

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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

<u>Section Numbers</u> :	<u>Proposed Actions</u> :
703.184	Amendment
703.213	Amendment
- 4) Statutory Authority: 415 ILCS 5/7.2, 22.4, and 27
- 5) A Complete Description of the Subjects and Issues Involved: The following briefly describes the subjects and issues involved in the docket R16-7 rulemaking of which the amendments to Part 703 are a single segment. Also affected are 35 Ill. Adm. Code 720, 721, 722, 724, 725, 726, 727, 728, and 733, which is covered by a separate notice in this issue of the *Illinois Register*. The amendments to the various Parts are inter-related. 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.

This proceeding updates the Illinois Resource Conservation and Recovery Act (RCRA) Subtitle C hazardous waste rules to correspond with amendments adopted by the United States Environmental Protection Agency (USEPA) that appeared in the *Federal Register* during a single update period. The R16-7 docket covers the time period January 1, 2015 through June 30, 2015. The following table briefly summarizes the federal actions in the update period:

January 13, 2016 (80 Fed. Reg. 1694): Amendment of DSWR: USEPA significantly amended the Definition of Solid Waste Rule (DSWR). Specifically, USEPA revised the conditions under which a material that is the subject of reclamation is considered "hazardous secondary material," and is excluded from the definition of "solid waste." If a material is not solid waste, it cannot be hazardous waste. Thus, the excluded HSM are not subject to regulation as hazardous waste.

April 8, 2015 (80 Fed. Reg. 18777): Removal of the Comparable Fuels and Gasification Rules: USEPA responded to the vacatur of the comparable fuels rule in *Natural Resources Defense Council v. EPA*, 755 F.3d 1010 (D.C. Cir. 2014), and the gasification rule in *Sierra Club v. EPA*, 755 F.3d 968 (D.C. Cir. 2014). USEPA removed the rules from the federal regulations.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

April 17, 2015 (80 Fed. Reg. 21302): Adoption of the CCR Rule, Exclusions for Fossil Fuel Combustion Residuals (Coal Combustion Residuals or CCR) from Regulation as Hazardous Waste: USEPA determined not to regulate CCR as hazardous waste and adopted new rules to govern the disposal of CCR as non-hazardous solid waste. While the new CCR rules do not affect hazardous waste regulation, a small segment expands the "Bevill exemption" from the definition of "hazardous waste." The expanded exemption includes eight specified "uniquely associated wastes" that are generated from processes associated with combustion of coal and other fossil fuels and that are disposed with CCR.

In addition to the federal actions that fall within the timeframe of this docket, the Board included two additional federal actions that occurred later. One of these additional actions directly impacted one of the actions that USEPA took within the timeframe that is involved, and the other action affected a provision that the Board opened to make a correction suggested by USEPA.

July 2, 2015 (80 Fed. Reg. 37988): Corrections to the CCR Rule: USEPA adopted technical corrections to the CCR Rule: USEPA corrected the effective date from October 14, 2015 to October 19, 2015. The Board notes the revised effective date, but no action is necessary in that regard. The effective date is now past, and the date does not appear in the text of the revisions to the Bevill exemption.

July 2, 2015 (80 Fed. Reg. 37992): Revision of the List of OECD Countries: USEPA revised the list of Organization for Economic Cooperation and Development (OECD) countries for the rules applicable to trans-boundary shipments of hazardous waste. USEPA added Estonia, Israel, and Slovenia to reflect that these countries are now implementing OECD Decision C(2001)107.

Thus, the Board is acting in this consolidated R16-7 docket on the five sets of USEPA amendments. The Board included a number of corrections that the Board deems are needed, including many suggested by USEPA, as a result of their review of the Illinois rules for the purpose of authorization of the Illinois RCRA Subtitle C program, and two suggested by the Illinois General Assembly's Joint Committee on Administrative Rules (JCAR).

Specifically, the amendments to Part 703 correct several Board note Statements of derivation of various provisions.

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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
- 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? Yes
- 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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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:

- 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 b: PERMITS

PART 703
RCRA PERMIT PROGRAM

SUBPART A: GENERAL PROVISIONS

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

SUBPART B: PROHIBITIONS

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

SUBPART C: AUTHORIZATION BY RULE AND INTERIM STATUS

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

~~POLLUTION CONTROL BOARD~~

~~NOTICE OF PROPOSED AMENDMENTS~~

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

SUBPART D: APPLICATIONS

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

703.214 Post-Closure Care Permits

SUBPART E: SPECIAL FORMS OF PERMITS

Section

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

SUBPART F: PERMIT CONDITIONS OR DENIAL

Section

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

SUBPART G: CHANGES TO PERMITS

Section

703.260 Transfer
703.270 Modification or Reissuance
703.271 Causes for Modification
703.272 Causes for Modification or Reissuance
703.273 Facility Siting

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 703.280 Permit Modification at the Request of the Permittee
- 703.281 Class 1 Modifications
- 703.282 Class 2 Modifications
- 703.283 Class 3 Modifications

SUBPART H: REMEDIAL ACTION PLANS

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

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

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

SUBPART J: RCRA STANDARDIZED PERMITS FOR STORAGE AND TREATMENT UNITS

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

- 703.APPENDIX A Classification of Permit Modifications

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

SOURCE: Adopted in R82-19 at 7 Ill. Reg. 14289, effective October 12, 1983; amended in R83-24 at 8 Ill. Reg. 206, effective December 27, 1983; amended in R84-9 at 9 Ill. Reg. 11899, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1110, effective January 2, 1986; amended in R85-23 at 10 Ill. Reg. 13284, effective July 28, 1986; amended in R86-1 at 10 Ill. Reg. 14093, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20702, effective December 2, 1986; amended in R86-28 at 11 Ill. Reg. 6121, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13543, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19383, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2584, effective January 15, 1988; amended in R87-39 at 12 Ill. Reg. 13069, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 447, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18477, effective November 13, 1989; amended in R89-9 at 14 Ill. Reg. 6278, effective April 16, 1990; amended in R90-2 at 14 Ill. Reg. 14492, effective August 22, 1990; amended in R90-11 at 15 Ill. Reg. 9616, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14554, effective September 30, 1991; amended in R91-13 at 16 Ill. Reg. 9767, effective June 9, 1992; amended in R92-10 at 17 Ill. Reg. 5774, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20794, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6898, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12392, effective July 29, 1994; amended in R94-5 at 18 Ill. Reg. 18316, effective December 20, 1994; amended in R95-6 at 19 Ill. Reg. 9920, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11225, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 553, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7632, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17930, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 2153, effective January 19, 1999; amended in R99-15 at 23 Ill. Reg. 9381, effective July 26, 1999; amended in R00-13 at 24 Ill. Reg. 9765, effective June 20, 2000; amended in R01-21/R01-23 at 25 Ill. Reg. 9313, effective July 9, 2001; amended in R02-1/R02-12/R02-17 at 26 Ill. Reg. 6539, effective April 22, 2002; amended in R03-7 at 27 Ill. Reg. 3496, effective February 14, 2003; amended in R03-18 at 27 Ill. Reg. 12683, effective July 17, 2003; amended in R05-8 at 29 Ill. Reg. 5966, effective April 13, 2005; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 2845, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 487, effective December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 11672, effective July 14, 2008; amended in R09-16/R10-4 at 34 Ill. Reg. 18505, effective November 12, 2010; amended in R13-15 at 37 Ill. Reg. 17659, effective October 24, 2013; amended in R16-7 at 40 Ill. Reg. _____, effective _____.

