>0.000000060.0000001</u>
Hexachloroethane	67-72-1	0.03
Hydrazine	302-01-1	0.0001
Hydrogen cyanide	74-90-8	0.00007
Hydrogen sulfide	7783-06-4	0.000001
Isobutyl alcohol	78-83-1	10.
Methomyl	16752-77-5	1.
Methoxychlor	72-43-5	0.1
3-Methylcholanthrene	56-49-5	0.00004
4,4'-Methylenebis (2-chloroaniline)	101-14-4	0.002
Methylene chloride	75-09-2	0.05
Methyl ethyl ketone (MEK)	78-93-3	2.
Methyl hydrazine	60-34-4	0.0003
Methyl parathion	298-00-0	0.02
Naphthalene	91-20-3	10.
Nickel cyanide	557-19-7	0.7
Nitric oxide	10102-43-9	4.
Nitrobenzene	98-95-3	0.02
N-Nitrosodi-n-butylamine	924-16-3	0.00006
N-Nitrosodiethylamine	55-18-5	0.000002
N-Nitroso-N-methylurea	684-93-5	0.0000001
N-Nitrosopyrrolidine	930-55-2	0.0002
Pentachlorobenzene	608-93-5	0.03
Pentachloronitrobenzene (PCNB)	82-68-8	0.1
Pentachlorophenol	87-86-5	1.
Phenol	108-95-2	1.
Phenylmercury acetate	62-38-4	0.003
Phosphine	7803-51-2	0.01
Polychlorinated biphenyls, N.O.S	1336-36-3	0.00005
Potassium cyanide	151-50-8	2.
Potassium silver cyanide	506-61-6	7.
Pronamide	23950-58-5	3.
Pyridine	110-86-1	0.04
Reserpine	50-55-5	0.00003
Selenourea	630-10-4	0.2
Silver cyanide	506-64-9	4.
Sodium cyanide	143-33-9	1.
Strychnine	57-24-9	0.01
1,2,4,5-Tetrachlorobenzene	95-94-3	0.01

1,1,2,2-tetrachloroethane	79-34-5	0.002
Tetrachloroethylene	127-18-4	0.7
2,3,4,6-Tetrachlorophenol	58-90-2	0.01
Tetraethyl lead	78-00-2	0.000004
Thiourea	62-56-6	0.0002
Toluene	108-88-3	10.
Toxaphene	8001-35-2	0.005
1,1,2-Trichloroethane	79-00-5	0.006
Trichloroethylene	79-01-6	0.005
Trichloromonofluoromethane	75-69-4	10.
2,4,5-Trichlorophenol	95-95-4	4.
2,4,6-Trichlorophenol	88-06-2	4.
Vanadium pentoxide	1314-62-1	0.7
Vinyl chloride	75-01-4	0.002

1839

1840

1841

(Source: Amended at 40 Ill. Reg. _____, effective _____)

1842 **Section 726.TABLE A Exempt Quantities for Small Quantity Burner Exemption**

1843

TESH (m)	Allowable Hazardous Waste Burning Rate (gal/mo)	TESH	Allowable Hazardous Waste Burning Rate (gal/mo)
0 to 3.9	0	40.0 to 44.9	210
4.0 to 5.9	13	45.0 to 49.9	260
6.0 to 7.9	18	50.0 to 54.9	330
8.0 to 9.9	27	55.0 to 59.9	400
10.0 to 11.9	40	60.0 to 64.9	490
12.0 to 13.9	48	65.0 to 69.9	610
14.0 to 15.9	59	70.0 to 74.9	680
16.0 to 17.9	69	75.0 to 79.9	760
18.0 to 19.9	76	80.0 to 84.9	850
20.0 to 21.9	84	85.0 to 89.9	960
22.0 to 23.9	93	90.0 to 94.9	1,100
24.0 to 25.9	100	95.0 to 99.9	1,200
26.0 to 27.9	110	100.0 to 104.9	1,300
28.0 to 29.9	130	105.0 to 109.9	1,500
30.0 to 34.9	140	110.0 to 114.9	1,700
35.0 to 39.9	170	115.0 or greater	1,900

1844
 1845 BOARD NOTE: Derived from table to 40 CFR 266.108(a)(1).

1846
 1847 (Source: Amended at 40 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Standards for Owners and Operators of Hazardous Waste Facilities Operating under a RCRA Standardized Permit
- 2) Code Citation: 35 Ill. Adm. Code 727
- 3)

<u>Section Numbers</u> :	<u>Proposed Actions</u> :
727.130	Amendment
727.290	Amendment
727.Appendix A Illustration A	Repealed
727.Appendix A Illustration B	Repealed
727.Appendix B Table A	Amendment
727.Appendix B Table B	Amendment
- 4) Statutory Authority: 415 ILCS 5/7.2, 22.4, and 27
- 5) A Complete Description of Subjects and Issues Involved: The amendments to Part 727 are a single segment of the docket R16-7 rulemaking that also affects 35 Ill. Adm. Code 703, 720, 721, 722, 724, 725, 726, 728, and 733, each of which is covered by a separate notice in this issue of the *Illinois Register*. To save space, a more detailed description of the subjects and issues involved in the docket R16-7 rulemaking in this issue of the *Illinois Register* only in the answer to question 5 is stated in the Notice of Adopted Amendments for 35 Ill. Adm. Code 703. A comprehensive description is contained in the Board's opinion and order of March 3, 2016, proposing amendments in docket R16-7, which opinion and order is available from the address below.

Specifically, the amendments to Part 727 are corrections and clarifying amendments that are not directly derived from the instant federal amendments. This includes corrections submitted by USEPA as a result of review of the rules for the purpose of authorization of the Illinois RCRA Subtitle C program.

Tables appear in the Board's opinion and order of March 3, 2016 in docket R16-7 that list numerous corrections and amendments that are not based on current federal amendments. The tables contain deviations from the literal text of the federal amendments underlying these amendments, as well as corrections and clarifications that the Board made in the base text involved. Persons interested in the details of those corrections and amendments should refer to the March 3, 2016 opinion and order in docket R16-7.

Section 22.4 of the Environmental Protection Act [415 ILCS 5/22.4] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None.
- 7) Will this proposed rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Do these rulemakings contain incorporations by reference? No
- 11) Are there any other rulemakings pending on this Part? No
- 10) Statement of Statewide Policy Objective: These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805].
- 12) Time, Place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference docket R16-7 and be addressed to:

John T. Therriault, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago IL 60601

Please direct inquiries to the following person and reference docket R16-7:

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

312/814-6924
e-mail: michael.mccambridge@illinois.gov

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking may affect those small businesses, small municipalities, and not-for-profit corporations that generate, transport, treat, store, or dispose of hazardous waste. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805].
 - B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records. These amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805].
 - C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805].
- 14) Regulatory agenda on which this rulemaking was summarized: December 4, 2015; 39 Ill. Reg. 15637-39

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

~~POLLUTION CONTROL BOARD~~

~~NOTICE OF PROPOSED AMENDMENTS~~

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

PART 727

STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE
FACILITIES OPERATING UNDER A RCRA STANDARDIZED PERMIT

Section

727.100	General
727.110	General Facility Standards
727.130	Preparedness and Prevention
727.150	Contingency Plan and Emergency Procedures
727.170	Recordkeeping, Reporting, and Notifying
727.190	Releases from Solid Waste Management Units
727.210	Closure
727.240	Financial Requirements
727.270	Use and Management of Containers
727.290	Tank Systems
727.900	Containment Buildings
727.APPENDIX A	Financial Assurance Forms (Repealed)
727.ILLUSTRATION A	Letter of Chief Financial Officer: Financial Assurance for Facility Closure (Repealed)
727.ILLUSTRATION B	Letter of Chief Financial Officer: Financial Assurance for Liability Coverage (Repealed)
727.APPENDIX B	Correlation of State and Federal Provisions
727.TABLE A	Correlation of Federal RCRA Standardized Permit Provisions to State Provisions
727.TABLE B	Correlation of State RCRA Standardized Permit Provisions to Federal Provisions

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

SOURCE: Adopted in R06-16/R06-17/R06-18 at 31 Ill. Reg. 1146, effective December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 12829, effective July 14, 2008; amended in

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 4) Water at adequate volume and pressure to supply water hose streams, or foam-producing equipment, or automatic sprinklers, or water spray systems.

BOARD NOTE: Subsection (c) of this Section is derived from 40 CFR ~~267.32~~, 267.32 (2015), as added at 70 Fed. Reg. 53420 (Sep. 8, 2005) ~~(2015)~~.

- d) Equipment testing and maintenance requirements. The facility owner or operator must test and maintain all required facility communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment, as necessary, to assure its proper operation in time of emergency.

BOARD NOTE: Subsection (d) of this Section is derived from 40 CFR ~~267.33~~, 267.33 (2015), as added at 70 Fed. Reg. 53420 (Sep. 8, 2005) ~~(2015)~~.

- e) Facility personnel access to communication equipment or an alarm system.
 - 1) Whenever hazardous waste is being poured, mixed, spread, or otherwise handled, all personnel involved in the operation must have immediate access to an internal alarm or emergency communication device, either directly or through visual or voice contact with another employee, unless the device is not required pursuant to Section 727.130(c).
 - 2) If just one employee is on the premises while the facility is operating, that person must have immediate access to a communication device, such as a telephone (immediately available at the scene of operation) or a hand-held two-way radio, capable of summoning external emergency assistance, unless the device is not required pursuant to Section 727.130(c).

BOARD NOTE: Subsection (e) of this Section is derived from 40 CFR ~~267.34~~, 267.34 (2015), as added at 70 Fed. Reg. 53420 (Sep. 8, 2005) ~~(2015)~~.

- f) Ensuring access for personnel and equipment during emergencies. The facility owner or operator must maintain enough aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency, as appropriate, considering the type of waste being stored or treated.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

BOARD NOTE: Subsection (f) of this Section is derived from 40 CFR ~~267.35~~, 267.35 (2015), as added at 70 Fed. Reg. 53420 (Sep. 8, 2005) ~~(2015)~~.

- g) Required emergency arrangements with local authorities.
- 1) The facility owner or operator must attempt to make the following arrangements, as appropriate, for the type of waste handled at its facility and the potential need for the services of these organizations:
 - A) Arrangements to familiarize police, fire departments, and emergency response teams with the layout of the facility, properties of hazardous waste handled at the facility and associated hazards, places where facility personnel would normally be working, entrances to and roads inside the facility, and possible evacuation routes;
 - B) Agreements designating primary emergency authority to a specific police and a specific fire department where more than one police and fire department might respond to an emergency, and agreements with any others to provide support to the primary emergency authority;
 - C) Agreements with State emergency response teams, emergency response contractors, and equipment suppliers; and
 - D) Arrangements to familiarize local hospitals with the properties of hazardous waste handled at the facility and the types of injuries or illnesses that could result from fires, explosions, or releases at the facility.
 - 2) If State or local authorities decline to enter into such arrangements, the facility owner or operator must document the refusal in the operating record.

BOARD NOTE: Subsection (g) of this Section is derived from 40 CFR ~~267.36~~, 267.36 (2015), as added at 70 Fed. Reg. 53420 (Sep. 8, 2005) ~~(2015)~~.

(Source: Amended at 40 Ill. Reg. ———, effective ———)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section 727.290 Tank Systems

- a) Applicability of this Section. This Section applies to the owner or operator of a facility that treats or stores hazardous waste in above-ground or on-ground tanks under a RCRA standardized permit pursuant to Subpart J of 35 Ill. Adm. Code 703, except as provided in Section 727.100(a)(2).
- 1) A facility owner or operator does not have to meet the secondary containment requirements in subsection (f) of this Section if its tank systems do not contain free liquids and are situated inside a building with an impermeable floor. The owner or operator must demonstrate the absence or presence of free liquids in the stored or treated waste, using Method 9095B (Paint Filter Liquids Test) as described in ⁶⁶Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, ³³USEPA Publication SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).
 - 2) The facility owner or operator does not have to meet the secondary containment requirements of subsection (f)(1) of this Section if its tank system, including sumps, as defined in 35 Ill. Adm. Code 720.110, is part of a secondary containment system to collect or contain releases of hazardous wastes.

BOARD NOTE: Subsection (a) of this Section is derived from 40 CFR ~~267.190~~, [267.190 \(2015\)](#), as added at 70 Fed. Reg. 53420 (Sep. 8, 2005) ~~(2015)~~.

- b) Required design and construction standards for new tank systems or components. The facility owner or operator must ensure that the foundation, structural support, seams, connections, and pressure controls (if applicable) are adequately designed and that the tank system has sufficient structural strength, compatibility with the wastes to be stored or treated, and corrosion protection to ensure that it will not collapse, rupture, or fail. The owner or operator must obtain a written assessment, reviewed and certified by an independent, qualified registered professional engineer, following 35 Ill. Adm. Code 702.126(d), attesting that the tank system has sufficient structural integrity and is acceptable for the storing and treating of hazardous waste. This assessment must include, at a minimum, the following information:

~~POLLUTION CONTROL BOARD~~

~~NOTICE OF PROPOSED AMENDMENTS~~

- 1) Design standards for the construction of tanks or the ancillary equipment.
- 2) Hazardous characteristics of the wastes to be handled.
- 3) For new tank systems or components in which the external shell of a metal tank or any external metal component of the tank system will be in contact with the soil or with water, a determination by a corrosion expert of the following:
 - A) Factors affecting the potential for corrosion, such as the following:
 - i) Soil moisture content;
 - ii) Soil pH;
 - iii) Soil sulfides level;
 - iv) Soil resistivity;
 - v) Structure to soil potential;
 - vi) Existence of stray electric current; and
 - vii) Existing corrosion-protection measures (for example, coating, cathodic protection, etc.).
 - B) The type and degree of external corrosion protection needed to ensure the integrity of the tank system during the use of the tank system or component, consisting of one or more of the following:
 - i) Corrosion-resistant materials of construction (such as special alloys, fiberglass reinforced plastic, etc.);
 - ii) Corrosion-resistant coating (such as epoxy, fiberglass, etc.) with cathodic protection (for example, impressed current or sacrificial anodes); and

~~POLLUTION CONTROL BOARD~~

~~NOTICE OF PROPOSED AMENDMENTS~~

- iii) Electrical isolation devices (such as insulating joints, flanges, etc.).
- 4) Design considerations to ensure that the following will occur:
 - A) Tank foundations will maintain the load of a full tank;
 - B) Tank systems will be anchored to prevent flotation or dislodgment where the tank system is placed in a saturated zone, or is located within a seismic fault zone subject to the standards of Section 727.110(i)(1); and
 - C) Tank systems will withstand the effects of frost heave.

BOARD NOTE: Subsection (b) of this Section is derived from 40 CFR ~~267.191~~, [267.191 \(2015\)](#), as added at 70 Fed. Reg. 53420 (Sep. 8, 2005) ~~(2015)~~.

- c) Handling and inspection procedures during installation of new tank systems.
 - 1) The facility owner or operator must ensure that it follows proper handling procedures to prevent damage to a new tank system during installation. Before placing a new tank system or component in use, an independent, qualified installation inspector or an independent, qualified, registered professional engineer, either of whom is trained and experienced in the proper installation of tank systems or components, must inspect the system for the presence of any of the following items:
 - A) Weld breaks;
 - B) Punctures;
 - C) Scrapes of protective coatings;
 - D) Cracks;
 - E) Corrosion; or
 - F) Other structural damage or inadequate construction or installation.

~~POLLUTION CONTROL BOARD~~

~~NOTICE OF PROPOSED AMENDMENTS~~

- 2) The facility owner or operator must remedy all discrepancies before the tank system is placed in use.

BOARD NOTE: Subsection (c) of this Section is derived from 40 CFR ~~267.192~~, [267.192 \(2015\)](#), as added at 70 Fed. Reg. 53420 (Sep. 8, 2005) ~~(2015)~~.

- d) Testing requirements. The facility owner or operator must test all new tanks and ancillary equipment for tightness before you place them in use. If the owner or operator finds a tank system that is not tight, it must perform all repairs necessary to remedy the leaks in the system before it covers, encloses, or places the tank system into use.

BOARD NOTE: Subsection (d) of this Section is derived from 40 CFR ~~267.193~~, [267.193 \(2015\)](#), as added at 70 Fed. Reg. 53420 (Sep. 8, 2005) ~~(2015)~~.

- e) Installation requirements.
 - 1) The facility owner or operator must support and protect ancillary equipment against physical damage and excessive stress due to settlement, vibration, expansion, or contraction.
 - 2) The facility owner or operator must provide the type and degree of corrosion protection recommended by an independent corrosion expert, based on the information provided pursuant to subsection (b)(3) of this Section, to ensure the integrity of the tank system during use of the tank system. An independent corrosion expert must supervise the installation of a corrosion protection system that is field fabricated to ensure proper installation.
 - 3) The facility owner or operator must obtain, and keep at the facility, written statements by those persons required to certify the design of the tank system and to supervise the installation of the tank system as required in subsections (c), (d), (e)(1), and (e)(2) of this Section. The written statement must attest that the tank system was properly designed and installed and that the owner or operator made repairs pursuant to subsections (c) and (d) of this Section. These written statements must also include the certification statement as required in 35 Ill. Adm. Code

~~POLLUTION CONTROL BOARD~~

~~NOTICE OF PROPOSED AMENDMENTS~~

702.126(d).

BOARD NOTE: Subsection (e) of this Section is derived from 40 CFR ~~267.194~~, [267.194 \(2015\)](#), as added at 70 Fed. Reg. 53420 (Sep. 8, 2005) ~~(2015)~~.

- f) Secondary containment requirements. To prevent the release of hazardous waste or hazardous constituents to the environment, the owner or operator must provide secondary containment that meets the requirements of this subsection (f) for all new and existing tank systems.
 - 1) Secondary containment systems must meet both of the following requirements:
 - A) It must be designed, installed, and operated to prevent any migration of wastes or accumulated liquid out of the system to any soil, groundwater, or surface water at any time during the use of the tank system; and
 - B) It must be capable of detecting and collecting releases and accumulated liquids until the collected material is removed.
 - 2) To meet the requirements of subsection (f)(1) of this Section, secondary containment systems must meet all of the following minimum requirements:
 - A) It must be constructed of or lined with materials that are compatible with the wastes to be placed in the tank system and must have sufficient strength and thickness to prevent failure owing to pressure gradients (including static head and external hydrological forces), physical contact with the waste to which it is exposed, climatic conditions, and the stress of daily operation (including stresses from nearby vehicular traffic);
 - B) It must be placed on a foundation or base capable of providing support to the secondary containment system, resistance to pressure gradients above and below the system, and capable of preventing failure due to settlement, compression, or uplift;

~~POLLUTION CONTROL BOARD~~

~~NOTICE OF PROPOSED AMENDMENTS~~

- C) It must be provided with a leak-detection system that is designed and operated so that it will detect the failure of either the primary or secondary containment structure or the presence of any release of hazardous waste or accumulated liquid in the secondary containment system within 24 hours; and
- D) It must be sloped or otherwise designed or operated to drain and remove liquids resulting from leaks, spills, or precipitation. The facility owner or operator must remove spilled or leaked waste and accumulated precipitation from the secondary containment system within 24 hours, or as promptly as possible, to prevent harm to human health and the environment.

BOARD NOTE: Subsection (f) of this Section is derived from 40 CFR ~~267.195~~; [267.195 \(2015\)](#), as added at 70 Fed. Reg. 53420 (Sep. 8, 2005) ~~(2015)~~.

- g) Required devices for secondary containment and their design, operating, and installation requirements.
 - 1) Secondary containment for tanks must include one or more of the following features:
 - A) A liner (external to the tank);
 - B) A double-walled tank; and
 - C) An equivalent device; the owner or operator must maintain documentation of equivalency at the facility.
 - 2) An external liner system must fulfill the following requirements:
 - A) It must be designed or operated to contain 100 percent of the capacity of the largest tank within its boundary;
 - B) It must be designed or operated to prevent run-on or infiltration of precipitation into the secondary containment system unless the collection system has sufficient excess capacity to contain run-on or infiltration. The additional capacity must be sufficient to

~~POLLUTION CONTROL BOARD~~

~~NOTICE OF PROPOSED AMENDMENTS~~

contain precipitation from a 25-year, 24-hour rainfall event;

- C) It must be free of cracks or gaps; and
 - D) It must be designed and installed to surround the tank completely and to cover all surrounding earth likely to come into contact with the waste if the waste is released from the tanks (that is, it must be capable of preventing lateral as well as vertical migration of the waste).
- 3) A double-walled tank must fulfill the following requirements:
- A) It must be designed as an integral structure (that is, it must be an inner tank completely enveloped within an outer shell) so that any release from the inner tank is contained by the outer shell;
 - B) It must be protected, if constructed of metal, from both corrosion of the primary tank interior and of the external surface of the outer shell; and
 - C) It must be provided with a built-in continuous leak detection system capable of detecting a release within 24 hours.

BOARD NOTE: Subsection (g) of this Section is derived from 40 CFR ~~267.196~~, [267.196 \(2015\)](#), as added at 70 Fed. Reg. 53420 (Sep. 8, 2005) ~~(2015)~~.

- h) Requirements for ancillary equipment. The facility owner or operator must provide ancillary equipment with secondary containment (for example, trench, jacketing, double-walled piping, etc.) that meets the requirements of subsections (f)(1) and (f)(2) of this Section, except for the following:
 - 1) Above ground piping (exclusive of flanges, joints, valves, and other connections) that are visually inspected for leaks on a daily basis;
 - 2) Welded flanges, welded joints, and welded connections, that are visually inspected for leaks on a daily basis;
 - 3) Sealless or magnetic coupling pumps and sealless valves, that are visually

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

inspected for leaks on a daily basis; and

- 4) Pressurized above ground piping systems with automatic shut-off devices (for example, excess flow check valves, flow metering shutdown devices, loss of pressure actuated shut-off devices, etc.) that are visually inspected for leaks on a daily basis.

BOARD NOTE: Subsection (h) of this Section is derived from 40 CFR ~~267.197~~, [267.197 \(2015\)](#), as added at 70 Fed. Reg. 53420 (Sep. 8, 2005) ~~(2015)~~.

- i) General operating requirements for tank systems.
 - 1) The facility owner or operator must not place hazardous wastes or treatment reagents in a tank system if the substances could cause the tank, its ancillary equipment, or the containment system to rupture, leak, corrode, or otherwise fail.
 - 2) The facility owner or operator must use appropriate controls and practices to prevent spills and overflows from tank or containment systems. These include the following minimum requirements:
 - A) Spill prevention controls (for example, check valves, dry disconnect couplings, etc.);
 - B) Overfill prevention controls (for example, level sensing devices, high level alarms, automatic feed cutoff, or bypass to a standby tank, etc.); and
 - C) Sufficient freeboard in uncovered tanks to prevent overtopping by wave or wind action or by precipitation.
 - 3) The facility owner or operator must comply with the requirements of subsection (k) of this Section if a leak or spill occurs in the tank system.

BOARD NOTE: Subsection (i) of this Section is derived from 40 CFR ~~267.198~~, [267.198 \(2015\)](#), as added at 70 Fed. Reg. 53420 (Sep. 8, 2005) ~~(2015)~~.

- j) Inspection requirements. The facility owner or operator must comply with the

~~POLLUTION CONTROL BOARD~~

~~NOTICE OF PROPOSED AMENDMENTS~~

following requirements for scheduling, conducting, and documenting inspections:

- 1) It must develop and follow a schedule and procedure for inspecting overfill controls;
- 2) It must inspect the following at least once each operating day:
 - A) Aboveground portions of the tank system to detect corrosion or releases of waste;
 - B) Data gathered from monitoring and leak detection equipment (for example, pressure or temperature gauges, monitoring wells, etc.) to ensure that the tank system is being operated according to its design; and
 - C) The construction materials and the area immediately surrounding the externally accessible portion of the tank system, including the secondary containment system (for example, dikes) to detect erosion or signs of releases of hazardous waste (for example, wet spots, dead vegetation, etc.);
- 3) It must inspect cathodic protection systems, if present, according to, at a minimum, the following schedule to ensure that they are functioning properly:
 - A) It must confirm that the cathodic protection system is operating properly within six months after initial installation and annually thereafter; and
 - B) It must inspect or test all sources of impressed current, as appropriate, at least every other month; and
- 4) It must document, in the operating record of the facility, an inspection of those items in subsections (j)(1) through (j)(3) of this Section.

BOARD NOTE: Subsection (j) of this Section is derived from 40 CFR ~~267.199~~, 267.199 (2015), as added at 70 Fed. Reg. 53420 (Sep. 8, 2005) ~~(2015)~~.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- k) Required actions in case of a leak or a spill. If there has been a leak or a spill from a tank system or secondary containment system, or if either system is unfit for use, the facility owner or operator must remove the system from service immediately, and it must satisfy the following requirements:
- 1) It must immediately stop the flow of hazardous waste into the tank system or secondary containment system and inspect the system to determine the cause of the release;
 - 2) It must remove the waste from the tank system or secondary containment system, as follows:
 - A) If the release was from the tank system, the owner or operator must, within 24 hours after detecting the leak, remove as much of the waste as is necessary to prevent further release of hazardous waste to the environment and to allow inspection and repair of the tank system to be performed; or
 - B) If the material released was to a secondary containment system, the owner or operator must remove all released materials within 24 hours or as quickly as possible to prevent harm to human health and the environment;
 - 3) It must immediately conduct a visual inspection of the release and, based on that inspection, undertake the following actions:
 - A) It must prevent further migration of the leak or spill to soils or surface water; and
 - B) It must remove, and properly dispose of, any visible contamination of the soil or surface water;
 - 4) It must report any release to the environment, except as provided in subsection (k)(4)(A) of this Section, to the Agency within 24 hours ~~of~~ after its detection. If the owner or operator has reported the release to USEPA pursuant to federal 40 CFR 302, that report will satisfy this requirement, subject to the following exceptions:

~~POLLUTION CONTROL BOARD~~

~~NOTICE OF PROPOSED AMENDMENTS~~

- A) The facility owner or operator does not need to report on a leak or spill of hazardous waste if it fulfills the following conditions:
 - i) The spill was less than or equal to a quantity of one pound; and
 - ii) The facility owner or operator immediately contained and cleaned up the spill; and
- B) Within 30 days of detection of a release to the environment, the owner or operator must submit a report to the Agency that contains the following information:
 - i) The likely route of migration of the release;
 - ii) The characteristics of the surrounding soil (soil composition, geology, hydrogeology, climate, etc.);
 - iii) The results of any monitoring or sampling conducted in connection with the release (if available). If sampling or monitoring data relating to the release are not available within 30 days, the owner or operator must submit these data to the Agency as soon as they become available;
 - iv) The proximity to downgradient drinking water, surface water, and populated areas; and
 - v) A description of response actions taken or planned;
- 5) It must either close the system or make necessary repairs, as follows:
 - A) Unless the owner or operator satisfies the requirements of subsections (k)(5)(B) and (k)(5)(C) of this Section, it must close the tank system according to subsection (l) of this Section;
 - B) If the cause of the release was a spill that has not damaged the integrity of the system, the owner or operator may return the system to service as soon as it removes the released waste and

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

makes any necessary repairs; or

- C) If the cause of the release was a leak from the primary tank system into the secondary containment system, the owner or operator must repair the system before returning the tank system to service; and
- 6) If the owner or operator has made extensive repairs to a tank system in accordance with subsection (k)(5) of this Section (for example, installation of an internal liner; repair of a ruptured primary containment or secondary containment vessel, etc.), it may not return the tank system to service unless the repair is certified by an independent, qualified, registered, professional engineer in accordance with 35 Ill. Adm. Code 702.126(d), as follows:
 - A) The engineer must certify that the repaired system is capable of handling hazardous wastes without release for the intended life of the system; and
 - B) The facility owner or operator must submit this certification to the Agency within seven days after returning the tank system to use.

BOARD NOTE: Subsection (k) of this Section is derived from 40 CFR ~~267.200~~, 267.200 (2015), as added at 70 Fed. Reg. 53420 (Sep. 8, 2005) ~~(2015)~~.

- l) Requirements when the owner or operator stops operating the tank system. When the facility owner or operator close a tank system, it must remove or decontaminate all waste residues, contaminated containment system components (liners, etc.), contaminated soils, and structures and equipment contaminated with waste, and manage them as hazardous waste, unless 35 Ill. Adm. Code 721.103(d) applies. The closure plan, closure activities, cost estimates for closure, and financial responsibility for tank systems must meet all of the requirements specified in Sections 727.210 and 727.240.

BOARD NOTE: Subsection (l) of this Section is derived from 40 CFR ~~267.201~~, 267.201 (2015), as added at 70 Fed. Reg. 53420 (Sep. 8, 2005) ~~(2015)~~.

- m) Special requirements for ignitable or reactive wastes.

~~POLLUTION CONTROL BOARD~~

~~NOTICE OF PROPOSED AMENDMENTS~~

- 1) The facility owner or operator may not place ignitable or reactive waste in tank systems, unless any of the following three conditions are fulfilled:
 - A) The owner or operator treats, renders, or mixes the waste before or immediately after placement in the tank system so that the following is true:
 - i) The owner or operator complies with Section 727.110(h)(2); and
 - ii) The resulting waste, mixture, or dissolved material no longer meets the definition of ignitable or reactive waste pursuant to 35 Ill. Adm. Code 721.121 or 721.123;
 - B) The owner or operator stores or treats the waste in such a way that it is protected from any material or conditions that may cause the waste to ignite or react; or
 - C) The facility owner or operator uses the tank system solely for emergencies.
- 2) If the facility owner or operator stores or treats ignitable or reactive waste in a tank, it must comply with the requirements for the maintenance of protective distances between the waste management area and any public ways, streets, alleys, or an adjoining property line that can be built on, as required in Tables 2-1 through 2-6 of ~~"~~Flammable and Combustible Liquids Code, ~~"~~ NFPA 30, incorporated by reference in 35 Ill. Adm. Code 720.111(a)).

BOARD NOTE: Subsection (m) of this Section is derived from 40 CFR ~~267.202~~, [267.202 \(2015\)](#), as added at 70 Fed. Reg. 53420 (Sep. 8, 2005) ~~(2015)~~.

- n) Special requirements for incompatible wastes.
 - 1) A facility owner or operator may not place incompatible wastes or incompatible wastes and materials in the same tank system, unless it complies with Section 727.110(h)(2).

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section 727. ~~Appendix~~ APPENDIX A Financial Assurance Forms (Repealed)

~~Illustration~~ Section 727. ILLUSTRATION A Letter of Chief Financial Officer: Financial Assurance for Facility Closure (Repealed)

[The chief financial officer of an owner or operator of a facility with a RCRA standardized permit who uses a financial test to demonstrate financial assurance for that facility must complete a letter as specified in subsection (d)(6) of this Section. The letter must be worded as follows, except that instructions in brackets are to be deleted or replaced with the relevant information, including this introductory paragraph, as appropriate, and the brackets deleted:]

I am the chief financial officer of [insert the name and address of firm]. This letter is in support of this firm's use of the financial test to demonstrate financial assurance for closure costs, as specified in 35 Ill. Adm. Code 727.240. This firm qualifies for the financial test on the basis of having [insert the appropriate of the following statements: "a current rating for its senior unsecured debt of AAA, AA, A, or BBB as issued by Standard and Poor's or Aaa, Aa, A or Baa as issued by Moody's"; "a ratio of less than 1.50 comparing total liabilities to net worth"; or "a ratio of greater than 0.10 comparing the sum of net income plus depreciation, depletion and amortization, minus \$10 million, to total liabilities."]

This firm [insert the appropriate of the following statements: "is required" or "is not required"] to file a Form 10K with the Securities and Exchange Commission (SEC) for the latest fiscal year.

The fiscal year of this firm ends on [insert the month, day]. The figures for the following items marked with an asterisk are derived from this firm's independently audited, year-end financial statements for the latest completed fiscal year, ended [insert the date].

[If this firm qualifies on the basis of its bond rating fill in the requested information:] This firm has a rating of its senior unsecured debt of [insert the bond rating] "from" [insert the appropriate of the following entities: "Standard and Poor's" or "Moody's"].

[Complete Line 1. Total Liabilities below and then skip the remaining questions in the next section and resume completing the form at the section entitled "Obligations Covered by a Financial Test or Corporate Guarantee."]

[If this firm qualifies for the financial test on the basis of its ratio of liabilities to net worth, or sum of income, depreciation, depletion, and amortization to net worth, please complete the

~~POLLUTION CONTROL BOARD~~

~~NOTICE OF PROPOSED AMENDMENTS~~

following section.]

- *1. Total Liabilities \$ _____
- *2. Net Worth \$ _____
- *3. Net Income \$ _____
- *4. Depreciation \$ _____
- *5. Depletion (if applicable) \$ _____
- *6. Amortization \$ _____
- *7. Sum of Lines 3, 4, 5 & 6 \$ _____

[If the above figures are taken directly from the most recent audited financial statements for this firm insert the following statement: ~~““”~~The above figures are taken directly from the most recent audited financial statements for this firm.~~””~~ If they are not, insert the following statement: ~~““”~~The following items are not taken directly from the firms most recent audited financial statements~~””~~ [insert the numbers of the items and attach an explanation of how they were derived.]

[Complete the following calculations:]

8. Line 1 ÷ Line 2 = \$ _____

9. Line 7 ÷ Line 1 = \$ _____

Is Line 8 less than 1.5? Yes _____ No _____

Is Line 9 greater than 0.10? Yes _____ No _____

[If you did not answer Yes to either of these two questions, you cannot use the financial test and need not complete this letter. Instead, you must notify the permitting authority for the facility that you intend to establish alternate financial assurance as specified in 35 Ill. Adm. Code 727.240(d). The owner or operator must send this notice by certified mail within 90 days following the close of the owner's or operator's fiscal year for which the year-end financial data show that the owner or operator no longer meets the requirements of Section 727.240(d). The

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

owner or operator must also provide alternative financial assurance within 120 days after the end of such fiscal year.]