SUBPART D: APPLICATIONS

Section 703.184 Facility Location Information

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- a) In order to show compliance with the facility location requirements of Section 21(1) of the Environmental Protection Act [415 ILCS 5/21(1)], the owner or operator must include the following information, or a demonstration that Section 21(1) does not apply:
- 1) The location of any active or inactive shaft or tunneled mine below the facility;
 - 2) The location of any active faults in the earth's crust within two miles of the facility boundary;
 - 3) The location of existing private wells or existing sources of a public water supply within 1000 feet of any disposal unit boundary;
 - 4) The location of the corporate boundaries of any municipalities within one and one-half miles of the facility boundary;

BOARD NOTE: Subsections (a)(1), (a)(2), (a)(3), and (a)(4) of this Section request information necessary to allow the Agency to determine the applicability of Section 21(1) of the Environmental Protection Act [415 ILCS 5/21(1)] requirements. These provisions are not intended to modify the requirements of the Act. For example, the operator is required to give the location of wells on its own property, even though the Agency might find that these do not prohibit the site location.

- 5) Documentation showing approval of municipalities if such approval is required by Section 21(1) of the Environmental Protection Act [415 ILCS 5/21(1)];

BOARD NOTE: This subsection (a) is a State-only requirement derived from 415 ILCS 5/21(1).

- b) This subsection (b) corresponds with 40 CFR 270.14(b)(11)(ii), which pertains exclusively to facilities located in certain federally listed seismic zones, none of which is in Illinois. This statement maintains structural consistency with the corresponding federal rules;
- c) A facility owner or operator must provide an identification of whether the facility

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

is located within a 100-year floodplain. This identification must indicate the source of data for such determination and include a copy of the relevant flood map produced by the Federal Emergency Management Agency, National Flood Insurance Program (NFIP), if used, or the calculations and maps used where a NFIP map is not available. Information must also be provided identifying the 100-year flood level and any other special flooding factors (e.g., wave action) that must be considered in designing, constructing, operating, or maintaining the facility to withstand washout from a 100-year flood;

BOARD NOTE: NFIP maps are available as follows: Flood Map Distribution Center, National Flood Insurance Program, Federal Emergency Management Agency, 6930 (A-F) San Tomas Road, Baltimore, MD 21227-6227. 800-638-6620; and, Illinois Floodplain Information Depository, State Water Survey, 514 WSRC, University of Illinois, Urbana, IL 61801. 217-333-0447. Where NFIP maps are available, they will normally be determinative of whether a facility is located within or outside of the 100-year flood plain. However, where the NFIP map excludes an area (usually areas of the flood plain less than 200 feet in width), these areas must be considered and a determination made as to whether they are in the 100-year floodplain. Where NFIP maps are not available for a proposed facility location, the owner or operator must use equivalent mapping techniques to determine whether the facility is within the 100-year floodplain, and if so located, what is the 100-year flood elevation.

- d) An owner or operator of a facility located in the 100-year floodplain must provide the following information:
 - 1) Engineering analysis to indicate the various hydrodynamic and hydrostatic forces expected to result at the site as a consequence of a 100-year flood;
 - 2) Structural or other engineering studies showing the design of operational units (e.g., tanks, incinerators) and flood protection devices (e.g., floodwalls, dikes) at the facility and how these will prevent washout;
 - 3) If applicable, and in lieu of subsections (d)(1) and (d)(2) of this Section, a detailed description of procedures to be followed to remove hazardous waste to safety before the facility is flooded, including the following:
 - A) Timing of such movement relative to flood levels, including

~~POLLUTION CONTROL BOARD~~

~~NOTICE OF PROPOSED AMENDMENTS~~

estimated time to move the waste, to show that such movement can be completed before floodwaters reach the facility;

- B) A description of the locations to which the waste will be moved and demonstration that those facilities will be eligible to receive hazardous waste in accordance with 35 Ill. Adm. Code 702, 703, and 724 through 727;
 - C) The planned procedures, equipment, and personnel to be used and the means to ensure that such resources will be available in time for use; and
 - D) The potential for accidental discharges of the waste during movement;
- e) An owner or operator of an existing facility not in compliance with 35 Ill. Adm. Code 724.118(b) must provide a plan showing how the facility will be brought into compliance and a schedule for compliance. Such an owner or operator must file a concurrent variance petition with the Board; and
- f) An owner or operator of a new regional pollution control facility, as defined in Section 3 of the Environmental Protection Act [415 ILCS 5/3], must provide documentation showing site location suitability from the county board or other governing body as provided by Section 39(c) and 39.2 of that Act [415 ILCS 5/39(c) and 39.2].

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

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

Section 703.213 Air Emission Controls for Tanks, Surface Impoundments, and Containers

Except as otherwise provided in 35 Ill. Adm. Code 724.101, the owner or operator of a tank, a

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

surface impoundment, or a container that uses air emission controls in accordance with the requirements of Subpart CC of 35 Ill. Adm. Code 724 must provide the following additional information:

- a) Documentation for each floating roof cover installed on a tank subject to 35 Ill. Adm. Code 724.984(d)(1) or (d)(2) that includes information prepared by the owner or operator or provided by the cover manufacturer or vendor describing the cover design, and certification by the owner or operator that the cover meets the applicable design specifications, as listed in 35 Ill. Adm. Code 725.991(e)(1) or (f)(1).
- b) Identification of each container area subject to the requirements of Subpart CC of 35 Ill. Adm. Code 724 and certification by the owner or operator that the requirements of this Subpart D are met.
- c) Documentation for each enclosure used to control air pollutant emissions from containers in accordance with the requirements of 35 Ill. Adm. Code 724.984(d)(5) or 724.986(e)(1)(ii) that includes records for the most recent set of calculations and measurements performed by the owner or operator to verify that the enclosure meets the criteria of a permanent total enclosure, as specified in ~~"Procedure T—~~ Criteria for and Verification of a Permanent or Temporary Total Enclosure" in appendix B to 40 CFR 52.741 (VOM Measurement Techniques for Capture Efficiency), incorporated by reference in 35 Ill. Adm. Code 720.111(b).
- d) Documentation for each floating membrane cover installed on a surface impoundment in accordance with the requirements of 35 Ill. Adm. Code 724.985(c) that includes information prepared by the owner or operator or provided by the cover manufacturer or vendor describing the cover design, and certification by the owner or operator that the cover meets the specifications listed in 35 Ill. Adm. Code 724.985(c)(1).
- e) Documentation for each closed-vent system and control device installed in accordance with the requirements of 35 Ill. Adm. Code 724.987 that includes design and performance information, as specified in Section 703.124(c) and (d).
- f) An emission monitoring plan for both Method 21 (Determination of Volatile Organic Compound Leaks) in appendix A to 40 CFR 60 (Test Methods),