Obligations Covered by a Financial Test or Corporate Guarantee

[On the following lines list all obligations that are covered by a financial test or a corporate guarantee extended by your firm. You may add additional lines and leave blank entries that do not apply to your situation.]

Hazardous Waste Facility Name and ID	State	Closure \$ _____	Post-Closure \$ _____	Corrective Action \$ _____
_____	_____	_____	_____	_____
Total Hazardous Waste Third-Party Liability:				\$ _____

Municipal Solid Waste Landfill Facilities	State	Closure \$ _____	Post-Closure \$ _____	Corrective Action \$ _____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Total Municipal Solid Waste Landfill Facility Liability:				\$ _____

Underground Injection Control Facilities	State			Plugging Action \$ _____
_____	_____			_____
_____	_____			_____
Total Underground Injection Control Facility Liability:				\$ _____

Petroleum Underground Storage Tanks	State			Closure \$ _____
_____	_____			_____
_____	_____			_____
Total Petroleum Underground Storage Tank Liability:				\$ _____

PCB Storage Facility Name and ID	State			Closure \$ _____
_____	_____			_____
_____	_____			_____
Total PCB Storage Facility Liability:				\$ _____

<u>Municipal Solid Waste Landfill Facilities</u>	<u>State</u>	<u>Closure</u>	<u>Post-Closure</u> e	<u>Corrective</u> Action
--	--------------	----------------	--------------------------	-----------------------------

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

_____	_____	\$ _____	\$ _____	\$ _____
_____	_____	_____	_____	_____
Total Municipal Solid Waste Landfill Facility Liability:				\$ _____

Underground Injection Control Facilities	State	Plugging Action
_____	_____	\$ _____
_____	_____	_____
Total Underground Injection Control Facility Liability:		\$ _____

Petroleum Underground Storage Tanks	State	Closure
_____	_____	\$ _____
_____	_____	_____
Total Petroleum Underground Storage Tank Facility Liability:		\$ _____

PCB Storage Facility Name and ID	State	Closure
_____	_____	\$ _____
_____	_____	_____
Total PCB Storage Facility Liability:		\$ _____

Any financial assurance federally required under, or as part of an action taken under, the Comprehensive Environmental Response, Compensation, and Liability Act.

Site Name	State	Amount
_____	_____	\$ _____
_____	_____	_____
Total Financial Assurance under the Comprehensive Environmental Response, Compensation, and Liability Act:		\$ _____

Any other environmental obligations that are assured through a financial test.

Site Name	Amount
_____	\$ _____
_____	_____
Total Other Environmental Obligations Assured:	\$ _____

*10. Total of all amounts \$ _____

*11. Line 10 + \$10,000,000 = \$ _____

~~POLLUTION CONTROL BOARD~~

~~NOTICE OF PROPOSED AMENDMENTS~~

- *12. Total Assets \$ _____
- *13. Intangible Assets \$ _____
- *14. Tangible Assets (Line 12-Line 13) \$ _____
- *15. Tangible Net Worth (Line 14-Line 1) \$ _____
- *16. Assets in the United States \$ _____

Is Line 15 less than Line 11? Yes _____ No _____

Is Line 16 no less than Line 10? Yes _____ No _____

[You must be able to answer Yes to both these questions to use the financial test for this facility.]

I hereby certify that the wording of this letter is identical to the wording specified in Appendix A, Illustration A to 35 Ill. Adm. Code 727, as such regulations were constituted on the date shown immediately below.

[Signature] _____

[Name] _____

[Title] _____

[Date] _____

[After completion, a signed copy of the form must be sent to the Agency. In addition, a signed copy must be sent to every authority who (1) requires a demonstration through a financial test for each of the other obligations in the letter that are assured through a financial test, or (2) accepts a guarantee for an obligation listed in this letter.]

BOARD NOTE: This Appendix A, Illustration A is derived from 40 CFR 267.151(a), as added at 70 Fed. Reg. 53420 (Sep. 8, 2005). The Board moved the corresponding federal provision to accommodate its unusual format. The Board intends that any citation to Section 727.240(l) or (l)(1) also include this added Appendix A, Illustration A, as applicable.

~~ILLINOIS REGISTER~~ [JCAR350727-1604570r01](#)

~~POLLUTION CONTROL BOARD~~

~~NOTICE OF PROPOSED AMENDMENTS~~

(Source: Repealed at 40 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section 727. ~~Appendix~~ APPENDIX A Financial Assurance Forms (Repealed)

~~Illustration~~ Section 727. ILLUSTRATION B Letter of Chief Financial Officer: Financial Assurance for Liability Coverage (Repealed)

[The chief financial officer of an owner or operator of a facility with a RCRA standardized permit who use a financial test to demonstrate financial assurance only for third party liability for that (or other RCRA standardized permit) facility (or those facilities) must complete a letter as specified in subsection (h)(6) of this Section. The letter must be worded as follows, except that instructions in brackets are to be deleted or replaced with the relevant information, including this introductory paragraph, as appropriate, and the brackets deleted:]

I am the chief financial officer of [insert the name and address of firm]. This letter is in support of this firm's use of the financial test to demonstrate financial assurance for third party liability, as specified in 35 Ill. Adm. Code 727.240. This firm qualifies for the financial test on the basis of having tangible net worth of at least \$10 million more than the amount of liability coverage and assets in the United States of at least the amount of liability coverage. This firm [insert the appropriate of the following statements: "is required" or "is not required"] to file a Form 10K with the Securities and Exchange Commission (SEC) for the latest fiscal year.

The fiscal year of this firm ends on [insert the month, day]. The figures for the following items marked with an asterisk are derived from this firm's independently audited, year-end financial statements for the latest completed fiscal year, ended [insert the date].

[Complete the following section.]

*1. Total Assets	\$ _____
*2. Intangible Assets	\$ _____
*3. Tangible Assets (Line 1-Line 2)	\$ _____
*4. Total Liabilities	\$ _____
5. Tangible Net Worth (Line 3-Line 4)	\$ _____

~~POLLUTION CONTROL BOARD~~

~~NOTICE OF PROPOSED AMENDMENTS~~

*6. Assets in the United States\$ _____

7. Amount of liability coverage\$ _____

Is Line 5 At least \$10 million greater than Line 7?Yes _____ No _____

Is Line 6 at least equal to Line 7?Yes _____ No _____

[You must be able to answer Yes to both these questions to use the financial test for this facility.]

I hereby certify that the wording of this letter is identical to the wording specified in Appendix A, Illustration B to 35 Ill. Adm. Code 727, as such regulations were constituted on the date shown immediately below.

[Signature]....._____

[Name]....._____

[Title] _____

[Date] _____

[After completion, a signed copy of the form must be sent to the permitting authority of the state or territory where the facility is (or facilities are) located.]

BOARD NOTE: This Appendix A, Illustration B is derived from 40 CFR 267.151(b), as added at 70 Fed. Reg. 53420 (Sep. 8, 2005). The Board moved the corresponding federal provision to accommodate its unusual format. The Board intends that any citation to Section 727.240(1) or (1)(2) also include this added Appendix A, Illustration B, as applicable.

(Source: Repealed at 40 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section 727. ~~Appendix~~ APPENDIX B Correlation of State and Federal Provisions

~~Table-Section 727.~~ TABLE A Correlation of Federal RCRA Standardized Permit Provisions to State Provisions

The following table sets forth the correlation of the federal RCRA Standardized Permit provisions with the State regulations. Where the structure of a State provision exactly parallels the corresponding federal provision from which it was derived, no expanded listing of the subsections appears. Where it was necessary to move or restructure the material from the federal regulations, a detailed listing of the location of each subsection appears.

40 CFR Provision	35 Ill. Adm. Code Provision
Subpart G of Part 124	Subpart G of Part 705
124.200	705.300(a)
124.201	705.300(b)
124.202	705.301(a)
124.203	705.301(b)
124.204	705.302(a)
124.205	705.302(b)
124.206	705.302(c)
124.207	705.303(a)
124.208	705.303(b)
124.209	705.303(c)
124.210	705.303(d)
124.211	705.304(a)
124.212	705.304(b)
124.213	705.304(c)
124.214	705.304(d)

40 CFR Provision	35 Ill. Adm. Code Provision
Subpart A of Part 267	727.100
267.1	727.100(a)
267.2	727.100(b)
267.3	727.100(c)
Subpart B of Part 267	727.110
267.10	727.110(a)
267.11	727.110(b)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

267.12	727.110(c)
267.13	727.110(d)
267.14	727.110(e)
267.15	727.110(f)
267.16	727.110(g)
267.17	727.110(h)
267.18	727.110(i)
Subpart C of Part 267	727.130
267.30	727.130(a)
267.31	727.130(b)
267.32	727.130(c)
267.33	727.130(d)
267.34	727.130(e)
267.35	727.130(f)
Subpart D of Part 267	727.150
267.50	727.150(a)
267.51	727.150(b)
267.52	727.150(c)
267.53	727.150(d)
267.54	727.150(e)
267.55	727.150(f)
267.56	727.150(g)
267.57	727.150(h)
267.58	727.150(i)
Subpart E of Part 267	727.170
267.70	727.170(a)
267.71	727.170(b)
267.72	727.170(c)
267.73	727.170(d)
267.74	727.170(e)
267.75	727.170(f)
267.76	727.170(g)
Subpart F of Part 267	727.190
267.90	727.190(a)
267.91 (Reserved)	727.190(b)
267.92 (Reserved)	727.190(c)
267.93 (Reserved)	727.190(d)

~~POLLUTION CONTROL BOARD~~

NOTICE OF PROPOSED AMENDMENTS

267.94 (Reserved)	727.190(e)
267.95 (Reserved)	727.190(f)
267.96 (Reserved)	727.190(g)
267.97 (Reserved)	727.190(h)
267.98 (Reserved)	727.190(i)
267.99 (Reserved)	727.190(j)
267.100 (Reserved)	727.190(k)
267.101	727.190(l)
Subpart G of Part 267	727.210
267.110	727.210(a)
267.111	727.210(b)
267.112	727.210(c)
267.113	727.210(d)
267.114 (Reserved)	727.210(e)
267.115	727.210(f)
267.116	727.210(g)
267.117	727.210(h)
Subpart H of Part 267	727.240
267.140	727.240(a)
267.141	727.240(b)
267.142	727.240(c)
267.143	727.240(d)
267.143(f)(1)	727.240(d)(6)(A)
267.143(f)(1)	727.240(m)
267.143(f)(1)(i)	727.240(m)(1)
267.143(f)(1)(i)(A)	727.240(m)(1)(A)
267.143(f)(1)(i)(B)	727.240(m)(1)(B)
267.143(f)(1)(i)(C)	727.240(m)(1)(C)
267.143(f)(1)(ii)	727.240(m)(2)
267.143(f)(1)(ii)(A)	727.240(m)(2)(A)
267.143(f)(1)(ii)(B)	727.240(m)(2)(B)
267.143(f)(1)(iii)	727.240(m)(3)
267.143(f)(2)	727.240(d)(6)(B)
267.143(f)(2)	727.240(n)
267.143(f)(2)(i)	727.240(n)(1)
267.143(f)(2)(i)(A)	727.240(n)(1)(A)
267.143(f)(2)(i)(A)(I)	727.240(n)(1)(A)(i)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

267.143(f)(2)(i)(A)(I)	727.240(n)(1)(E)
267.143(f)(2)(i)(A)(I)(i)	727.240(n)(1)(E)(i)
267.143(f)(2)(i)(A)(I)(ii)	727.240(n)(1)(E)(ii)
267.143(f)(2)(i)(A)(I)(iii)	727.240(n)(1)(E)(iii)
267.143(f)(2)(i)(A)(I)(iv)	727.240(n)(1)(E)(iv)
267.143(f)(2)(i)(A)(I)(v)	727.240(n)(1)(E)(v)
267.143(f)(2)(i)(A)(I)(vi)	727.240(n)(1)(E)(vi)
267.143(f)(2)(i)(A)(1)(vii)	727.240(n)(1)(E)(vii)
267.143(f)(2)(i)(A)(2)	727.240(n)(1)(A)(ii)
267.143(f)(2)(i)(B)	727.240(n)(1)(B)
267.143(f)(2)(i)(C)	727.240(n)(1)(C)
267.143(f)(2)(i)(D)	727.240(n)(1)(D)
267.143(f)(2)(ii)	727.240(n)(2)
267.143(f)(2)(iii)	727.240(n)(3)
267.143(f)(2)(iv)	727.240(n)(4)
267.143(f)(2)(iv)(A)	727.240(n)(4)(A)
267.143(f)(2)(iv)(B)	727.240(n)(4)(B)
267.143(f)(2)(v)	727.240(n)(5)
267.143(f)(2)(v)(A)	727.240(n)(5)(A)
267.143(f)(2)(v)(B)	727.240(n)(5)(B)
267.143(f)(2)(vi)	727.240(n)(6)
267.143(f)(3)	727.240(d)(6)(C)
267.143(f)(3)	727.240(o)
267.143(f)(3)(i)	727.240(o)(1)
267.143(f)(3)(i)(A)	727.240(o)(1)(A)
267.143(f)(3)(i)(B)	727.240(o)(1)(B)
267.143(f)(3)(ii)	727.240(o)(2)
267.143(f)(3)(iii)	727.240(o)(3)
267.144 (Reserved)	727.240(e)
267.145 (Reserved)	727.240(f)
267.146 (Reserved)	727.240(g)
267.147	727.240(h)
267.147(f)(2)	727.240(h)(6)(B)
267.147(f)(2)	727.240(p)
267.147(f)(2)(i)	727.240(p)(1)
267.147(f)(2)(i)(A)	727.240(p)(1)(A)
267.147(f)(2)(i)(B)	727.240(p)(1)(B)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

267.147(f)(2)(i)(C)	727.240(p)(1)(C)
267.147(f)(2)(ii)	727.240(p)(2)
267.147(f)(2)(iii)	727.240(p)(3)
267.147(f)(2)(iv)	727.240(p)(4)
267.147(f)(2)(iv)(A)	727.240(p)(4)(A)
267.147(f)(2)(iv)(B)	727.240(p)(4)(B)
267.147(f)(2)(v)	727.240(p)(5)
267.147(f)(2)(v)(A)	727.240(p)(5)(A)
267.147(f)(2)(v)(B)	727.240(p)(5)(B)
267.147(f)(2)(vi)	727.240(p)(6)
267.147(g)(2)	727.240(h)(7)(B)
267.147(g)(2)	727.240(q)
267.147(g)(2)(i)	727.240(q)(1)
267.147(g)(2)(ii)	727.240(q)(2)
267.147(g)(2)(ii)(A)	727.240(q)(2)(A)
267.147(g)(2)(ii)(B)	727.240(q)(2)(B)
267.148	727.240(i)
267.149 (Reserved)	727.240(j)
267.150	727.240(k)
267.151	727.240(l)
267.151(a)	727.240(l)(1)
267.151(a)	Appendix A, Illustration A
267.151(b)	727.240(l)(2)
267.151(b)	Appendix A, Illustration B
Subpart I of Part 267	727.270
267.170	727.270(a)
267.171	727.270(b)
267.172	727.270(c)
267.173	727.270(d)
267.174	727.270(e)
267.175	727.270(f)
267.176	727.270(g)
267.177	727.270(h)
Subpart J of Part 267	727.290
267.190	727.290(a)
267.191	727.290(b)
267.192	727.290(c)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

267.193	727.290(d)
267.194	727.290(e)
267.195	727.290(f)
267.196	727.290(g)
267.197	727.290(h)
267.198	727.290(i)
267.199	727.290(j)
267.200	727.290(k)
267.201	727.290(l)
267.202	727.290(m)
267.203	727.290(n)
267.204	727.290(o)
Subpart K of Part 267 (Reserved)	None
Subpart L of Part 267 (Reserved)	None
Subpart M of Part 267 (Reserved)	None
Subpart N of Part 267 (Reserved)	None
Subpart O of Part 267 (Reserved)	None
Subpart P of Part 267 (Reserved)	None
Subpart Q of Part 267 (Reserved)	None
Subpart R of Part 267 (Reserved)	None
Subpart S of Part 267 (Reserved)	None
Subpart T of Part 267 (Reserved)	None
Subpart U of Part 267 (Reserved)	None
Subpart V of Part 267 (Reserved)	None
Subpart W of Part 267 (Reserved)	None
Subpart X of Part 267 (Reserved)	None
Subpart Y of Part 267 (Reserved)	None
Subpart Z of Part 267 (Reserved)	None
Subpart AA of Part 267 (Reserved)	None
Subpart BB of Part 267 (Reserved)	None
Subpart CC of Part 267 (Reserved)	None
Subpart DD of Part 267	727.900
267.1100	727.900(a)
267.1101	727.900(b)
267.1102	727.900(c)
267.1103	727.900(d)
267.1104	727.900(e)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

267.1105	727.900(f)
267.1106	727.900(g)
267.1107	727.900(h)
267.1108	727.900(i)

40 CFR Provision	35 Ill. Adm. Code Provision
270.67	703.238
Subpart J of Part 270	Subpart J of Part 703
270.250	703.350(a)
270.255	703.350(b)
270.260	703.350(c)
270.270	703.351(a)
270.275	703.351(b)
270.280	703.351(c)
270.290	703.352(a)
270.300	703.352(b)
270.305	703.352(c)
270.310	703.352(d)
270.315	703.352(e)
270.320	703.353

BOARD NOTE: The Board added Appendix B, Table A for the convenience of USEPA, the Agency, and the regulated community. It is not directly derived from any federal provision. It is intended not to have any substantive effect on implementation of the RCRA Standardized Permit rules.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section 727.~~Appendix~~ APPENDIX B Correlation of State and Federal Provisions

~~Table-Section 727.~~ TABLE B Correlation of State RCRA Standardized Permit Provisions to Federal Provisions

The following table sets forth the correlation of the State RCRA Standardized Permit provisions with the federal regulations. Where the structure of a State provision exactly parallels the corresponding federal provision from which it was derived, no expanded listing of the subsections appears. Where it was necessary to move or restructure the material from the federal regulations, a detailed listing of the location of each subsection appears.

35 Ill. Adm. Code Provision	40 CFR Provision
703.238	270.67
Subpart J of Part 703	Subpart J of Part 270
703.350(a)	270.250
703.350(b)	270.255
703.350(c)	270.260
703.351(a)	270.270
703.351(b)	270.275
703.351(c)	270.280
703.352(a)	270.290
703.352(b)	270.300
703.352(c)	270.305
703.352(d)	270.310
703.352(e)	270.315
703.353	270.320

35 Ill. Adm. Code Provision	40 CFR Provision
Subpart G of Part 705	Subpart G of Part 124
705.300(a)	124.200
705.300(b)	124.201
705.301(a)	124.202
705.301(b)	124.203
705.302(a)	124.204
705.302(b)	124.205
705.302(c)	124.206
705.303(a)	124.207

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

705.303(b)	124.208
705.303(c)	124.209
705.303(d)	124.210
705.304(a)	124.211
705.304(b)	124.212
705.304(c)	124.213
705.304(d)	124.214

35 Ill. Adm. Code Provision	40 CFR Provision
727.100	Subpart A of Part 267
727.100(a)	267.1
727.100(b)	267.2
727.100(c)	267.3
727.110	Subpart B of Part 267
727.110(a)	267.10
727.110(b)	267.11
727.110(c)	267.12
727.110(d)	267.13
727.110(e)	267.14
727.110(f)	267.15
727.110(g)	267.16
727.110(h)	267.17
727.110(i)	267.18
727.130	Subpart C of Part 267
727.130(a)	267.30
727.130(b)	267.31
727.130(c)	267.32
727.130(d)	267.33
727.130(e)	267.34
727.130(f)	267.35
727.150	Subpart D of Part 267
727.150(a)	267.50
727.150(b)	267.51
727.150(c)	267.52
727.150(d)	267.53
727.150(e)	267.54
727.150(f)	267.55

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

727.150(g)	267.56
727.150(h)	267.57
727.150(i)	267.58
727.170	Subpart E of Part 267
727.170(a)	267.70
727.170(b)	267.71
727.170(c)	267.72
727.170(d)	267.73
727.170(e)	267.74
727.170(f)	267.75
727.170(g)	267.76
727.190	Subpart F of Part 267
727.190(a)	267.90
727.190(b)	267.91 (Reserved)
727.190(c)	267.92 (Reserved)
727.190(d)	267.93 (Reserved)
727.190(e)	267.94 (Reserved)
727.190(f)	267.95 (Reserved)
727.190(g)	267.96 (Reserved)
727.190(h)	267.97 (Reserved)
727.190(i)	267.98 (Reserved)
727.190(j)	267.99 (Reserved)
727.190(k)	267.100 (Reserved)
727.190(l)	267.101
727.210	Subpart G of Part 267
727.210(a)	267.110
727.210(b)	267.111
727.210(c)	267.112
727.210(d)	267.113
727.210(e)	267.114 (Reserved)
727.210(f)	267.115
727.210(g)	267.116
727.210(h)	267.117
727.240	Subpart H of Part 267
727.240(a)	267.140
727.240(b)	267.141
727.240(c)	267.142

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

727.240(d)	267.143
727.240(d)(6)(A)	267.143(f)(1)
727.240(d)(6)(B)	267.143(f)(2)
727.240(e)	267.144 (Reserved)
727.240(f)	267.145 (Reserved)
727.240(g)	267.146 (Reserved)
727.240(h)	267.147
727.240(h)(6)(B)	267.147(f)(2)
727.240(h)(7)(B)	267.147(g)(2)
727.240(i)	267.148
727.240(j)	267.149 (Reserved)
727.240(k)	267.150
727.240(l)	267.151
727.240(l)(1)	267.151(a)
727.240(l)(2)	267.151(b)
727.240(m)	267.143(f)(1)
727.240(m)(1)	267.143(f)(1)(i)
727.240(m)(1)(A)	267.143(f)(1)(i)(A)
727.240(m)(1)(B)	267.143(f)(1)(i)(B)
727.240(m)(1)(C)	267.143(f)(1)(i)(C)
727.240(m)(2)	267.143(f)(1)(ii)
727.240(m)(2)(A)	267.143(f)(1)(ii)(A)
727.240(m)(2)(B)	267.143(f)(1)(ii)(B)
727.240(m)(3)	267.143(f)(1)(iii)
727.240(n)	267.143(f)(2)
727.240(n)(1)	267.143(f)(2)(i)
727.240(n)(1)(A)	267.143(f)(2)(i)(A)
727.240(n)(1)(A)(i)	267.143(f)(2)(i)(A)(I)(i)
727.240(n)(1)(A)(ii)	267.143(f)(2)(i)(A)(2)
727.240(n)(1)(B)	267.143(f)(2)(i)(B)
727.240(n)(1)(C)	267.143(f)(2)(i)(C)
727.240(n)(1)(D)	267.143(f)(2)(i)(D)
727.240(n)(1)(E)	267.143(f)(2)(i)(A)(I)
727.240(n)(1)(E)(i)	267.143(f)(2)(i)(A)(I)(i)
727.240(n)(1)(E)(ii)	267.143(f)(2)(i)(A)(I)(ii)
727.240(n)(1)(E)(iii)	267.143(f)(2)(i)(A)(I)(iii)
727.240(n)(1)(E)(iv)	267.143(f)(2)(i)(A)(I)(iv)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

727.240(n)(1)(E)(v)	267.143(f)(2)(i)(A)(I)(v)
727.240(n)(1)(E)(vi)	267.143(f)(2)(i)(A)(I)(vi)
727.240(n)(2)	267.143(f)(2)(ii)
727.240(n)(3)	267.143(f)(2)(iii)
727.240(n)(4)	267.143(f)(2)(iv)
727.240(n)(4)(A)	267.143(f)(2)(iv)(A)
727.240(n)(4)(B)	267.143(f)(2)(iv)(B)
727.240(n)(5)	267.143(f)(2)(v)
727.240(n)(5)(A)	267.143(f)(2)(v)(A)
727.240(n)(5)(B)	267.143(f)(2)(v)(B)
727.240(n)(6)	267.143(f)(2)(vi)
727.240(o)	267.143(f g)(3)267.143(g f)(3)
727.240(o)(1)	267.143(f 3)(i)267.143(f g)(3)(i)267.143(f 3)(i)
727.240(o)(1)(A)	267.143(f 3)(i)(A)267.143(g)(3)(i)(A)267.143(f 3)(i)(A)
727.240(o)(1)(B)	267.143(f 3)(i)(B)267.143(g)(3)(i)(B)267.143(f 3)(i)(B)
727.240(o)(2)	267.143(f 3)(ii)267.143(g)(3)(ii)267.143(f 3)(ii)
727.240(o)(3)	267.143(f 3)(iii)267.143(g)(3)(iii)267.143(f 3)(iii)
727.240(p)	267.147(f)(2)
727.240(p)(1)	267.147(f)(2)(i)
727.240(p)(1)(A)	267.147(f)(2)(i)(A)
727.240(p)(1)(B)	267.147(f)(2)(i)(B)
727.240(p)(1)(C)	267.147(f)(2)(i)(C)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

727.240(p)(2)	267.147(f)(2)(ii)
727.240(p)(3)	267.147(f)(2)(iii)
727.240(p)(4)	267.147(f)(2)(iv)
727.240(p)(4)(A)	267.147(f)(2)(iv)(A)
727.240(p)(4)(B)	267.147(f)(2)(iv)(B)
727.240(p)(5)	267.147(f)(2)(v)
727.240(p)(5)(A)	267.147(f)(2)(v)(A)
727.240(p)(5)(B)	267.147(f)(2)(v)(B)
727.240(p)(6)	267.147(f)(2)(vi)
727.240(q)	267.147(g)(2)
727.240(q)(1)	267.147(g)(2)(i)
727.240(q)(2)	267.147(g)(2)(ii)
727.240(q)(2)(A)	267.147(g)(2)(ii)(A)
727.240(q)(2)(B)	267.147(g)(2)(ii)(B)
727.270	Subpart I of Part 267
727.270(a)	267.170
727.270(b)	267.171
727.270(c)	267.172
727.270(d)	267.173
727.270(e)	267.174
727.270(f)	267.175
727.270(g)	267.176
727.270(h)	267.177
727.290	Subpart J of Part 267
727.290(a)	267.190
727.290(b)	267.191
727.290(c)	267.192
727.290(d)	267.193
727.290(e)	267.194
727.290(f)	267.195
727.290(g)	267.196
727.290(h)	267.197
727.290(i)	267.198
727.290(j)	267.199
727.290(k)	267.200
727.290(l)	267.201
727.290(m)	267.202

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

727.290(n)	267.203
727.290(o)	267.204
727.900	Subpart DD of Part 267
727.900(a)	267.1100
727.900(b)	267.1101
727.900(c)	267.1102
727.900(d)	267.1103
727.900(e)	267.1104
727.900(f)	267.1105
727.900(g)	267.1106
727.900(h)	267.1107
727.900(i)	267.1108
Appendix A, Illustration A	267.151(a)
Appendix A, Illustration B	267.151(b)

BOARD NOTE: The Board added Appendix B, Table B for the convenience of USEPA, the Agency, and the regulated community. It is not directly derived from any federal provision. It is intended not to have any substantive effect on implementation of the RCRA Standardized Permit rules.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Document comparison by Workshare Compare on Monday, March 14, 2016
12:05:51 PM

Input:	
Document 1 ID	file:///I:\Input\Agency Rulemakings - Files Received\2016\Mar2016\35-727-Corrected Agency Proposed-(issue 12).docx
Description	35-727-Corrected Agency Proposed-(issue 12)
Document 2 ID	file:///I:\Input\Agency Rulemakings - Files Received\2016\Mar2016\35-727-r01(issue 12).docx
Description	35-727-r01(issue 12)
Rendering set	JCAR Delta

Legend:	
<u>Insertion</u>	
Deletion	
Moved from	
<u>Moved to</u>	
Style change	
Format change	
Moved-deletion	
Inserted cell	
Deleted cell	
Moved cell	
Split/Merged cell	
Padding cell	

Statistics:	
	Count
Insertions	134
Deletions	172
Moved from	0
Moved to	0
Style change	0
Format changed	0
Total changes	306

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

6 PART 727
7 STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE
8 FACILITIES OPERATING UNDER A RCRA STANDARDIZED PERMIT
9

10	Section	
11	727.100	General
12	727.110	General Facility Standards
13	727.130	Preparedness and Prevention
14	727.150	Contingency Plan and Emergency Procedures
15	727.170	Recordkeeping, Reporting, and Notifying
16	727.190	Releases from Solid Waste Management Units
17	727.210	Closure
18	727.240	Financial Requirements
19	727.270	Use and Management of Containers
20	727.290	Tank Systems
21	727.900	Containment Buildings
22		
23	727.APPENDIX A	Financial Assurance Forms <u>(Repealed)</u>
24	727.ILLUSTRATION A	Letter of Chief Financial Officer: Financial Assurance for 25 Facility Closure <u>(Repealed)</u>
26	727.ILLUSTRATION B	Letter of Chief Financial Officer: Financial Assurance for 27 Liability Coverage <u>(Repealed)</u>
28	727.APPENDIX B	Correlation of State and Federal Provisions
29	727.TABLE A	Correlation of Federal RCRA Standardized Permit Provisions to 30 State Provisions
31	727.TABLE B	Correlation of State RCRA Standardized Permit Provisions to 32 Federal Provisions
33		

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

36
37 SOURCE: Adopted in R06-16/R06-17/R06-18 at 31 Ill. Reg. 1146, effective December 20,
38 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 12829, effective July 14, 2008; amended in R13-
39 15 at 37 Ill. Reg. 17909, effective October 24, 2013; amended in R14-1/R14-2/R14-3 at 38 Ill.
40 Reg. 7221, effective March 13, 2014; amended in R16-7 at 40 Ill. Reg. _____, effective
41 _____.

42
43 **Section 727.130 Preparedness and Prevention**

44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86

- a) Applicability of this Section. This Section applies to the owner and operator of a facility that treats or stores hazardous waste under a RCRA standardized permit pursuant to Subpart J of 35 Ill. Adm. Code 703, except as provided in Section 727.100(a)(2).

BOARD NOTE: Subsection (a) ~~of this Section~~ is derived from 40 CFR 267.30 (2015), ~~as added at 70 Fed. Reg. 53420 (Sep. 8, 2005).~~

- b) General facility design and operation standards. The facility owner or operator must design, construct, maintain, and operate its facility to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water that could threaten human health or the environment.

BOARD NOTE: Subsection (b) is derived from 40 CFR 267.31 (2015).

- c) Required facility equipment. A facility must be equipped with all of the following, unless none of the hazards posed by waste handled at the facility could require a particular kind of equipment specified below:

- 1) An internal communications or alarm system capable of providing immediate emergency instruction (voice or signal) to facility personnel;
- 2) A device, such as a telephone (immediately available at the scene of operations) or a hand-held two-way radio, capable of summoning emergency assistance from local police departments, fire departments, or State or local emergency response teams;
- 3) Portable fire extinguishers, fire control equipment (including special extinguishing equipment, such as that using foam, inert gas, or dry chemicals), spill control equipment, and decontamination equipment; and
- 4) Water at adequate volume and pressure to supply water hose streams, or foam-producing equipment, or automatic sprinklers, or water spray systems.

BOARD NOTE: Subsection (c) ~~of this Section~~ is derived from 40 CFR 267.32 (2015), ~~as added at 70 Fed. Reg. 53420 (Sep. 8, 2005).~~

- d) Equipment testing and maintenance requirements. The facility owner or operator must test and maintain all required facility communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment, as

87 necessary, to assure its proper operation in time of emergency.

88
89 BOARD NOTE: Subsection (d) of this Section is derived from 40 CFR 267.33
90 (2015), as added at 70 Fed. Reg. 53420 (Sep. 8, 2005).

91
92 e) Facility personnel access to communication equipment or an alarm system.

93
94 1) Whenever hazardous waste is being poured, mixed, spread, or otherwise
95 handled, all personnel involved in the operation must have immediate
96 access to an internal alarm or emergency communication device, either
97 directly or through visual or voice contact with another employee, unless
98 the device is not required pursuant to Section 727.130(c).

99
100 2) If just one employee is on the premises while the facility is operating, that
101 person must have immediate access to a communication device, such as a
102 telephone (immediately available at the scene of operation) or a hand-held
103 two-way radio, capable of summoning external emergency assistance,
104 unless the device is not required pursuant to Section 727.130(c).

105
106 BOARD NOTE: Subsection (e) of this Section is derived from 40 CFR 267.34
107 (2015), as added at 70 Fed. Reg. 53420 (Sep. 8, 2005).

108
109 f) Ensuring access for personnel and equipment during emergencies. The facility
110 owner or operator must maintain enough aisle space to allow the unobstructed
111 movement of personnel, fire protection equipment, spill control equipment, and
112 decontamination equipment to any area of facility operation in an emergency, as
113 appropriate, considering the type of waste being stored or treated.

114
115 BOARD NOTE: Subsection (f) of this Section is derived from 40 CFR 267.35
116 (2015), as added at 70 Fed. Reg. 53420 (Sep. 8, 2005).

117
118 g) Required emergency arrangements with local authorities.

119
120 1) The facility owner or operator must attempt to make the following
121 arrangements, as appropriate, for the type of waste handled at its facility
122 and the potential need for the services of these organizations:

123
124 A) Arrangements to familiarize police, fire departments, and
125 emergency response teams with the layout of the facility,
126 properties of hazardous waste handled at the facility and associated
127 hazards, places where facility personnel would normally be
128 working, entrances to and roads inside the facility, and possible
129 evacuation routes;

130
131
132
133
134
135
136
137
138
139
140
141
142
143
144
145
146
147
148
149
150
151
152
153
154
155
156
157
158
159
160
161
162
163
164
165
166
167
168
169
170
171
172

- B) Agreements designating primary emergency authority to a specific police and a specific fire department where more than one police and fire department might respond to an emergency, and agreements with any others to provide support to the primary emergency authority;
 - C) Agreements with State emergency response teams, emergency response contractors, and equipment suppliers; and
 - D) Arrangements to familiarize local hospitals with the properties of hazardous waste handled at the facility and the types of injuries or illnesses that could result from fires, explosions, or releases at the facility.
- 2) If State or local authorities decline to enter into such arrangements, the facility owner or operator must document the refusal in the operating record.