~~POLLUTION CONTROL BOARD~~

~~NOTICE OF PROPOSED AMENDMENTS~~

incorporated by reference in 35 Ill. Adm. Code 720.111(b), and control device monitoring methods. This plan must include the following information: monitoring points, monitoring methods for control devices, monitoring frequency, procedures for documenting exceedances, and procedures for mitigating noncompliances.

- g) When an owner or operator of a facility subject to Subpart CC of 35 Ill. Adm. Code 725 cannot comply with Subpart CC of 35 Ill. Adm. Code 724 by the date of permit issuance, the schedule of implementation required under 35 Ill. Adm. Code 725.982.

BOARD NOTE: Derived from 40 CFR 270.27 ~~(2015) 270.27(a)~~ (2007) ~~270.27 (2015)~~.

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

Document comparison by Workshare Compare on Monday, March 14, 2016
11:41:54 AM

Input:	
Document 1 ID	file:///I:\Input\Agency Rulemakings - Files Received\2016\Mar2016\35-703-Corrected Agency Proposed (issue 12).docx
Description	35-703-Corrected Agency Proposed (issue 12)
Document 2 ID	file:///I:\Input\Agency Rulemakings - Files Received\2016\Mar2016\35-703-r01(issue 12).docx
Description	35-703-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	9
Deletions	17
Moved from	0
Moved to	0
Style change	0
Format changed	0
Total changes	26

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

5
6 PART 703
7 RCRA PERMIT PROGRAM

8
9 SUBPART A: GENERAL PROVISIONS

10
11 Section
12 703.100 Scope and Relation to Other Parts
13 703.101 Purpose
14 703.102 Electronic Reporting
15 703.110 References

16
17 SUBPART B: PROHIBITIONS

18
19 Section
20 703.120 Prohibitions in General
21 703.121 RCRA Permits
22 703.122 Specific Inclusions in Permit Program
23 703.123 Specific Exclusions from Permit Program
24 703.124 Discharges of Hazardous Waste
25 703.125 Reapplying for a Permit
26 703.126 Initial Applications
27 703.127 Federal Permits (Repealed)

28
29 SUBPART C: AUTHORIZATION BY RULE AND INTERIM STATUS

30
31 Section
32 703.140 Purpose and Scope
33 703.141 Permits by Rule
34 703.150 Application by Existing HWM Facilities and Interim Status Qualifications
35 703.151 Application by New HWM Facilities
36 703.152 Amended Part A Application
37 703.153 Qualifying for Interim Status
38 703.154 Prohibitions During Interim Status
39 703.155 Changes During Interim Status
40 703.156 Interim Status Standards
41 703.157 Grounds for Termination of Interim Status
42 703.158 Permits for Less Than an Entire Facility
43 703.159 Closure by Removal

- 44 703.160 Procedures for Closure Determination
- 45 703.161 Enforceable Document for Post-Closure Care

46

47 **SUBPART D: APPLICATIONS**

48

49 Section

- 50 703.180 Applications in General
- 51 703.181 Contents of Part A
- 52 703.182 Contents of Part B
- 53 703.183 General Information
- 54 703.184 Facility Location Information
- 55 703.185 Groundwater Protection Information
- 56 703.186 Exposure Information
- 57 703.187 Solid Waste Management Units
- 58 703.188 Other Information
- 59 703.189 Additional Information Required to Assure Compliance with MACT Standards
- 60 703.191 Public Participation: Pre-Application Public Notice and Meeting
- 61 703.192 Public Participation: Public Notice of Application
- 62 703.193 Public Participation: Information Repository
- 63 703.200 Specific Part B Application Information
- 64 703.201 Containers
- 65 703.202 Tank Systems
- 66 703.203 Surface Impoundments
- 67 703.204 Waste Piles
- 68 703.205 Incinerators that Burn Hazardous Waste
- 69 703.206 Land Treatment
- 70 703.207 Landfills
- 71 703.208 Boilers and Industrial Furnaces Burning Hazardous Waste
- 72 703.209 Miscellaneous Units
- 73 703.210 Process Vents
- 74 703.211 Equipment
- 75 703.212 Drip Pads
- 76 703.213 Air Emission Controls for Tanks, Surface Impoundments, and Containers
- 77 703.214 Post-Closure Care Permits

78

79 **SUBPART E: SPECIAL FORMS OF PERMITS**

80

81 Section

- 82 703.220 Emergency Permits
- 83 703.221 Alternative Compliance with the Federal NESHAPS
- 84 703.222 Incinerator Conditions Prior to Trial Burn
- 85 703.223 Incinerator Conditions During Trial Burn
- 86 703.224 Incinerator Conditions After Trial Burn

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

93

94

SUBPART F: PERMIT CONDITIONS OR DENIAL

95

96 Section

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

106

107

SUBPART G: CHANGES TO PERMITS

108

109 Section

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

119

120

SUBPART H: REMEDIAL ACTION PLANS

121

122 Section

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

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

134 Section

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

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

141 Section

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

147 703.APPENDIX A Classification of Permit Modifications
 148

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

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

173 September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 2153, effective January 19,
 174 1999; amended in R99-15 at 23 Ill. Reg. 9381, effective July 26, 1999; amended in R00-13 at 24
 175 Ill. Reg. 9765, effective June 20, 2000; amended in R01-21/R01-23 at 25 Ill. Reg. 9313, effective
 176 July 9, 2001; amended in R02-1/R02-12/R02-17 at 26 Ill. Reg. 6539, effective April 22, 2002;
 177 amended in R03-7 at 27 Ill. Reg. 3496, effective February 14, 2003; amended in R03-18 at 27 Ill.
 178 Reg. 12683, effective July 17, 2003; amended in R05-8 at 29 Ill. Reg. 5966, effective April 13,
 179 2005; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 2845, effective February 23, 2006;
 180 amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 487, effective December 20, 2006; amended
 181 in R07-5/R07-14 at 32 Ill. Reg. 11672, effective July 14, 2008; amended in R09-16/R10-4 at 34
 182 Ill. Reg. 18505, effective November 12, 2010; amended in R13-15 at 37 Ill. Reg. 17659,
 183 effective October 24, 2013; amended in R16-7 at 40 Ill. Reg. _____, effective _____.
 184