BOARD NOTE: Subsection (g) of this Section is derived from 40 CFR 267.36 (2015), as added at 70 Fed. Reg. 53420 (Sep. 8, 2005).

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 727.290 Tank Systems

- a) Applicability of this Section. This Section applies to the owner or operator of a facility that treats or stores hazardous waste in above-ground or on-ground tanks under a RCRA standardized permit pursuant to Subpart J of 35 Ill. Adm. Code 703, except as provided in Section 727.100(a)(2).
 - 1) A facility owner or operator does not have to meet the secondary containment requirements in subsection (f) of this Section if its tank systems do not contain free liquids and are situated inside a building with an impermeable floor. The owner or operator must demonstrate the absence or presence of free liquids in the stored or treated waste, using Method 9095B (Paint Filter Liquids Test) as described in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA Publication SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).
 - 2) The facility owner or operator does not have to meet the secondary containment requirements of subsection (f)(1) of this Section if its tank

173 system, including sumps, as defined in 35 Ill. Adm. Code 720.110, is part
174 of a secondary containment system to collect or contain releases of
175 hazardous wastes.
176

177 BOARD NOTE: Subsection (a) of this Section is derived from 40 CFR 267.190
178 (2015), as added at 70 Fed. Reg. 53420 (Sep. 8, 2005).
179

- 180 b) Required design and construction standards for new tank systems or components.
181 The facility owner or operator must ensure that the foundation, structural support,
182 seams, connections, and pressure controls (if applicable) are adequately designed
183 and that the tank system has sufficient structural strength, compatibility with the
184 wastes to be stored or treated, and corrosion protection to ensure that it will not
185 collapse, rupture, or fail. The owner or operator must obtain a written assessment,
186 reviewed and certified by an independent, qualified registered professional
187 engineer, following 35 Ill. Adm. Code 702.126(d), attesting that the tank system
188 has sufficient structural integrity and is acceptable for the storing and treating of
189 hazardous waste. This assessment must include, at a minimum, the following
190 information:
191
- 192 1) Design standards for the construction of tanks or the ancillary equipment.
193
 - 194 2) Hazardous characteristics of the wastes to be handled.
195
 - 196 3) For new tank systems or components in which the external shell of a metal
197 tank or any external metal component of the tank system will be in contact
198 with the soil or with water, a determination by a corrosion expert of the
199 following:
200
- 201 A) Factors affecting the potential for corrosion, such as the following:
202
- 203 i) Soil moisture content;
204
 - 205 ii) Soil pH;
206
 - 207 iii) Soil sulfides level;
208
 - 209 iv) Soil resistivity;
210
 - 211 v) Structure to soil potential;
212
 - 213 vi) Existence of stray electric current; and
214
 - 215 vii) Existing corrosion-protection measures (for example,

- 216 coating, cathodic protection, etc.).
- 217
- 218 B) The type and degree of external corrosion protection needed to
- 219 ensure the integrity of the tank system during the use of the tank
- 220 system or component, consisting of one or more of the following:
- 221
- 222 i) Corrosion-resistant materials of construction (such as
- 223 special alloys, fiberglass reinforced plastic, etc.);
- 224
- 225 ii) Corrosion-resistant coating (such as epoxy, fiberglass, etc.)
- 226 with cathodic protection (for example, impressed current or
- 227 sacrificial anodes); and
- 228
- 229 iii) Electrical isolation devices (such as insulating joints,
- 230 flanges, etc.).
- 231

- 232 4) Design considerations to ensure that the following will occur:
- 233
- 234 A) Tank foundations will maintain the load of a full tank;
- 235
- 236 B) Tank systems will be anchored to prevent flotation or dislodgment
- 237 where the tank system is placed in a saturated zone, or is located
- 238 within a seismic fault zone subject to the standards of Section
- 239 727.110(i)(1); and
- 240
- 241 C) Tank systems will withstand the effects of frost heave.
- 242

243 BOARD NOTE: Subsection (b) of this Section is derived from 40 CFR 267.191

244 (2015), as added at 70 Fed. Reg. 53420 (Sep. 8, 2005).

245

- 246 c) Handling and inspection procedures during installation of new tank systems.
- 247
- 248 1) The facility owner or operator must ensure that it follows proper handling
- 249 procedures to prevent damage to a new tank system during installation.
- 250 Before placing a new tank system or component in use, an independent,
- 251 qualified installation inspector or an independent, qualified, registered
- 252 professional engineer, either of whom is trained and experienced in the
- 253 proper installation of tank systems or components, must inspect the system
- 254 for the presence of any of the following items:
- 255
- 256 A) Weld breaks;
- 257
- 258 B) Punctures;

259
260
261
262
263
264
265
266
267
268
269
270
271
272
273
274
275
276
277
278
279
280
281
282
283
284
285
286
287
288
289
290
291
292
293
294
295
296
297
298
299
300
301

- C) Scrapes of protective coatings;
 - D) Cracks;
 - E) Corrosion; or
 - F) Other structural damage or inadequate construction or installation.
- 2) The facility owner or operator must remedy all discrepancies before the tank system is placed in use.

BOARD NOTE: Subsection (c) ~~of this Section~~ is derived from 40 CFR 267.192 (2015), as added at 70 Fed. Reg. 53420 (Sep. 8, 2005).

- d) Testing requirements. The facility owner or operator must test all new tanks and ancillary equipment for tightness before you place them in use. If the owner or operator finds a tank system that is not tight, it must perform all repairs necessary to remedy the leaks in the system before it covers, encloses, or places the tank system into use.

BOARD NOTE: Subsection (d) ~~of this Section~~ is derived from 40 CFR 267.193 (2015), as added at 70 Fed. Reg. 53420 (Sep. 8, 2005).

- e) Installation requirements.
- 1) The facility owner or operator must support and protect ancillary equipment against physical damage and excessive stress due to settlement, vibration, expansion, or contraction.
 - 2) The facility owner or operator must provide the type and degree of corrosion protection recommended by an independent corrosion expert, based on the information provided pursuant to subsection (b)(3) ~~of this Section~~, to ensure the integrity of the tank system during use of the tank system. An independent corrosion expert must supervise the installation of a corrosion protection system that is field fabricated to ensure proper installation.
 - 3) The facility owner or operator must obtain, and keep at the facility, written statements by those persons required to certify the design of the tank system and to supervise the installation of the tank system as required in subsections (c), (d), (e)(1), and (e)(2) ~~of this Section~~. The written statement must attest that the tank system was properly designed and

302 installed and that the owner or operator made repairs pursuant to
303 subsections (c) and (d) ~~of this Section~~. These written statements must also
304 include the certification statement as required in 35 Ill. Adm. Code
305 702.126(d).
306

307 BOARD NOTE: Subsection (e) ~~of this Section~~ is derived from 40 CFR 267.194
308 (2015), as added at 70 Fed. Reg. 53420 (Sep. 8, 2005).
309

310 f) Secondary containment requirements. To prevent the release of hazardous waste
311 or hazardous constituents to the environment, the owner or operator must provide
312 secondary containment that meets the requirements of this subsection (f) for all
313 new and existing tank systems.
314

315 1) Secondary containment systems must meet both of the following
316 requirements:
317

318 A) It must be designed, installed, and operated to prevent any
319 migration of wastes or accumulated liquid out of the system to any
320 soil, groundwater, or surface water at any time during the use of
321 the tank system; and
322

323 B) It must be capable of detecting and collecting releases and
324 accumulated liquids until the collected material is removed.
325

326 2) To meet the requirements of subsection (f)(1) ~~of this Section~~, secondary
327 containment systems must meet all of the following minimum
328 requirements:
329

330 A) It must be constructed of or lined with materials that are
331 compatible with the wastes to be placed in the tank system and
332 must have sufficient strength and thickness to prevent failure
333 owing to pressure gradients (including static head and external
334 hydrological forces), physical contact with the waste to which it is
335 exposed, climatic conditions, and the stress of daily operation
336 (including stresses from nearby vehicular traffic);
337

338 B) It must be placed on a foundation or base capable of providing
339 support to the secondary containment system, resistance to
340 pressure gradients above and below the system, and capable of
341 preventing failure due to settlement, compression, or uplift;
342

343 C) It must be provided with a leak-detection system that is designed
344 and operated so that it will detect the failure of either the primary

345 or secondary containment structure or the presence of any release
346 of hazardous waste or accumulated liquid in the secondary
347 containment system within 24 hours; and
348

- 349 D) It must be sloped or otherwise designed or operated to drain and
350 remove liquids resulting from leaks, spills, or precipitation. The
351 facility owner or operator must remove spilled or leaked waste and
352 accumulated precipitation from the secondary containment system
353 within 24 hours, or as promptly as possible, to prevent harm to
354 human health and the environment.
355

356 BOARD NOTE: Subsection (f) of this Section is derived from 40 CFR 267.195
357 (2015), as added at 70 Fed. Reg. 53420 (Sep. 8, 2005).
358

- 359 g) Required devices for secondary containment and their design, operating, and
360 installation requirements.
361

- 362 1) Secondary containment for tanks must include one or more of the
363 following features:
364

- 365 A) A liner (external to the tank);
366
367 B) A double-walled tank; and
368
369 C) An equivalent device; the owner or operator must maintain
370 documentation of equivalency at the facility.
371

- 372 2) An external liner system must fulfill the following requirements:
373

- 374 A) It must be designed or operated to contain 100 percent of the
375 capacity of the largest tank within its boundary;
376
377 B) It must be designed or operated to prevent run-on or infiltration of
378 precipitation into the secondary containment system unless the
379 collection system has sufficient excess capacity to contain run-on
380 or infiltration. The additional capacity must be sufficient to
381 contain precipitation from a 25-year, 24-hour rainfall event;
382
383 C) It must be free of cracks or gaps; and
384
385 D) It must be designed and installed to surround the tank completely
386 and to cover all surrounding earth likely to come into contact with
387 the waste if the waste is released from the tanks (that is, it must be

388 capable of preventing lateral as well as vertical migration of the
389 waste).

- 390
- 391 3) A double-walled tank must fulfill the following requirements:
- 392
- 393 A) It must be designed as an integral structure (that is, it must be an
394 inner tank completely enveloped within an outer shell) so that any
395 release from the inner tank is contained by the outer shell;
- 396
- 397 B) It must be protected, if constructed of metal, from both corrosion
398 of the primary tank interior and of the external surface of the outer
399 shell; and
- 400
- 401 C) It must be provided with a built-in continuous leak detection
402 system capable of detecting a release within 24 hours.
- 403

404 BOARD NOTE: Subsection (g) of this Section is derived from 40 CFR 267.196
405 (2015), as added at 70 Fed. Reg. 53420 (Sep. 8, 2005).

406

- 407 h) Requirements for ancillary equipment. The facility owner or operator must
408 provide ancillary equipment with secondary containment (for example, trench,
409 jacketing, double-walled piping, etc.) that meets the requirements of subsections
410 (f)(1) and (f)(2) of this Section, except for the following:
- 411
- 412 1) Above ground piping (exclusive of flanges, joints, valves, and other
413 connections) that are visually inspected for leaks on a daily basis;
- 414
- 415 2) Welded flanges, welded joints, and welded connections, that are visually
416 inspected for leaks on a daily basis;
- 417
- 418 3) Sealless or magnetic coupling pumps and sealless valves, that are visually
419 inspected for leaks on a daily basis; and
- 420
- 421 4) Pressurized above ground piping systems with automatic shut-off devices
422 (for example, excess flow check valves, flow metering shutdown devices,
423 loss of pressure actuated shut-off devices, etc.) that are visually inspected
424 for leaks on a daily basis.
- 425

426 BOARD NOTE: Subsection (h) of this Section is derived from 40 CFR 267.197
427 (2015), as added at 70 Fed. Reg. 53420 (Sep. 8, 2005).

428

- 429 i) General operating requirements for tank systems.
- 430

- 431
432
433
434
435
436
437
438
439
440
441
442
443
444
445
446
447
448
449
450
451
452
- 1) The facility owner or operator must not place hazardous wastes or treatment reagents in a tank system if the substances could cause the tank, its ancillary equipment, or the containment system to rupture, leak, corrode, or otherwise fail.
 - 2) The facility owner or operator must use appropriate controls and practices to prevent spills and overflows from tank or containment systems. These include the following minimum requirements:
 - A) Spill prevention controls (for example, check valves, dry disconnect couplings, etc.);
 - B) Overfill prevention controls (for example, level sensing devices, high level alarms, automatic feed cutoff, or bypass to a standby tank, etc.); and
 - C) Sufficient freeboard in uncovered tanks to prevent overtopping by wave or wind action or by precipitation.
 - 3) The facility owner or operator must comply with the requirements of subsection (k) of this Section if a leak or spill occurs in the tank system.

453 BOARD NOTE: Subsection (i) of this Section is derived from 40 CFR 267.198
454 (2015), as added at 70 Fed. Reg. 53420 (Sep. 8, 2005).
455

- 456 j) Inspection requirements. The facility owner or operator must comply with the
457 following requirements for scheduling, conducting, and documenting inspections:
458
459
460
461
462
463
464
465
466
467
468
469
470
471
472
473
- 1) It must develop and follow a schedule and procedure for inspecting overfill controls;
 - 2) It must inspect the following at least once each operating day:
 - A) Aboveground portions of the tank system to detect corrosion or releases of waste;
 - B) Data gathered from monitoring and leak detection equipment (for example, pressure or temperature gauges, monitoring wells, etc.) to ensure that the tank system is being operated according to its design; and
 - C) The construction materials and the area immediately surrounding the externally accessible portion of the tank system, including the

474 secondary containment system (for example, dikes) to detect
 475 erosion or signs of releases of hazardous waste (for example, wet
 476 spots, dead vegetation, etc.);

477
 478 3) It must inspect cathodic protection systems, if present, according to, at a
 479 minimum, the following schedule to ensure that they are functioning
 480 properly:

481
 482 A) It must confirm that the cathodic protection system is operating
 483 properly within six months after initial installation and annually
 484 thereafter; and

485
 486 B) It must inspect or test all sources of impressed current, as
 487 appropriate, at least every other month; and

488
 489 4) It must document, in the operating record of the facility, an inspection of
 490 those items in subsections (j)(1) through (j)(3) ~~of this Section~~.

491
 492 BOARD NOTE: Subsection (j) ~~of this Section~~ is derived from 40 CFR 267.199
 493 (2015), as added at 70 Fed. Reg. 53420 (Sep. 8, 2005).