185 SUBPART D: APPLICATIONS

186
 187 **Section 703.184 Facility Location Information**

- 188
 189 a) In order to show compliance with the facility location requirements of Section
 190 21(l) of the Environmental Protection Act [415 ILCS 5/21(l)], the owner or
 191 operator must include the following information, or a demonstration that Section
 192 21(l) does not apply:
 193
- 194 1) The location of any active or inactive shaft or tunneled mine below the
 195 facility;
 - 196
 197 2) The location of any active faults in the earth's crust within two miles of the
 198 facility boundary;
 - 199
 200 3) The location of existing private wells or existing sources of a public water
 201 supply within 1000 feet of any disposal unit boundary;
 - 202
 203 4) The location of the corporate boundaries of any municipalities within one
 204 and one-half miles of the facility boundary;
 - 205
 206 BOARD NOTE: Subsections (a)(1), (a)(2), (a)(3), and (a)(4) of this
 207 Section request information necessary to allow the Agency to determine
 208 the applicability of Section 21(l) of the Environmental Protection Act [415
 209 ILCS 5/21(l)] requirements. These provisions are not intended to modify
 210 the requirements of the Act. For example, the operator is required to give
 211 the location of wells on its own property, even though the Agency might
 212 find that these do not prohibit the site location.
 213
 - 214 5) Documentation showing approval of municipalities if such approval is
 215 required by Section 21(l) of the Environmental Protection Act [415 ILCS

216
217
218
219
220
221
222
223
224
225
226
227
228
229
230
231
232
233
234
235
236
237
238
239
240
241
242
243
244
245
246
247
248
249
250
251
252
253
254
255
256
257
258

5/21(l)];

BOARD NOTE: This subsection (a) is a State-only requirement derived from 415 ILCS 5/21(l).

- b) This subsection (b) corresponds with 40 CFR 270.14(b)(11)(ii), which pertains exclusively to facilities located in certain federally listed seismic zones, none of which is in Illinois. This statement maintains structural consistency with the corresponding federal rules;
- c) A facility owner or operator must provide an identification of whether the facility is located within a 100-year floodplain. This identification must indicate the source of data for such determination and include a copy of the relevant flood map produced by the Federal Emergency Management Agency, National Flood Insurance Program (NFIP), if used, or the calculations and maps used where a NFIP map is not available. Information must also be provided identifying the 100-year flood level and any other special flooding factors (e.g., wave action) that must be considered in designing, constructing, operating, or maintaining the facility to withstand washout from a 100-year flood;

BOARD NOTE: NFIP maps are available as follows: Flood Map Distribution Center, National Flood Insurance Program, Federal Emergency Management Agency, 6930 (A-F) San Tomas Road, Baltimore, MD 21227-6227. 800-638-6620; and, Illinois Floodplain Information Depository, State Water Survey, 514 WSRC, University of Illinois, Urbana, IL 61801. 217-333-0447. Where NFIP maps are available, they will normally be determinative of whether a facility is located within or outside of the 100-year flood plain. However, where the NFIP map excludes an area (usually areas of the flood plain less than 200 feet in width), these areas must be considered and a determination made as to whether they are in the 100-year floodplain. Where NFIP maps are not available for a proposed facility location, the owner or operator must use equivalent mapping techniques to determine whether the facility is within the 100-year floodplain, and if so located, what is the 100-year flood elevation.

- d) An owner or operator of a facility located in the 100-year floodplain must provide the following information:
 - 1) Engineering analysis to indicate the various hydrodynamic and hydrostatic forces expected to result at the site as a consequence of a 100-year flood;
 - 2) Structural or other engineering studies showing the design of operational units (e.g., tanks, incinerators) and flood protection devices (e.g., floodwalls, dikes) at the facility and how these will prevent washout;

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

- 3) If applicable, and in lieu of subsections (d)(1) and (d)(2) of this Section, a detailed description of procedures to be followed to remove hazardous waste to safety before the facility is flooded, including the following:
 - A) Timing of such movement relative to flood levels, including estimated time to move the waste, to show that such movement can be completed before floodwaters reach the facility;
 - B) A description of the locations to which the waste will be moved and demonstration that those facilities will be eligible to receive hazardous waste in accordance with 35 Ill. Adm. Code 702, 703, and 724 through 727;
 - C) The planned procedures, equipment, and personnel to be used and the means to ensure that such resources will be available in time for use; and
 - D) The potential for accidental discharges of the waste during movement;
- e) An owner or operator of an existing facility not in compliance with 35 Ill. Adm. Code 724.118(b) must provide a plan showing how the facility will be brought into compliance and a schedule for compliance. Such an owner or operator must file a concurrent variance petition with the Board; and
- f) An owner or operator of a new regional pollution control facility, as defined in Section 3 of the Environmental Protection Act [415 ILCS 5/3], must provide documentation showing site location suitability from the county board or other governing body as provided by Section 39(c) and 39.2 of that Act [415 ILCS 5/39(c) and 39.2].

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

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

Section 703.213 Air Emission Controls for Tanks, Surface Impoundments, and Containers

302 Except as otherwise provided in 35 Ill. Adm. Code 724.101, the owner or operator of a tank, a
 303 surface impoundment, or a container that uses air emission controls in accordance with the
 304 requirements of Subpart CC of 35 Ill. Adm. Code 724 must provide the following additional
 305 information:

- 307 a) Documentation for each floating roof cover installed on a tank subject to 35 Ill.
 308 Adm. Code 724.984(d)(1) or (d)(2) that includes information prepared by the
 309 owner or operator or provided by the cover manufacturer or vendor describing the
 310 cover design, and certification by the owner or operator that the cover meets the
 311 applicable design specifications, as listed in 35 Ill. Adm. Code 725.991(e)(1) or
 312 (f)(1).
 313
- 314 b) Identification of each container area subject to the requirements of Subpart CC of
 315 35 Ill. Adm. Code 724 and certification by the owner or operator that the
 316 requirements of this Subpart D are met.
 317
- 318 c) Documentation for each enclosure used to control air pollutant emissions from
 319 containers in accordance with the requirements of 35 Ill. Adm. Code
 320 724.984(d)(5) or 724.986(e)(1)(ii) that includes records for the most recent set of
 321 calculations and measurements performed by the owner or operator to verify that
 322 the enclosure meets the criteria of a permanent total enclosure, as specified in
 323 "Procedure T – Criteria for and Verification of a Permanent or Temporary Total
 324 Enclosure" in appendix B to 40 CFR 52.741 (VOM Measurement Techniques for
 325 Capture Efficiency), incorporated by reference in 35 Ill. Adm. Code 720.111(b).
 326
- 327 d) Documentation for each floating membrane cover installed on a surface
 328 impoundment in accordance with the requirements of 35 Ill. Adm. Code
 329 724.985(c) that includes information prepared by the owner or operator or
 330 provided by the cover manufacturer or vendor describing the cover design, and
 331 certification by the owner or operator that the cover meets the specifications listed
 332 in 35 Ill. Adm. Code 724.985(c)(1).
 333
- 334 e) Documentation for each closed-vent system and control device installed in
 335 accordance with the requirements of 35 Ill. Adm. Code 724.987 that includes
 336 design and performance information, as specified in Section 703.124(c) and (d).
 337
- 338 f) An emission monitoring plan for both Method 21 (Determination of Volatile
 339 Organic Compound Leaks) in appendix A to 40 CFR 60 (Test Methods),
 340 incorporated by reference in 35 Ill. Adm. Code 720.111(b), and control device
 341 monitoring methods. This plan must include the following information:
 342 monitoring points, monitoring methods for control devices, monitoring frequency,
 343 procedures for documenting exceedances, and procedures for mitigating
 344 noncompliances.

345
346
347
348
349
350
351
352
353

- g) When an owner or operator of a facility subject to Subpart CC of 35 Ill. Adm. Code 725 cannot comply with Subpart CC of 35 Ill. Adm. Code 724 by the date of permit issuance, the schedule of implementation required under 35 Ill. Adm. Code 725.982.

BOARD NOTE: Derived from 40 CFR 270.27 (2015)-270.27(a) (2007).

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Hazardous Waste Management System: General
- 2) Code Citation: 35 Ill. Adm. Code 720
- 3)

<u>Section Numbers</u> :	<u>Proposed Actions</u> :
720.110	Amendment
720.111	Amendment
720.130	Amendment
720.131	Amendment
720.133	Amendment
720.134	Amendment
720.142	Amendment
720.143	Amendment
- 4) Statutory Authority: 415 ILCS 5/7.2, 13, 22.4, and 27
- 5) A Complete Description of Subjects and Issues Involved: The amendments to Part 720 are a single segment of the docket R16-7 rulemaking that also affects 35 Ill. Adm. Code 703, 721, 722, 724, 725, 726, 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 720 implement segments of the federal amendments of January 13, 2015. The amendments further update the versions of federal rules and statutory provision incorporated by reference for purposes of the Illinois hazardous waste and underground injection control rules. The Board has included a limited number of 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.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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:

- 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 720
HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL

SUBPART A: GENERAL PROVISIONS

Section	
720.101	Purpose, Scope, and Applicability
720.102	Availability of Information; Confidentiality of Information
720.103	Use of Number and Gender
720.104	Electronic Reporting

SUBPART B: DEFINITIONS AND REFERENCES

Section	
720.110	Definitions
720.111	References

SUBPART C: RULEMAKING PETITIONS AND OTHER PROCEDURES

Section	
720.120	Rulemaking
720.121	Alternative Equivalent Testing Methods
720.122	Waste Delisting
720.123	Petitions for Regulation as Universal Waste
720.130	Procedures for Solid Waste Determinations and Non-Waste Determinations
720.131	Solid Waste Determinations
720.132	Boiler Determinations
720.133	Procedures for Determinations
720.134	Non-Waste Determinations
720.140	Additional Regulation of Certain Hazardous Waste Recycling Activities on a Case-by-Case Basis
720.141	Procedures for Case-by-Case Regulation of Hazardous Waste Recycling Activities
720.142	Notification Requirement for Hazardous Secondary Materials

~~POLLUTION CONTROL BOARD~~

~~NOTICE OF PROPOSED AMENDMENTS~~

720.143 Legitimate Recycling of Hazardous Secondary Materials

720.APPENDIX A Overview of Federal RCRA Subtitle C (Hazardous Waste) Regulations
(Repealed)

AUTHORITY: Implementing Sections 7.2, 13, and 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 13, 22.4, and 27].

SOURCE: Adopted in R81-22 at 5 Ill. Reg. 9781, effective May 17, 1982; amended and codified in R81-22 at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R82-19 at 7 Ill. Reg. 14015, effective October 12, 1983; amended in R84-9 at 9 Ill. Reg. 11819, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 968, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 13998, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20630, effective December 2, 1986; amended in R86-28 at 11 Ill. Reg. 6017, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13435, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19280, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2450, effective January 15, 1988; amended in R87-39 at 12 Ill. Reg. 12999, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 362, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18278, effective November 13, 1989; amended in R89-2 at 14 Ill. Reg. 3075, effective February 20, 1990; amended in R89-9 at 14 Ill. Reg. 6225, effective April 16, 1990; amended in R90-10 at 14 Ill. Reg. 16450, effective September 25, 1990; amended in R90-17 at 15 Ill. Reg. 7934, effective May 9, 1991; amended in R90-11 at 15 Ill. Reg. 9323, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14446, effective September 30, 1991; amended in R91-13 at 16 Ill. Reg. 9489, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17636, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5625, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20545, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6720, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12160, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17480, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9508, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 10929, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 256, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7590, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17496, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 1704, effective January 19, 1999; amended in R99-15 at 23 Ill. Reg. 9094, effective July 26, 1999; amended in R00-5 at 24 Ill. Reg. 1063, effective January 6, 2000; amended in R00-13 at 24 Ill. Reg. 9443, effective June 20, 2000; amended in R01-3 at 25 Ill. Reg. 1266, effective January 11, 2001; amended in R01-21/R01-23 at 25 Ill. Reg. 9168, effective July 9, 2001; amended in R02-1/R02-12/R02-17 at 26 Ill. Reg. 6550, effective April 22, 2002; amended in R03-7 at 27 Ill. Reg. 3712, effective February 14, 2003; amended in R03-18 at

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

27 Ill. Reg. 12713, effective July 17, 2003; amended in R05-8 at 29 Ill. Reg. 5974, effective April 13, 2005; amended in R05-2 at 29 Ill. Reg. 6290, effective April 22, 2005; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 2930, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 730, effective December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 11726, effective July 14, 2008; amended in R09-3 at 33 Ill. Reg. 922, effective December 30, 2008; amended in R09-16/R10-4 at 34 Ill. Reg. 18535, effective November 12, 2010; amended in R11-2/R11-16 at 35 Ill. Reg. 17672, effective October 14, 2011; amended in R12-7 at 36 Ill. Reg. 8740, effective June 4, 2012; amended in R13-5 at 37 Ill. Reg. 3180, effective March 4, 2013; amended in R13-15 at 37 Ill. Reg. 17726, effective October 24, 2013; amended in R14-1/-R14-2/-R14-3 at 38 Ill. Reg. 7189, effective March 13, 2014; amended in R14-13 at 38 Ill. Reg. 12378, effective May 27, 2014; amended in R15-1 at 39 Ill. Reg. 1542, effective January 12, 2015; amended in R16-7 at 40 Ill. Reg. _____, effective _____.