494
 495 k) Required actions in case of a leak or a spill. If there has been a leak or a spill
 496 from a tank system or secondary containment system, or if either system is unfit
 497 for use, the facility owner or operator must remove the system from service
 498 immediately, and it must satisfy the following requirements:

499
 500 1) It must immediately stop the flow of hazardous waste into the tank system
 501 or secondary containment system and inspect the system to determine the
 502 cause of the release;

503
 504 2) It must remove the waste from the tank system or secondary containment
 505 system, as follows:

506
 507 A) If the release was from the tank system, the owner or operator
 508 must, within 24 hours after detecting the leak, remove as much of
 509 the waste as is necessary to prevent further release of hazardous
 510 waste to the environment and to allow inspection and repair of the
 511 tank system to be performed; or

512
 513 B) If the material released was to a secondary containment system, the
 514 owner or operator must remove all released materials within 24
 515 hours or as quickly as possible to prevent harm to human health
 516 and the environment;

517
518
519
520
521
522
523
524
525
526
527
528
529
530
531
532
533
534
535
536
537
538
539
540
541
542
543
544
545
546
547
548
549
550
551
552
553
554
555
556
557
558
559

- 3) It must immediately conduct a visual inspection of the release and, based on that inspection, undertake the following actions:
 - A) It must prevent further migration of the leak or spill to soils or surface water; and
 - B) It must remove, and properly dispose of, any visible contamination of the soil or surface water;

- 4) It must report any release to the environment, except as provided in subsection (k)(4)(A) of this Section, to the Agency within 24 hours after its detection. If the owner or operator has reported the release to USEPA pursuant to federal 40 CFR 302, that report will satisfy this requirement, subject to the following exceptions:
 - A) The facility owner or operator does not need to report on a leak or spill of hazardous waste if it fulfills the following conditions:
 - i) The spill was less than or equal to a quantity of one pound; and
 - ii) The facility owner or operator immediately contained and cleaned up the spill; and
 - B) Within 30 days of detection of a release to the environment, the owner or operator must submit a report to the Agency that contains the following information:
 - i) The likely route of migration of the release;
 - ii) The characteristics of the surrounding soil (soil composition, geology, hydrogeology, climate, etc.);
 - iii) The results of any monitoring or sampling conducted in connection with the release (if available). If sampling or monitoring data relating to the release are not available within 30 days, the owner or operator must submit these data to the Agency as soon as they become available;
 - iv) The proximity to downgradient drinking water, surface water, and populated areas; and

- 560 v) A description of response actions taken or planned;
 561
 562 5) It must either close the system or make necessary repairs, as follows:
 563
 564 A) Unless the owner or operator satisfies the requirements of
 565 subsections (k)(5)(B) and (k)(5)(C) ~~of this Section~~, it must close
 566 the tank system according to subsection (l) ~~of this Section~~;
 567
 568 B) If the cause of the release was a spill that has not damaged the
 569 integrity of the system, the owner or operator may return the
 570 system to service as soon as it removes the released waste and
 571 makes any necessary repairs; or
 572
 573 C) If the cause of the release was a leak from the primary tank system
 574 into the secondary containment system, the owner or operator must
 575 repair the system before returning the tank system to service; and
 576
 577 6) If the owner or operator has made extensive repairs to a tank system in
 578 accordance with subsection (k)(5) ~~of this Section~~ (for example, installation
 579 of an internal liner; repair of a ruptured primary containment or secondary
 580 containment vessel, etc.), it may not return the tank system to service
 581 unless the repair is certified by an independent, qualified, registered,
 582 professional engineer in accordance with 35 Ill. Adm. Code 702.126(d), as
 583 follows:
 584
 585 A) The engineer must certify that the repaired system is capable of
 586 handling hazardous wastes without release for the intended life of
 587 the system; and
 588
 589 B) The facility owner or operator must submit this certification to the
 590 Agency within seven days after returning the tank system to use.
 591

592 BOARD NOTE: Subsection (k) ~~of this Section~~ is derived from 40 CFR 267.200
 593 (2015), as added at 70 Fed. Reg. 53420 (Sep. 8, 2005).
 594

- 595 l) Requirements when the owner or operator stops operating the tank system. When
 596 the facility owner or operator close a tank system, it must remove or
 597 decontaminate all waste residues, contaminated containment system components
 598 (liners, etc.), contaminated soils, and structures and equipment contaminated with
 599 waste, and manage them as hazardous waste, unless 35 Ill. Adm. Code 721.103(d)
 600 applies. The closure plan, closure activities, cost estimates for closure, and
 601 financial responsibility for tank systems must meet all of the requirements
 602 specified in Sections 727.210 and 727.240.

603
604
605
606
607
608
609
610
611
612
613
614
615
616
617
618
619
620
621
622
623
624
625
626
627
628
629
630
631
632
633
634
635
636
637
638
639
640
641
642
643
644
645

~~BOARD NOTE: Subsection (l) of this Section is derived from 40 CFR 267.201 (2015), as added at 70 Fed. Reg. 53420 (Sep. 8, 2005).~~

- m) Special requirements for ignitable or reactive wastes.
 - 1) The facility owner or operator may not place ignitable or reactive waste in tank systems, unless any of the following three conditions are fulfilled:
 - A) The owner or operator treats, renders, or mixes the waste before or immediately after placement in the tank system so that the following is true:
 - i) The owner or operator complies with Section 727.110(h)(2); and
 - ii) The resulting waste, mixture, or dissolved material no longer meets the definition of ignitable or reactive waste pursuant to 35 Ill. Adm. Code 721.121 or 721.123;
 - B) The owner or operator stores or treats the waste in such a way that it is protected from any material or conditions that may cause the waste to ignite or react; or
 - C) The facility owner or operator uses the tank system solely for emergencies.
 - 2) If the facility owner or operator stores or treats ignitable or reactive waste in a tank, it must comply with the requirements for the maintenance of protective distances between the waste management area and any public ways, streets, alleys, or an adjoining property line that can be built on, as required in Tables 2-1 through 2-6 of "Flammable and Combustible Liquids Code," NFPA 30, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

~~BOARD NOTE: Subsection (m) of this Section is derived from 40 CFR 267.202 (2015), as added at 70 Fed. Reg. 53420 (Sep. 8, 2005).~~

- n) Special requirements for incompatible wastes.
 - 1) A facility owner or operator may not place incompatible wastes or incompatible wastes and materials in the same tank system, unless it complies with Section 727.110(h)(2).

646
647
648
649
650
651
652
653
654
655
656
657
658
659
660
661
662
663
664
665
666

- 2) A facility owner or operator may not place hazardous waste in a tank system that has not been decontaminated and that previously held an incompatible waste or material, unless it complies with Section 727.110(h)(2).

BOARD NOTE: Subsection (n) of this Section is derived from 40 CFR 267.203 (2015), as added at 70 Fed. Reg. 53420 (Sep. 8, 2005).

- o) Air emission standards. The facility owner or operator must manage all hazardous waste placed in a tank following the requirements of Subparts AA, BB, and CC of 35 Ill. Adm. Code 724. Under a RCRA standardized permit, the following control devices are permissible: a thermal vapor incinerator, a catalytic vapor incinerator, a flame, a boiler, a process heater, a condenser, or a carbon absorption unit.

BOARD NOTE: Subsection (o) of this Section is derived from 40 CFR 267.204 (2015), as added at 70 Fed. Reg. 53420 (Sep. 8, 2005).

(Source: Amended at 40 Ill. Reg. _____, effective _____)

667 **Section 727.APPENDIX A Financial Assurance Forms (Repealed)**

668
669 **Section 727.ILLUSTRATION A Letter of Chief Financial Officer: Financial Assurance**
670 **for Facility Closure (Repealed)**

671
672 [~~The chief financial officer of an owner or operator of a facility with a RCRA standardized~~
673 ~~permit who uses a financial test to demonstrate financial assurance for that facility must~~
674 ~~complete a letter as specified in subsection (d)(6) of this Section. The letter must be worded as~~
675 ~~follows, except that instructions in brackets are to be deleted or replaced with the relevant~~
676 ~~information, including this introductory paragraph, as appropriate, and the brackets deleted:]~~
677

678 I am the chief financial officer of [insert the name and address of firm]. This letter is in support
679 of this firm's use of the financial test to demonstrate financial assurance for closure costs, as
680 specified in 35 Ill. Adm. Code 727.240. This firm qualifies for the financial test on the basis of
681 having [insert the appropriate of the following statements: "a current rating for its senior
682 unsecured debt of AAA, AA, A, or BBB as issued by Standard and Poor's or Aaa, Aa, A or Baa
683 as issued by Moody's"; "a ratio of less than 1.50 comparing total liabilities to net worth"; or "a
684 ratio of greater than 0.10 comparing the sum of net income plus depreciation, depletion and
685 amortization, minus \$10 million, to total liabilities."]

686
687 This firm [insert the appropriate of the following statements: "is required" or "is not required"]
688 to file a Form 10K with the Securities and Exchange Commission (SEC) for the latest fiscal year.
689

690 The fiscal year of this firm ends on [insert the month, day]. The figures for the following items
691 marked with an asterisk are derived from this firm's independently audited, year-end financial
692 statements for the latest completed fiscal year, ended [insert the date].
693

694 [If this firm qualifies on the basis of its bond rating fill in the requested information:] This firm
695 has a rating of its senior unsecured debt of [insert the bond rating] "from" [insert the appropriate
696 of the following entities: "Standard and Poor's" or "Moody's"].
697

698 [Complete Line 1. Total Liabilities below and then skip the remaining questions in the next
699 section and resume completing the form at the section entitled "Obligations Covered by a
700 Financial Test or Corporate Guarantee."]
701

702 [If this firm qualifies for the financial test on the basis of its ratio of liabilities to net worth, or
703 sum of income, depreciation, depletion, and amortization to net worth, please complete the
704 following section.]
705

706 *1. Total Liabilities\$ _____

707
708 *2. Net Worth\$ _____
709

- 710 *3. Net Income\$ _____
- 711
- 712 *4. Depreciation\$ _____
- 713
- 714 *5. Depletion (if applicable)\$ _____
- 715
- 716 *6. Amortization\$ _____
- 717
- 718 *7. Sum of Lines 3, 4, 5 & 6\$ _____
- 719

720 [If the above figures are taken directly from the most recent audited financial statements for this
 721 firm insert the following statement: "The above figures are taken directly from the most recent
 722 audited financial statements for this firm." If they are not, insert the following statement: "The
 723 following items are not taken directly from the firms most recent audited financial statements"
 724 [insert the numbers of the items and attach an explanation of how they were derived.]

725
 726 [Complete the following calculations:]

727
 728 8. Line 1 ÷ Line 2 =\$ _____

729
 730 9. Line 7 ÷ Line 1 =\$ _____

731
 732 Is Line 8 less than 1.5? Yes _____ No _____

733
 734 Is Line 9 greater than 0.10? Yes _____ No _____

735
 736 [If you did not answer Yes to either of these two questions, you cannot use the financial test and
 737 need not complete this letter. Instead, you must notify the permitting authority for the facility
 738 that you intend to establish alternate financial assurance as specified in 35 Ill. Adm. Code
 739 727.240(d). The owner or operator must send this notice by certified mail within 90 days
 740 following the close of the owner's or operator's fiscal year for which the year-end financial data
 741 show that the owner or operator no longer meets the requirements of Section 727.240(d). The
 742 owner or operator must also provide alternative financial assurance within 120 days after the end
 743 of such fiscal year.]

744
 745 **Obligations Covered by a Financial Test or Corporate Guarantee**

746
 747 [On the following lines list all obligations that are covered by a financial test or a corporate
 748 guarantee extended by your firm. You may add additional lines and leave blank entries that do
 749 not apply to your situation.]

750

Hazardous Waste Facility Name and ID	State	Closure	Post-Closure	Corrective Action
--------------------------------------	-------	---------	--------------	-------------------

_____	_____	\$ _____	\$ _____	\$ _____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
751	Total Hazardous Waste Third-Party Liability:			\$ _____

_____	_____	_____	_____	_____
_____	_____	\$ _____	\$ _____	\$ _____
_____	_____	_____	_____	_____
752	Total Municipal Solid Waste Landfill Facility Liability:			\$ _____

_____	_____	_____	_____	_____
_____	_____	_____	_____	\$ _____
_____	_____	_____	_____	_____
753	Total Underground Injection Control Facility Liability:			\$ _____

_____	_____	_____	_____	_____
_____	_____	_____	_____	\$ _____
_____	_____	_____	_____	_____
754	Total Petroleum Underground Storage Tank Facility Liability:			\$ _____

_____	_____	_____	_____	_____
_____	_____	_____	_____	\$ _____
_____	_____	_____	_____	_____
755	Total PCB Storage Facility Liability:			\$ _____

756 Any financial assurance federally required under, or as part of an action taken under, the
 757 Comprehensive Environmental Response, Compensation, and Liability Act.

_____	_____	_____	_____
_____	_____	_____	\$ _____
_____	_____	_____	_____
758	Total Financial Assurance under the Comprehensive Environmental Response, Compensation, and Liability Act:		\$ _____

759 Any other environmental obligations that are assured through a financial test.

_____	_____	_____
_____	_____	\$ _____
_____	_____	_____
760	Total Other Environmental Obligations Assured:	\$ _____

761 *10. Total of all amounts\$ _____

762 *11. Line 10 + \$10,000,000 =\$ _____

760
761
762
763

764
765 *12. Total Assets\$ _____
766
767 *13. Intangible Assets\$ _____
768
769 *14. Tangible Assets (Line 12-Line 13)\$ _____
770
771 *15. Tangible Net Worth (Line 14 Line 1)\$ _____
772
773 *16. Assets in the United States\$ _____
774
775 Is Line 15 less than Line 11? Yes _____ No _____
776
777 Is Line 16 no less than Line 10? Yes _____ No _____
778

779 [~~You must be able to answer Yes to both these questions to use the financial test for this facility.~~]

780
781 I hereby certify that the wording of this letter is identical to the wording specified in Appendix
782 A, Illustration A to 35 Ill. Adm. Code 727, as such regulations were constituted on the date
783 shown immediately below.

784 {Signature} _____
785
786 {Name} _____
787
788 {Title} _____
789
790 {Date} _____
791

792
793 [~~After completion, a signed copy of the form must be sent to the Agency. In addition, a signed
794 copy must be sent to every authority who (1) requires a demonstration through a financial test for
795 each of the other obligations in the letter that are assured through a financial test, or (2) accepts a
796 guarantee for an obligation listed in this letter.~~]

797
798 BOARD NOTE: This Appendix A, Illustration A is derived from 40 CFR 267.151(a), as added
799 at 70 Fed. Reg. 53420 (Sep. 8, 2005). The Board moved the corresponding federal provision to
800 accommodate its unusual format. The Board intends that any citation to Section 727.240(l) or
801 (l)(1) also include this added Appendix A, Illustration A, as applicable.

802 (Source: Repealed at 40 Ill. Reg. _____, effective _____)
803
804

805 **Section 727.APPENDIX A Financial Assurance Forms (Repealed)**

806

807 **Section 727.ILLUSTRATION B Letter of Chief Financial Officer: Financial Assurance**
808 **for Liability Coverage (Repealed)**

809

810 [~~The chief financial officer of an owner or operator of a facility with a RCRA standardized~~
811 ~~permit who use a financial test to demonstrate financial assurance only for third party liability for~~
812 ~~that (or other RCRA standardized permit) facility (or those facilities) must complete a letter as~~
813 ~~specified in subsection (h)(6) of this Section. The letter must be worded as follows, except that~~
814 ~~instructions in brackets are to be deleted or replaced with the relevant information, including this~~
815 ~~introductory paragraph, as appropriate, and the brackets deleted:]~~

816

817 I am the chief financial officer of [insert the name and address of firm]. This letter is in support
818 of this firm's use of the financial test to demonstrate financial assurance for third party liability,
819 as specified in 35 Ill. Adm. Code 727.240. This firm qualifies for the financial test on the basis
820 of having tangible net worth of at least \$10 million more than the amount of liability coverage
821 and assets in the United States of at least the amount of liability coverage. This firm [insert the
822 appropriate of the following statements: "is required" or "is not required"] to file a Form 10K
823 with the Securities and Exchange Commission (SEC) for the latest fiscal year.

824

825 The fiscal year of this firm ends on [insert the month, day]. The figures for the following items
826 marked with an asterisk are derived from this firm's independently audited, year-end financial
827 statements for the latest completed fiscal year, ended [insert the date].

828

829 [Complete the following section.]

830

831 *1. Total Assets\$ _____

832

833 *2. Intangible Assets\$ _____

834

835 *3. Tangible Assets (Line 1-Line 2)\$ _____

836

837 *4. Total Liabilities\$ _____

838

839 5. Tangible Net Worth (Line 3-Line 4)\$ _____

840

841 *6. Assets in the United States\$ _____

842

843 7. Amount of liability coverage\$ _____

844

845 Is Line 5 At least \$10 million greater than Line 7? Yes _____ No _____

846

847 Is Line 6 at least equal to Line 7? Yes _____ No _____

848
849 [You must be able to answer Yes to both these questions to use the financial test for this
850 facility.]

851
852 I hereby certify that the wording of this letter is identical to the wording specified in
853 Appendix A, Illustration B to 35 Ill. Adm. Code 727, as such regulations were constituted
854 on the date shown immediately below.

855
856 [Signature]....._____

857
858 [Name]_____

859
860 [Title] _____

861
862 [Date] _____

863
864 [After completion, a signed copy of the form must be sent to the permitting authority of
865 the state or territory where the facility is (or facilities are) located.]

866
867 BOARD NOTE: This Appendix A, Illustration B is derived from 40 CFR 267.151(b), as
868 added at 70 Fed. Reg. 53420 (Sep. 8, 2005). The Board moved the corresponding federal
869 provision to accommodate its unusual format. The Board intends that any citation to
870 Section 727.240(1) or (1)(2) also include this added Appendix A, Illustration B, as
871 applicable.

872
873 (Source: Repealed at 40 Ill. Reg. _____, effective _____)
874

875 **Section 727.APPENDIX B Correlation of State and Federal Provisions**

876

877 **Section 727.TABLE A Correlation of Federal RCRA Standardized Permit Provisions to**
 878 **State Provisions**

879

880 The following table sets forth the correlation of the federal RCRA Standardized Permit
 881 provisions with the State regulations. Where the structure of a State provision exactly parallels
 882 the corresponding federal provision from which it was derived, no expanded listing of the
 883 subsections appears. Where it was necessary to move or restructure the material from the federal
 884 regulations, a detailed listing of the location of each subsection appears.