SUBPART B: DEFINITIONS AND REFERENCES

Section 720.110 Definitions

When used in 35 Ill. Adm. Code 720 through 728, 733, 738, and 739 only, the following terms have the meanings given below:

“Aboveground tank” means a device meeting the definition of tank that is situated in such a way that the entire surface area of the tank is completely above the plane of the adjacent surrounding surface and the entire surface area of the tank (including the tank bottom) is able to be visually inspected.

“Active life” of a facility means the period from the initial receipt of hazardous waste at the facility until the Agency receives certification of final closure.

“Active portion” means that portion of a facility where treatment, storage, or disposal operations are being or have been conducted after May 19, 1980, and which is not a closed portion. (See also “closed portion” and “inactive portion.”)

“Administrator” means the Administrator of the United States Environmental Protection Agency or the Administrator’s designee.

“Agency” means the Illinois Environmental Protection Agency.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

“Ancillary equipment” means any device, including, but not limited to, such devices as piping, fittings, flanges, valves, and pumps, that is used to distribute, meter, or control the flow of hazardous waste from its point of generation to storage or treatment tanks, between hazardous waste storage and treatment tanks to a point of disposal onsite, or to a point of shipment for disposal off-site.

“Aquifer” means a geologic formation, group of formations, or part of a formation capable of yielding a significant amount of groundwater to wells or springs.

“Authorized representative” means the person responsible for the overall operation of a facility or an operational unit (i.e., part of a facility), e.g., the plant manager, superintendent, or person of equivalent responsibility.

“Battery” means a device that consists of one or more electrically connected electrochemical cells that is designed to receive, store, and deliver electric energy. An electrochemical cell is a system consisting of an anode, cathode, and an electrolyte, plus such connections (electrical and mechanical) as may be needed to allow the cell to deliver or receive electrical energy. The term battery also includes an intact, unbroken battery from which the electrolyte has been removed.

“Board” means the Illinois Pollution Control Board.

“Boiler” means an enclosed device using controlled flame combustion and having the following characteristics:

Boiler by physical characteristics:

The unit must have physical provisions for recovering and exporting thermal energy in the form of steam, heated fluids, or heated gases; and the unit’s combustion chamber and primary energy recovery sections must be of integral design. To be of integral design, the combustion chamber and the primary energy recovery sections (such as waterwalls and superheaters) must be physically formed into one manufactured or assembled unit. A unit in which the combustion chamber and the primary energy recovery sections are joined only by ducts or connections carrying flue gas is

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

not integrally designed; however, secondary energy recovery equipment (such as economizers or air preheaters) need not be physically formed into the same unit as the combustion chamber and the primary energy recovery section. The following units are not precluded from being boilers solely because they are not of integral design: process heaters (units that transfer energy directly to a process stream) and fluidized bed combustion units; and

While in operation, the unit must maintain a thermal energy recovery efficiency of at least 60 percent, calculated in terms of the recovered energy compared with the thermal value of the fuel; and

The unit must export and utilize at least 75 percent of the recovered energy, calculated on an annual basis. In this calculation, no credit may be given for recovered heat used internally in the same unit. (Examples of internal use are the preheating of fuel or combustion air, and the driving of induced or forced draft fans or feedwater pumps.); or

Boiler by designation. The unit is one that the Board has determined, on a case-by-case basis, to be a boiler, after considering the standards in Section 720.132.

“Carbon dioxide stream” means carbon dioxide that has been captured from an emission source (e.g., a power plant), plus incidental associated substances derived from the source materials and the capture process, and any substances added to the stream to enable or improve the injection process.

“Carbon regeneration unit” means any enclosed thermal treatment device used to regenerate spent activated carbon.

“Cathode ray tube” or “CRT” means a vacuum tube, composed primarily of glass, which is the visual or video display component of an electronic device. A “used, intact CRT” means a CRT whose vacuum has not been released. A “used, broken CRT” means glass removed from its housing or casing whose vacuum has been released.

“Certification” means a statement of professional opinion based upon

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

knowledge and belief.

“Closed portion” means that portion of a facility that an owner or operator has closed in accordance with the approved facility closure plan and all applicable closure requirements. (See also “active portion” and “inactive portion.”)

“Component” means either the tank or ancillary equipment of a tank system.

“Contained” means held in a unit (including a land-based unit, as defined in this [Subpart B Section](#)) that meets either of the following containment situations:

Containment situation 1 (non-hazardous waste containment):

The unit is in good condition, with no leaks or other continuing or intermittent unpermitted releases of the hazardous secondary materials to the environment, and is designed, as appropriate for the hazardous secondary materials, to prevent unpermitted releases of hazardous secondary materials to the environment.

“Unpermitted releases” are releases that are not covered by a permit (such as a permit to discharge to water or air) and may include, but are not limited to, releases through surface transport by precipitation runoff, releases to soil and groundwater, windblown dust, fugitive air emissions, and catastrophic unit failures;

The unit is properly labeled or otherwise has a system (such as a log) to immediately identify the hazardous secondary materials in the unit; and

The unit holds hazardous secondary materials that are compatible with other hazardous secondary materials placed in the unit and is compatible with the materials used to construct the unit, and addresses any potential risks of fires or explosions.

Containment situation 2 (hazardous waste containment):

Hazardous secondary materials in units that meet the applicable requirements of 35 Ill. Adm. Code 724 or 725 are presumptively contained.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

“Confined aquifer” means an aquifer bounded above and below by impermeable beds or by beds of distinctly lower permeability than that of the aquifer itself; an aquifer containing confined groundwater.

“Container” means any portable device in which a material is stored, transported, treated, disposed of, or otherwise handled.

“Containment building” means a hazardous waste management unit that is used to store or treat hazardous waste pursuant to the provisions of Subpart DD of 35 Ill. Adm. Code 724 and Subpart DD of 35 Ill. Adm. Code 725.

“Contingency plan” means a document setting out an organized, planned and coordinated course of action to be followed in case of a fire, explosion, or release of hazardous waste or hazardous waste constituents that could threaten human health or the environment.

“Corrosion expert” means a person who, by reason of knowledge of the physical sciences and the principles of engineering and mathematics, acquired by a professional education and related practical experience, is qualified to engage in the practice of corrosion control on buried or submerged metal piping systems and metal tanks. Such a person must be certified as being qualified by the National Association of Corrosion Engineers (NACE) or be a registered professional engineer who has certification or licensing that includes education and experience in corrosion control on buried or submerged metal piping systems and metal tanks.

“CRT collector” means a person who receives used, intact CRTs for recycling, repair, resale, or donation.

“CRT exporter” means any person in the United States that initiates a transaction to send used CRTs outside the United States or its territories for recycling or reuse, or any intermediary in the United States arranging for such export.

“CRT glass manufacturer” means an operation or part of an operation that uses a furnace to manufacture CRT glass.

~~POLLUTION CONTROL BOARD~~

~~NOTICE OF PROPOSED AMENDMENTS~~

~~“CRT processing” means conducting all of the following activities:~~

~~Receiving broken or intact CRTs;~~

~~Intentionally breaking intact CRTs or further breaking or separating broken CRTs; and~~

~~Sorting or otherwise managing glass removed from CRT monitors.~~

~~“Designated facility” means either of the following entities:~~

~~A hazardous waste treatment, storage, or disposal facility that has been designated on the manifest by the generator, pursuant to 35 Ill. Adm. Code 722.120, of which any of the following is true:~~

~~The facility has received a RCRA permit (or interim status) pursuant to 35 Ill. Adm. Code 702, 703, and 705;~~

~~The facility has received a RCRA permit from USEPA pursuant to 40 CFR 124 and 270;~~

~~The facility has received a RCRA permit from a state authorized by USEPA pursuant to 40 CFR 271; or~~

~~The facility is regulated pursuant to 35 Ill. Adm. Code 721.106(c)(2) or Subpart F of 35 Ill. Adm. Code 266; or~~

~~A generator site designated by the hazardous waste generator on the manifest to receive back its own waste as a return shipment from a designated hazardous waste treatment, storage, or disposal facility that has rejected the waste in accordance with 35 Ill. Adm. Code 724.172(f) or 725.172(f).~~

If a waste is destined to a facility in a state other than Illinois that has been authorized by USEPA pursuant to 40 CFR 271, but which has not yet obtained authorization to regulate that waste as hazardous, then the designated facility must be a facility allowed by the receiving state to accept such waste.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

“Destination facility” means a facility that treats, disposes of, or recycles a particular category of universal waste, except those management activities described in 35 Ill. Adm. Code 733.113(a) and (c) and 733.133(a) and (c). A facility at which a particular category of universal waste is only accumulated is not a destination facility for the purposes of managing that category of universal waste.

“Dike” means an embankment or ridge of either natural or manmade materials used to prevent the movement of liquids, sludges, solids, or other materials.

“Dioxins and furans” means tetra-, penta-, hexa-, hepta-, and octa-chlorinated dibenzo dioxins and furans.

“Director” means the Director of the Illinois Environmental Protection Agency.

“Discharge” or “hazardous waste discharge” means the accidental or intentional spilling, leaking, pumping, pouring, emitting, emptying, or dumping of hazardous waste into or on any land or water.

“Disposal” means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste or hazardous waste into or on any land or water so that such solid waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

“Disposal facility” means a facility or part of a facility at which hazardous waste is intentionally placed into or on any land or water and at which waste will remain after closure. The term disposal facility does not include a corrective action management unit (CAMU) into which remediation wastes are placed.

“Drip pad” means an engineered structure consisting of a curbed, free-draining base, constructed of non-earthen materials and designed to convey preservative kick-back or drippage from treated wood, precipitation and surface water runoff to an associated collection system at wood preserving plants.

“Electronic manifest” or “e-Manifest” means the electronic format of the hazardous waste manifest that is obtained from USEPA’s national e-Manifest System and transmitted electronically to the e-Manifest System, and which is the

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

legal equivalent of USEPA Forms 8700-22 (Manifest) and 8700-22A (Continuation Sheet).

“Electronic Manifest System” or “e- Manifest System” means USEPA’s national information technology system through which the e-Manifest may be obtained, completed, transmitted, and distributed to users of the e-Manifest System and to regulatory agencies.

“Elementary neutralization unit” means a device of which the following is true:

It is used for neutralizing wastes that are hazardous only because they exhibit the corrosivity characteristic defined in 35 Ill. Adm. Code 721.122 or which are listed in Subpart D of 35 Ill. Adm. Code 721 only for this reason; and

It meets the definition of tank, tank system, container, transport vehicle, or vessel in this Section.

“EPA hazardous waste number” or “USEPA hazardous waste number” means the number assigned by USEPA to each hazardous waste listed in Subpart D of 35 Ill. Adm. Code 721 and to each characteristic identified in Subpart C of 35 Ill. Adm. Code 721.

“EPA identification number” or “USEPA identification number” means the number assigned by USEPA pursuant to 35 Ill. Adm. Code 722 through 725 to each generator; transporter; and treatment, storage, or disposal facility.

“EPA region” or “USEPA region” means the states and territories found in any one of the following 10ten regions:

Region I: Maine, Vermont, New Hampshire, Massachusetts, Connecticut, and Rhode Island.

Region II: New York, New Jersey, Commonwealth of Puerto Rico, and the U.S. Virgin Islands.

Region III: Pennsylvania, Delaware, Maryland, West Virginia, Virginia, and the District of Columbia.

~~POLLUTION CONTROL BOARD~~

~~NOTICE OF PROPOSED AMENDMENTS~~

Region IV: Kentucky, Tennessee, North Carolina, Mississippi, Alabama, Georgia, South Carolina, and Florida.

Region V: Minnesota, Wisconsin, Illinois, Michigan, Indiana, and Ohio.

Region VI: New Mexico, Oklahoma, Arkansas, Louisiana, and Texas.

Region VII: Nebraska, Kansas, Missouri, and Iowa.

Region VIII: Montana, Wyoming, North Dakota, South Dakota, Utah, and Colorado.

Region IX: California, Nevada, Arizona, Hawaii, Guam, American Samoa, and Commonwealth of the Northern Mariana Islands.

Region X: Washington, Oregon, Idaho, and Alaska.

~~“Equivalent method”~~ means any testing or analytical method approved by the Board pursuant to Section 720.120.

~~“Existing hazardous waste management (HWM) facility”~~ or ~~“existing facility”~~ means a facility that was in operation or for which construction commenced on or before November 19, 1980. A facility had commenced construction if the owner or operator had obtained the federal, State, and local approvals or permits necessary to begin physical construction and either of the following had occurred:

A continuous on-site, physical construction program had begun; or

The owner or operator had entered into contractual obligations that could not be canceled or modified without substantial loss for physical construction of the facility to be completed within a reasonable time.

~~“Existing portion”~~ means that land surface area of an existing waste management unit, included in the original Part A permit application, on which wastes have been placed prior to the issuance of a permit.