885

40 CFR Provision	35 Ill. Adm. Code Provision
Subpart G of Part 124	Subpart G of Part 705
124.200	705.300(a)
124.201	705.300(b)
124.202	705.301(a)
124.203	705.301(b)
124.204	705.302(a)
124.205	705.302(b)
124.206	705.302(c)
124.207	705.303(a)
124.208	705.303(b)
124.209	705.303(c)
124.210	705.303(d)
124.211	705.304(a)
124.212	705.304(b)
124.213	705.304(c)
124.214	705.304(d)

886

40 CFR Provision	35 Ill. Adm. Code Provision
Subpart A of Part 267	727.100
267.1	727.100(a)
267.2	727.100(b)
267.3	727.100(c)
Subpart B of Part 267	727.110
267.10	727.110(a)
267.11	727.110(b)
267.12	727.110(c)
267.13	727.110(d)
267.14	727.110(e)
267.15	727.110(f)
267.16	727.110(g)

267.17	727.110(h)
267.18	727.110(i)
Subpart C of Part 267	727.130
267.30	727.130(a)
267.31	727.130(b)
267.32	727.130(c)
267.33	727.130(d)
267.34	727.130(e)
267.35	727.130(f)
Subpart D of Part 267	727.150
267.50	727.150(a)
267.51	727.150(b)
267.52	727.150(c)
267.53	727.150(d)
267.54	727.150(e)
267.55	727.150(f)
267.56	727.150(g)
267.57	727.150(h)
267.58	727.150(i)
Subpart E of Part 267	727.170
267.70	727.170(a)
267.71	727.170(b)
267.72	727.170(c)
267.73	727.170(d)
267.74	727.170(e)
267.75	727.170(f)
267.76	727.170(g)
Subpart F of Part 267	727.190
267.90	727.190(a)
267.91 (Reserved)	727.190(b)
267.92 (Reserved)	727.190(c)
267.93 (Reserved)	727.190(d)
267.94 (Reserved)	727.190(e)
267.95 (Reserved)	727.190(f)
267.96 (Reserved)	727.190(g)
267.97 (Reserved)	727.190(h)
267.98 (Reserved)	727.190(i)
267.99 (Reserved)	727.190(j)
267.100 (Reserved)	727.190(k)
267.101	727.190(l)
Subpart G of Part 267	727.210
267.110	727.210(a)

267.111	727.210(b)
267.112	727.210(c)
267.113	727.210(d)
267.114 (Reserved)	727.210(e)
267.115	727.210(f)
267.116	727.210(g)
267.117	727.210(h)
Subpart H of Part 267	727.240
267.140	727.240(a)
267.141	727.240(b)
267.142	727.240(c)
267.143	727.240(d)
267.143(f)(1)	727.240(d)(6)(A)
267.143(f)(1)	727.240(m)
267.143(f)(1)(i)	727.240(m)(1)
267.143(f)(1)(i)(A)	727.240(m)(1)(A)
267.143(f)(1)(i)(B)	727.240(m)(1)(B)
267.143(f)(1)(i)(C)	727.240(m)(1)(C)
267.143(f)(1)(ii)	727.240(m)(2)
267.143(f)(1)(ii)(A)	727.240(m)(2)(A)
267.143(f)(1)(ii)(B)	727.240(m)(2)(B)
267.143(f)(1)(iii)	727.240(m)(3)
267.143(f)(2)	727.240(d)(6)(B)
267.143(f)(2)	727.240(n)
267.143(f)(2)(i)	727.240(n)(1)
267.143(f)(2)(i)(A)	727.240(n)(1)(A)
267.143(f)(2)(i)(A)(I)	727.240(n)(1)(A)(i)
267.143(f)(2)(i)(A)(I)	727.240(n)(1)(E)
267.143(f)(2)(i)(A)(I)(i)	727.240(n)(1)(E)(i)
267.143(f)(2)(i)(A)(I)(ii)	727.240(n)(1)(E)(ii)
267.143(f)(2)(i)(A)(I)(iii)	727.240(n)(1)(E)(iii)
267.143(f)(2)(i)(A)(I)(iv)	727.240(n)(1)(E)(iv)
267.143(f)(2)(i)(A)(I)(v)	727.240(n)(1)(E)(v)
267.143(f)(2)(i)(A)(I)(vi)	727.240(n)(1)(E)(vi)
267.143(f)(2)(i)(A)(I)(vii)	727.240(n)(1)(E)(vii)
267.143(f)(2)(i)(A)(2)	727.240(n)(1)(A)(ii)
267.143(f)(2)(i)(B)	727.240(n)(1)(B)
267.143(f)(2)(i)(C)	727.240(n)(1)(C)
267.143(f)(2)(i)(D)	727.240(n)(1)(D)
267.143(f)(2)(ii)	727.240(n)(2)
267.143(f)(2)(iii)	727.240(n)(3)
267.143(f)(2)(iv)	727.240(n)(4)

267.143(f)(2)(iv)(A)	727.240(n)(4)(A)
267.143(f)(2)(iv)(B)	727.240(n)(4)(B)
267.143(f)(2)(v)	727.240(n)(5)
267.143(f)(2)(v)(A)	727.240(n)(5)(A)
267.143(f)(2)(v)(B)	727.240(n)(5)(B)
267.143(f)(2)(vi)	727.240(n)(6)
267.143(f)(3)	727.240(d)(6)(C)
267.143(f)(3)	727.240(o)
267.143(f)(3)(i)	727.240(o)(1)
267.143(f)(3)(i)(A)	727.240(o)(1)(A)
267.143(f)(3)(i)(B)	727.240(o)(1)(B)
267.143(f)(3)(ii)	727.240(o)(2)
267.143(f)(3)(iii)	727.240(o)(3)
267.144 (Reserved)	727.240(e)
267.145 (Reserved)	727.240(f)
267.146 (Reserved)	727.240(g)
267.147	727.240(h)
267.147(f)(2)	727.240(h)(6)(B)
267.147(f)(2)	727.240(p)
267.147(f)(2)(i)	727.240(p)(1)
267.147(f)(2)(i)(A)	727.240(p)(1)(A)
267.147(f)(2)(i)(B)	727.240(p)(1)(B)
267.147(f)(2)(i)(C)	727.240(p)(1)(C)
267.147(f)(2)(ii)	727.240(p)(2)
267.147(f)(2)(iii)	727.240(p)(3)
267.147(f)(2)(iv)	727.240(p)(4)
267.147(f)(2)(iv)(A)	727.240(p)(4)(A)
267.147(f)(2)(iv)(B)	727.240(p)(4)(B)
267.147(f)(2)(v)	727.240(p)(5)
267.147(f)(2)(v)(A)	727.240(p)(5)(A)
267.147(f)(2)(v)(B)	727.240(p)(5)(B)
267.147(f)(2)(vi)	727.240(p)(6)
267.147(g)(2)	727.240(h)(7)(B)
267.147(g)(2)	727.240(q)
267.147(g)(2)(i)	727.240(q)(1)
267.147(g)(2)(ii)	727.240(q)(2)
267.147(g)(2)(ii)(A)	727.240(q)(2)(A)
267.147(g)(2)(ii)(B)	727.240(q)(2)(B)
267.148	727.240(i)
267.149 (Reserved)	727.240(j)
267.150	727.240(k)
267.151	727.240(l)

267.151(a)	727.240(l)(1)
267.151(a)	Appendix A, Illustration A
267.151(b)	727.240(l)(2)
267.151(b)	Appendix A, Illustration B
Subpart I of Part 267	727.270
267.170	727.270(a)
267.171	727.270(b)
267.172	727.270(c)
267.173	727.270(d)
267.174	727.270(e)
267.175	727.270(f)
267.176	727.270(g)
267.177	727.270(h)
Subpart J of Part 267	727.290
267.190	727.290(a)
267.191	727.290(b)
267.192	727.290(c)
267.193	727.290(d)
267.194	727.290(e)
267.195	727.290(f)
267.196	727.290(g)
267.197	727.290(h)
267.198	727.290(i)
267.199	727.290(j)
267.200	727.290(k)
267.201	727.290(l)
267.202	727.290(m)
267.203	727.290(n)
267.204	727.290(o)
Subpart K of Part 267 (Reserved)	None
Subpart L of Part 267 (Reserved)	None
Subpart M of Part 267 (Reserved)	None
Subpart N of Part 267 (Reserved)	None
Subpart O of Part 267 (Reserved)	None
Subpart P of Part 267 (Reserved)	None
Subpart Q of Part 267 (Reserved)	None
Subpart R of Part 267 (Reserved)	None
Subpart S of Part 267 (Reserved)	None
Subpart T of Part 267 (Reserved)	None
Subpart U of Part 267 (Reserved)	None
Subpart V of Part 267 (Reserved)	None
Subpart W of Part 267 (Reserved)	None

Subpart X of Part 267 (Reserved)	None
Subpart Y of Part 267 (Reserved)	None
Subpart Z of Part 267 (Reserved)	None
Subpart AA of Part 267 (Reserved)	None
Subpart BB of Part 267 (Reserved)	None
Subpart CC of Part 267 (Reserved)	None
Subpart DD of Part 267	727.900
267.1100	727.900(a)
267.1101	727.900(b)
267.1102	727.900(c)
267.1103	727.900(d)
267.1104	727.900(e)
267.1105	727.900(f)
267.1106	727.900(g)
267.1107	727.900(h)
267.1108	727.900(i)

887

40 CFR Provision	35 Ill. Adm. Code Provision
270.67	703.238
Subpart J of Part 270	Subpart J of Part 703
270.250	703.350(a)
270.255	703.350(b)
270.260	703.350(c)
270.270	703.351(a)
270.275	703.351(b)
270.280	703.351(c)
270.290	703.352(a)
270.300	703.352(b)
270.305	703.352(c)
270.310	703.352(d)
270.315	703.352(e)
270.320	703.353

888

889

890

891

892

893

894

895

BOARD NOTE: The Board added Appendix B, Table A for the convenience of USEPA, the Agency, and the regulated community. It is not directly derived from any federal provision. It is intended not to have any substantive effect on implementation of the RCRA Standardized Permit rules.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

896 **Section 727.APPENDIX B Correlation of State and Federal Provisions**

897

898 **Section 727.TABLE B Correlation of State RCRA Standardized Permit Provisions to**
 899 **Federal Provisions**

900

901 The following table sets forth the correlation of the State RCRA Standardized Permit provisions
 902 with the federal regulations. Where the structure of a State provision exactly parallels the
 903 corresponding federal provision from which it was derived, no expanded listing of the
 904 subsections appears. Where it was necessary to move or restructure the material from the federal
 905 regulations, a detailed listing of the location of each subsection appears.

906

35 Ill. Adm. Code Provision	40 CFR Provision
703.238	270.67
Subpart J of Part 703	Subpart J of Part 270
703.350(a)	270.250
703.350(b)	270.255
703.350(c)	270.260
703.351(a)	270.270
703.351(b)	270.275
703.351(c)	270.280
703.352(a)	270.290
703.352(b)	270.300
703.352(c)	270.305
703.352(d)	270.310
703.352(e)	270.315
703.353	270.320

907

35 Ill. Adm. Code Provision	40 CFR Provision
Subpart G of Part 705	Subpart G of Part 124
705.300(a)	124.200
705.300(b)	124.201
705.301(a)	124.202
705.301(b)	124.203
705.302(a)	124.204
705.302(b)	124.205
705.302(c)	124.206
705.303(a)	124.207
705.303(b)	124.208
705.303(c)	124.209
705.303(d)	124.210
705.304(a)	124.211
705.304(b)	124.212

908

705.304(c)	124.213
705.304(d)	124.214

35 Ill. Adm. Code Provision	40 CFR Provision
727.100	Subpart A of Part 267
727.100(a)	267.1
727.100(b)	267.2
727.100(c)	267.3
727.110	Subpart B of Part 267
727.110(a)	267.10
727.110(b)	267.11
727.110(c)	267.12
727.110(d)	267.13
727.110(e)	267.14
727.110(f)	267.15
727.110(g)	267.16
727.110(h)	267.17
727.110(i)	267.18
727.130	Subpart C of Part 267
727.130(a)	267.30
727.130(b)	267.31
727.130(c)	267.32
727.130(d)	267.33
727.130(e)	267.34
727.130(f)	267.35
727.150	Subpart D of Part 267
727.150(a)	267.50
727.150(b)	267.51
727.150(c)	267.52
727.150(d)	267.53
727.150(e)	267.54
727.150(f)	267.55
727.150(g)	267.56
727.150(h)	267.57
727.150(i)	267.58
727.170	Subpart E of Part 267
727.170(a)	267.70
727.170(b)	267.71
727.170(c)	267.72
727.170(d)	267.73
727.170(e)	267.74
727.170(f)	267.75

727.170(g)	267.76
727.190	Subpart F of Part 267
727.190(a)	267.90
727.190(b)	267.91 (Reserved)
727.190(c)	267.92 (Reserved)
727.190(d)	267.93 (Reserved)
727.190(e)	267.94 (Reserved)
727.190(f)	267.95 (Reserved)
727.190(g)	267.96 (Reserved)
727.190(h)	267.97 (Reserved)
727.190(i)	267.98 (Reserved)
727.190(j)	267.99 (Reserved)
727.190(k)	267.100 (Reserved)
727.190(l)	267.101
727.210	Subpart G of Part 267
727.210(a)	267.110
727.210(b)	267.111
727.210(c)	267.112
727.210(d)	267.113
727.210(e)	267.114 (Reserved)
727.210(f)	267.115
727.210(g)	267.116
727.210(h)	267.117
727.240	Subpart H of Part 267
727.240(a)	267.140
727.240(b)	267.141
727.240(c)	267.142
727.240(d)	267.143
727.240(d)(6)(A)	267.143(f)(1)
727.240(d)(6)(B)	267.143(f)(2)
727.240(e)	267.144 (Reserved)
727.240(f)	267.145 (Reserved)
727.240(g)	267.146 (Reserved)
727.240(h)	267.147
727.240(h)(6)(B)	267.147(f)(2)
727.240(h)(7)(B)	267.147(g)(2)
727.240(i)	267.148
727.240(j)	267.149 (Reserved)
727.240(k)	267.150
727.240(l)	267.151
727.240(l)(1)	267.151(a)
727.240(l)(2)	267.151(b)

727.240(m)	267.143(f)(1)
727.240(m)(1)	267.143(f)(1)(i)
727.240(m)(1)(A)	267.143(f)(1)(i)(A)
727.240(m)(1)(B)	267.143(f)(1)(i)(B)
727.240(m)(1)(C)	267.143(f)(1)(i)(C)
727.240(m)(2)	267.143(f)(1)(ii)
727.240(m)(2)(A)	267.143(f)(1)(ii)(A)
727.240(m)(2)(B)	267.143(f)(1)(ii)(B)
727.240(m)(3)	267.143(f)(1)(iii)
727.240(n)	267.143(f)(2)
727.240(n)(1)	267.143(f)(2)(i)
727.240(n)(1)(A)	267.143(f)(2)(i)(A)
727.240(n)(1)(A)(i)	267.143(f)(2)(i)(A)(I)
727.240(n)(1)(A)(ii)	267.143(f)(2)(i)(A)(2)
727.240(n)(1)(B)	267.143(f)(2)(i)(B)
727.240(n)(1)(C)	267.143(f)(2)(i)(C)
727.240(n)(1)(D)	267.143(f)(2)(i)(D)
727.240(n)(1)(E)	267.143(f)(2)(i)(A)(I)
727.240(n)(1)(E)(i)	267.143(f)(2)(i)(A)(I)(i)
727.240(n)(1)(E)(ii)	267.143(f)(2)(i)(A)(I)(ii)
727.240(n)(1)(E)(iii)	267.143(f)(2)(i)(A)(I)(iii)
727.240(n)(1)(E)(iv)	267.143(f)(2)(i)(A)(I)(iv)
727.240(n)(1)(E)(v)	267.143(f)(2)(i)(A)(I)(v)
727.240(n)(1)(E)(vi)	267.143(f)(2)(i)(A)(I)(vi)
727.240(n)(2)	267.143(f)(2)(ii)
727.240(n)(3)	267.143(f)(2)(iii)
727.240(n)(4)	267.143(f)(2)(iv)
727.240(n)(4)(A)	267.143(f)(2)(iv)(A)
727.240(n)(4)(B)	267.143(f)(2)(iv)(B)
727.240(n)(5)	267.143(f)(2)(v)
727.240(n)(5)(A)	267.143(f)(2)(v)(A)
727.240(n)(5)(B)	267.143(f)(2)(v)(B)
727.240(n)(6)	267.143(f)(2)(vi)
727.240(o)	267.143(g)(3)267.143(f)(3)
727.240(o)(1)	267.143(g)(3)(i)267.143(f)(3)(i)
727.240(o)(1)(A)	267.143(g)(3)(i)(A)267.143(f)(3)(i)(A)
727.240(o)(1)(B)	267.143(g)(3)(i)(B)267.143(f)(3)(i)(B)
727.240(o)(2)	267.143(g)(3)(ii)267.143(f)(3)(ii)
727.240(o)(3)	267.143(g)(3)(iii)267.143(f)(3)(iii)
727.240(p)	267.147(f)(2)
727.240(p)(1)	267.147(f)(2)(i)
727.240(p)(1)(A)	267.147(f)(2)(i)(A)

727.240(p)(1)(B)	267.147(f)(2)(i)(B)
727.240(p)(1)(C)	267.147(f)(2)(i)(C)
727.240(p)(2)	267.147(f)(2)(ii)
727.240(p)(3)	267.147(f)(2)(iii)
727.240(p)(4)	267.147(f)(2)(iv)
727.240(p)(4)(A)	267.147(f)(2)(iv)(A)
727.240(p)(4)(B)	267.147(f)(2)(iv)(B)
727.240(p)(5)	267.147(f)(2)(v)
727.240(p)(5)(A)	267.147(f)(2)(v)(A)
727.240(p)(5)(B)	267.147(f)(2)(v)(B)
727.240(p)(6)	267.147(f)(2)(vi)
727.240(q)	267.147(g)(2)
727.240(q)(1)	267.147(g)(2)(i)
727.240(q)(2)	267.147(g)(2)(ii)
727.240(q)(2)(A)	267.147(g)(2)(ii)(A)
727.240(q)(2)(B)	267.147(g)(2)(ii)(B)
727.270	Subpart I of Part 267
727.270(a)	267.170
727.270(b)	267.171
727.270(c)	267.172
727.270(d)	267.173
727.270(e)	267.174
727.270(f)	267.175
727.270(g)	267.176
727.270(h)	267.177
727.290	Subpart J of Part 267
727.290(a)	267.190
727.290(b)	267.191
727.290(c)	267.192
727.290(d)	267.193
727.290(e)	267.194
727.290(f)	267.195
727.290(g)	267.196
727.290(h)	267.197
727.290(i)	267.198
727.290(j)	267.199
727.290(k)	267.200
727.290(l)	267.201
727.290(m)	267.202
727.290(n)	267.203
727.290(o)	267.204
727.900	Subpart DD of Part 267

727.900(a)	267.1100
727.900(b)	267.1101
727.900(c)	267.1102
727.900(d)	267.1103
727.900(e)	267.1104
727.900(f)	267.1105
727.900(g)	267.1106
727.900(h)	267.1107
727.900(i)	267.1108
Appendix A, Illustration A	267.151(a)
Appendix A, Illustration B	267.151(b)

909
 910
 911
 912
 913
 914
 915

BOARD NOTE: The Board added Appendix B, Table B for the convenience of USEPA, the Agency, and the regulated community. It is not directly derived from any federal provision. It is intended not to have any substantive effect on implementation of the RCRA Standardized Permit rules.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Standards for Universal Waste Management
- 2) Code Citation: 35 Ill. Adm. Code 733
- 3)

<u>Section Numbers</u> :	<u>Proposed Actions</u> :
733.104	Amendment
733.132	Amendment
- 4) Statutory Authority: 415 ILCS 5/7.2, 22.4, and 27
- 5) A Complete Description of Subjects and Issues Involved: The amendments to Part 733 are a single segment of the docket R16-7 rulemaking that also affects 35 Ill. Adm. Code 703, 720, 721, 722, 724, 725, 726, 727, and 728, each of which is covered by a separate notice in this issue of the *Illinois Register*. To save space, a more detailed description of the subjects and issues involved in the docket R16-7 rulemaking in this issue of the *Illinois Register* only in the answer to question 5 is stated in the Notice of Adopted Amendments for 35 Ill. Adm. Code 703. A comprehensive description is contained in the Board's opinion and order of March 3, 2016, proposing amendments in docket R16-7, which opinion and order is available from the address below.

Specifically, the amendments to Part 733 are corrections and clarifying amendments that are not directly derived from the instant federal amendments.

Tables appear in the Board's opinion and order of March 3, 2016 in docket R16-7 that list numerous corrections and amendments that are not based on current federal amendments. The tables contain deviations from the literal text of the federal amendments underlying these amendments, as well as corrections and clarifications that the Board made in the base text involved. Persons interested in the details of those corrections and amendments should refer to the March 3, 2016 opinion and order in docket R16-7.

Section 22.4 of the Environmental Protection Act [415 ILCS 5/22.4] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 7) Will this proposed rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 11) Are there any other rulemakings pending on this Part? No
- 10) Statement of Statewide Policy Objective: These proposed rulemakings do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805].
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference docket R16-7 and be addressed to:

John T. Therriault, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago IL 60601

Please direct inquiries to the following person and reference docket R16-7:

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

312/814-6924
e-mail: michael.mccambridge@illinois.gov

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

- 13) Initial Regulatory Flexibility Analysis:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking may affect those small businesses, small municipalities, and not-for-profit corporations that generate, transport, treat, store, or dispose of hazardous waste. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805].
- B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805].
- C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805].
- 14) Regulatory Agenda on which this rulemaking was summarized: December 4, 2015, 39 Ill. Reg. 15637-39.

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

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

6 PART 733
7 STANDARDS FOR UNIVERSAL WASTE MANAGEMENT
8

9 SUBPART A: GENERAL
10

11	Section	
12	733.101	Scope
13	733.102	Applicability: Batteries
14	733.103	Applicability: Pesticides
15	733.104	Applicability: Mercury-Containing Equipment
16	733.105	Applicability: Lamps
17	733.106	Applicability: Mercury-Containing Equipment (Repealed)
18	733.107	Applicability: Mercury-Containing Lamps (Repealed)
19	733.108	Applicability: Household and Conditionally Exempt Small Quantity Generator 20 Waste
21	733.109	Definitions

22
23 SUBPART B: STANDARDS FOR SMALL QUANTITY HANDLERS
24

25	Section	
26	733.110	Applicability
27	733.111	Prohibitions
28	733.112	Notification
29	733.113	Waste Management
30	733.114	Labeling and Marking
31	733.115	Accumulation Time Limits
32	733.116	Employee Training
33	733.117	Response to Releases
34	733.118	Off-Site Shipments
35	733.119	Tracking Universal Waste Shipments
36	733.120	Exports

37
38 SUBPART C: STANDARDS FOR LARGE QUANTITY HANDLERS
39

40	Section	
41	733.130	Applicability
42	733.131	Prohibitions
43	733.132	Notification

- 44 733.133 Waste Management
- 45 733.134 Labeling and Marking
- 46 733.135 Accumulation Time Limits
- 47 733.136 Employee Training
- 48 733.137 Response to Releases
- 49 733.138 Off-Site Shipments
- 50 733.139 Tracking Universal Waste Shipments
- 51 733.140 Exports

52

53 SUBPART D: STANDARDS FOR UNIVERSAL WASTE TRANSPORTERS

54

55 Section

- 56 733.150 Applicability
- 57 733.151 Prohibitions
- 58 733.152 Waste Management
- 59 733.153 Accumulation Time Limits
- 60 733.154 Response to Releases
- 61 733.155 Off-site Shipments
- 62 733.156 Exports

63

64 SUBPART E: STANDARDS FOR DESTINATION FACILITIES

65

66 Section

- 67 733.160 Applicability
- 68 733.161 Off-Site Shipments
- 69 733.162 Tracking Universal Waste Shipments

70

71 SUBPART F: IMPORT REQUIREMENTS

72

73 Section

- 74 733.170 Imports

75

76 SUBPART G: PETITIONS TO INCLUDE OTHER WASTES

77

78 Section

- 79 733.180 General
- 80 733.181 Factors for Petitions to Include Other Wastes

81

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

84

85 SOURCE: Adopted in R95-20 at 20 Ill. Reg. 11291, effective August 1, 1996; amended in R96-
86 10/R97-3/R97-5 at 22 Ill. Reg. 944, effective December 16, 1997; amended in R98-12 at 22 Ill.

87 Reg. 7650, effective April 15, 1998; amended in R99-15 at 23 Ill. Reg. 9502, effective July 26,
 88 1999; amended in R00-13 at 24 Ill. Reg. 9874, effective June 20, 2000; amended in R05-8 at 29
 89 Ill. Reg. 6058, effective April 13, 2005; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 1352,
 90 effective December 20, 2006; amended in R16-7 at 40 Ill. Reg. _____, effective _____.

91
 92 SUBPART A: GENERAL

93
 94 **Section 733.104 Applicability: Mercury-Containing Equipment ~~Mercury Thermostats~~**

- 95
 96 a) Mercury-containing equipment covered under this Part. The requirements of this
 97 Part apply to persons managing mercury-containing equipment, as described in
 98 Section 733.109, except those listed in subsection (b) ~~of this Section~~.
 99
 100 b) Mercury-containing equipment not covered under this Part. The requirements of
 101 this Part do not apply to persons managing the following mercury-containing
 102 equipment:
 103
 104 1) Mercury-containing equipment that is not yet waste pursuant to 35 Ill.
 105 Adm. Code 721. Subsection (c) ~~of this Section~~ describes when mercury-
 106 containing equipment becomes waste;
 107
 108 2) Mercury-containing equipment that is not hazardous waste. Mercury-
 109 containing equipment is a hazardous waste if it is a waste (see subsection
 110 (b)(1) ~~of this Section~~) and it exhibits one or more of the characteristics
 111 identified in Subpart C of 35 Ill. Adm. Code 721 or is listed in Subpart D
 112 of 35 Ill. Adm. Code 721; and
 113
 114 3) Equipment and devices from which the mercury-containing components
 115 have been removed.
 116
 117 c) Generation of waste mercury-containing equipment.
 118
 119 1) A used mercury-containing equipment becomes a waste on the date it is
 120 discarded.
 121
 122 2) Unused mercury-containing equipment becomes a waste on the date the
 123 handler decides to discard it.
 124

125 (Source: Amended at 40 Ill. Reg. _____, effective _____)

126
 127 SUBPART C: STANDARDS FOR LARGE QUANTITY HANDLERS

128
 129 **Section 733.132 Notification**

130
131
132
133
134
135
136
137
138
139
140
141
142
143
144
145
146
147
148
149
150
151
152
153
154
155
156
157
158
159
160
161
162
163
164
165
166
167
168
169
170
171
172

- a) Written notification of universal waste management.
 - 1) Except as provided in subsections (a)(2) and (a)(3) ~~of this Section~~, a large quantity handler of universal waste must have sent written notification of universal waste management to the Agency, and received a USEPA Identification Number, before meeting or exceeding the 5,000 kilogram storage limit.
 - 2) A large quantity handler of universal waste that has already notified USEPA and ~~or~~ the Agency of its hazardous waste management activities and that has received a USEPA Identification Number is not required to renotify pursuant to this Section.
 - 3) A large quantity handler of universal waste that manages recalled universal waste pesticides, as described in Section 733.103(a)(1), and that has sent notification to USEPA and ~~or~~ the Agency, as required by federal 40 CFR 165, is not required to notify for those recalled universal waste pesticides pursuant to this Section.
- b) This notification must include the following:
 - 1) The universal waste handler's name and mailing address;
 - 2) The name and business telephone number of the person at the universal waste handler's site who should be contacted regarding universal waste management activities;
 - 3) The address or physical location of the universal waste management activities;
 - 4) A list of all of the types of universal waste managed by the handler (e.g., batteries, pesticides, mercury-containing equipment, or lamps); and
 - 5) A statement indicating that the handler is accumulating more than 5,000 kilograms of universal waste at one time.

BOARD NOTE: At 60 Fed. Reg. 25520-21 (May 11, 1995), USEPA explained that the generator or consolidation point may use USEPA Form 8700-12 for notification of the Agency. ~~(Obtain To obtain~~ USEPA Form 8700-12 from each the Agency at 217-782-6761.) The generator or consolidation point must notify the Agency and USEPA Region 5 either by submitting USEPA Form 8700-12 or by some other means. USEPA further explained that it is not necessary for the

173 handler to aggregate the amounts of waste at multiple non-contiguous sites for the
174 purposes of the 5,000 kilogram determination.

175

176 (Source: Amended at 40 Ill. Reg. _____, effective _____)

~~POLLUTION CONTROL BOARD~~

~~NOTICE OF PROPOSED AMENDMENTS~~

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

PART 733
STANDARDS FOR UNIVERSAL WASTE MANAGEMENT

SUBPART A: GENERAL

Section	
733.101	Scope
733.102	Applicability: Batteries
733.103	Applicability: Pesticides
733.104	Applicability: Mercury-Containing Equipment
733.105	Applicability: Lamps
733.106	Applicability: Mercury-Containing Equipment (Repealed)
733.107	Applicability: Mercury-Containing Lamps (Repealed)
733.108	Applicability: Household and Conditionally Exempt Small Quantity Generator Waste
733.109	Definitions

SUBPART B: STANDARDS FOR SMALL QUANTITY HANDLERS

Section	
733.110	Applicability
733.111	Prohibitions
733.112	Notification
733.113	Waste Management
733.114	Labeling and Marking
733.115	Accumulation Time Limits
733.116	Employee Training
733.117	Response to Releases
733.118	Off-Site Shipments
733.119	Tracking Universal Waste Shipments
733.120	Exports

SUBPART C: STANDARDS FOR LARGE QUANTITY HANDLERS

~~POLLUTION CONTROL BOARD~~

~~NOTICE OF PROPOSED AMENDMENTS~~

Section	
733.130	Applicability
733.131	Prohibitions
733.132	Notification
733.133	Waste Management
733.134	Labeling and Marking
733.135	Accumulation Time Limits
733.136	Employee Training
733.137	Response to Releases
733.138	Off-Site Shipments
733.139	Tracking Universal Waste Shipments
733.140	Exports

SUBPART D: STANDARDS FOR UNIVERSAL WASTE TRANSPORTERS

Section	
733.150	Applicability
733.151	Prohibitions
733.152	Waste Management
733.153	Accumulation Time Limits
733.154	Response to Releases
733.155	Off-site Shipments
733.156	Exports

SUBPART E: STANDARDS FOR DESTINATION FACILITIES

Section	
733.160	Applicability
733.161	Off-Site Shipments
733.162	Tracking Universal Waste Shipments

SUBPART F: IMPORT REQUIREMENTS

Section	
733.170	Imports

SUBPART G: PETITIONS TO INCLUDE OTHER WASTES

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section	
733.180	General
733.181	Factors for Petitions to Include Other Wastes

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

SOURCE: Adopted in R95-20 at 20 Ill. Reg. 11291, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 944, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7650, effective April 15, 1998; amended in R99-15 at 23 Ill. Reg. 9502, effective July 26, 1999; amended in R00-13 at 24 Ill. Reg. 9874, effective June 20, 2000; amended in R05-8 at 29 Ill. Reg. 6058, effective April 13, 2005; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 1352, effective December 20, 2006; amended in R16-7 at 40 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL

Section 733.104 Applicability: Mercury-~~Thermostats~~-Mercury-Containing Equipment
Mercury Thermostats

- a) Mercury-containing equipment covered under this Part. The requirements of this Part apply to persons managing mercury-containing equipment, as described in Section 733.109, except those listed in subsection (b) of this Section.
- b) Mercury-containing equipment not covered under this Part. The requirements of this Part do not apply to persons managing the following mercury-containing equipment:
 - 1) Mercury-containing equipment that is not yet waste pursuant to 35 Ill. Adm. Code 721. Subsection (c) of this Section describes when mercury-containing equipment becomes waste;
 - 2) Mercury-containing equipment that is not hazardous waste. Mercury-containing equipment is a hazardous waste if it is a waste (see subsection (b)(1) of this Section) and it exhibits one or more of the characteristics identified in Subpart C of 35 Ill. Adm. Code 721 or is listed in Subpart D of 35 Ill. Adm. Code 721; and

~~POLLUTION CONTROL BOARD~~

~~NOTICE OF PROPOSED AMENDMENTS~~

- 1) The universal waste handler's name and mailing address;
- 2) The name and business telephone number of the person at the universal waste handler's site who should be contacted regarding universal waste management activities;
- 3) The address or physical location of the universal waste management activities;
- 4) A list of all of the types of universal waste managed by the handler (e.g., batteries, pesticides, mercury-containing equipment, or lamps); and
- 5) A statement indicating that the handler is accumulating more than 5,000 kilograms of universal waste at one time.

BOARD NOTE: At 60 Fed. Reg. 25520-21 (May 11, 1995), USEPA explained that the generator or consolidation point may use USEPA Form 8700-12 for notification of the Agency. (~~To Obtain~~To obtain ~~Obtain~~ USEPA Form 8700-12 from call ~~from~~ the Agency at 217-782-6761.) The generator or consolidation point must ~~send a copy of the notification to notify~~ the Agency and USEPA Region ~~5, whether~~ 5 either by submitting USEPA Form 8700-12 ~~is used or by~~ some other means ~~for the required notification~~. USEPA further explained that it is not necessary for the handler to aggregate the amounts of waste at multiple non-contiguous sites for the purposes of the 5,000 kilogram determination.

(Source: Amended at 40 Ill. Reg. — , effective)

Document comparison by Workshare Compare on Monday, March 14, 2016
11:49:57 AM

Input:	
Document 1 ID	file:///I:\Input\Agency Rulemakings - Files Received\2016\Mar2016\35-733-Corrected Agency Proposed-(issue 12).docx
Description	35-733-Corrected Agency Proposed-(issue 12)
Document 2 ID	file:///I:\Input\Agency Rulemakings - Files Received\2016\Mar2016\35-733-r01(issue 12).docx
Description	35-733-r01(issue 12)
Rendering set	JCAR Delta

Legend:	
Insertion	
Deletion	
Moved from	
Moved to	
Style change	
Format change	
Moved-deletion	
Inserted cell	
Deleted cell	
Moved cell	
Split/Merged cell	
Padding cell	

Statistics:	
	Count
Insertions	13
Deletions	22
Moved from	0
Moved to	0
Style change	0
Format changed	0
Total changes	35