~~“Existing tank system”~~ or ~~“existing component”~~ means a tank system or

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

component that is used for the storage or treatment of hazardous waste and which was in operation, or for which installation was commenced, on or prior to July 14, 1986. Installation will be considered to have commenced if the owner or operator has obtained all federal, State, and local approvals or permits necessary to begin physical construction of the site or installation of the tank system and if either of the following is true:

A continuous on-site physical construction or installation program has begun; or

The owner or operator has entered into contractual obligations that cannot be canceled or modified without substantial loss for physical construction of the site or installation of the tank system to be completed within a reasonable time.

"Explosives or munitions emergency" means a situation involving the suspected or detected presence of unexploded ordnance (UXO), damaged or deteriorated explosives or munitions, an improvised explosive device (IED), other potentially explosive material or device, or other potentially harmful military chemical munitions or device, that creates an actual or potential imminent threat to human health, including safety, or the environment, including property, as determined by an explosives or munitions emergency response specialist. Such situations may require immediate and expeditious action by an explosives or munitions emergency response specialist to control, mitigate, or eliminate the threat.

"Explosives or munitions emergency response" means all immediate response activities by an explosives and munitions emergency response specialist to control, mitigate, or eliminate the actual or potential threat encountered during an explosives or munitions emergency. An explosives or munitions emergency response may include in-place render-safe procedures, treatment, or destruction of the explosives or munitions or transporting those items to another location to be rendered safe, treated, or destroyed. Any reasonable delay in the completion of an explosives or munitions emergency response caused by a necessary, unforeseen, or uncontrollable circumstance will not terminate the explosives or munitions emergency. Explosives and munitions emergency responses can occur on either public or private lands and are not limited to responses at RCRA facilities.

"Explosives or munitions emergency response specialist" means an individual

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

trained in chemical or conventional munitions or explosives handling, transportation, render-safe procedures, or destruction techniques. Explosives or munitions emergency response specialists include United States Department of Defense (USDOD) emergency explosive ordnance disposal (EOD), technical escort unit (TEU), and USDOD-certified civilian or contractor personnel and other federal, State, or local government or civilian personnel who are similarly trained in explosives or munitions emergency responses.

“Facility” means the following:

All contiguous land and structures, other appurtenances, and improvements on the land used for treating, storing, or disposing of hazardous waste or for managing hazardous secondary materials prior to reclamation. A facility may consist of several treatment, storage, or disposal operational units (e.g., one or more landfills, surface impoundments, or combinations of them).

For the purpose of implementing corrective action pursuant to 35 Ill. Adm. Code 724.201 or 35 Ill. Adm. Code 727.201, all contiguous property under the control of the owner or operator seeking a permit under Subtitle C of RCRA. This definition also applies to facilities implementing corrective action pursuant to RCRA section 3008(h).

Notwithstanding the immediately-preceding paragraph of this definition, a remediation waste management site is not a facility that is subject to 35 Ill. Adm. Code 724.201, but a facility that is subject to corrective action requirements if the site is located within such a facility.

“Federal agency” means any department, agency, or other instrumentality of the federal government, any independent agency or establishment of the federal government, including any government corporation and the Government Printing Office.

“Federal, State, and local approvals or permits necessary to begin physical construction” means permits and approvals required under federal, State, or local hazardous waste control statutes, regulations, or ordinances.

“Final closure” means the closure of all hazardous waste management units at

~~POLLUTION CONTROL BOARD~~

~~NOTICE OF PROPOSED AMENDMENTS~~

the facility in accordance with all applicable closure requirements so that hazardous waste management activities pursuant to 35 Ill. Adm. Code 724 and 725 are no longer conducted at the facility unless subject to the provisions of 35 Ill. Adm. Code 722.134.

~~“Food-chain crops”~~ means tobacco, crops grown for human consumption, and crops grown for feed for animals whose products are consumed by humans.

~~“Freeboard”~~ means the vertical distance between the top of a tank or surface impoundment dike and the surface of the waste contained therein.

~~“Free liquids”~~ means liquids that readily separate from the solid portion of a waste under ambient temperature and pressure.

~~“Gasification”~~ means, for the purpose of complying with 35 Ill. Adm. Code 721.104(a)(12)(A), a process conducted in an enclosed device or system that is designed and operated to process petroleum feedstock, including oil-bearing hazardous secondary materials, through a series of highly controlled steps utilizing thermal decomposition, limited oxidation, and gas cleaning to yield a synthesis gas composed primarily of hydrogen and carbon monoxide gas.

~~“Generator”~~ means any person, by site, whose act or process produces hazardous waste identified or listed in 35 Ill. Adm. Code 721 or whose act first causes a hazardous waste to become subject to regulation.

~~“Groundwater”~~ means water below the land surface in a zone of saturation.

~~“Hazardous secondary material”~~ means a secondary material (e.g., spent material, by-product, or sludge) that, when discarded, would be identified as hazardous waste pursuant to 35 Ill. Adm. Code 721.

~~“Hazardous secondary material generated and reclaimed under the control of the generator”~~ means one of the following materials:

A material that is both generated and reclaimed at the generating facility (for purposes of this definition, generating facility means all contiguous-property owned, leased, or otherwise controlled by the hazardous secondary material generator);

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

A material that is generated and reclaimed at different facilities, if both of the following conditions are fulfilled:

Either the reclaiming facility is controlled by the generator, or both the generating facility and the reclaiming facility are controlled by the same person, as "person" is defined in this Section; and

The generator provides either of the following certifications:

"On behalf of [insert generator facility name], I certify that this facility will send the indicated hazardous secondary material to [insert reclaimer facility name], which is controlled by [insert generator facility name] and that [insert the name of either facility] has acknowledged full responsibility for the safe management of the hazardous secondary material."

or

"On behalf of [insert generator facility name] I certify that this facility will send the indicated hazardous secondary material to [insert reclaimer facility name], that both facilities are under common control, and that [insert name of either facility] has acknowledged full responsibility for the safe management of the hazardous secondary material."

For purposes of this definition, "control" means the power to direct the policies of the facility, whether by the ownership of stock, voting rights, or otherwise, except that contractors who operate facilities on behalf of a different person, as "person" is defined in this Section, shall not be deemed to "control" such facilities; or

A material that is generated pursuant to a written contract between a tolling contractor and a toll manufacturer and which is reclaimed by the tolling contractor, if the tolling contractor certifies the following:

"On behalf of [insert tolling contractor name], I certify that [insert tolling contractor name], has a written contract with [insert toll manufacturer name] to manufacture [insert name of product or intermediate] which is made from specified unused materials, and that [insert tolling contractor name] will reclaim

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

the hazardous secondary materials generated during this manufacture. On behalf of [insert tolling contractor name], I also certify that [insert tolling contractor name] retains ownership of, and responsibility for, the hazardous secondary materials that are generated during the course of the manufacture, including any releases of hazardous secondary materials that occur during the manufacturing process.

For purposes of this definition, "tolling contractor" means a person who arranges for the production of a product or intermediate made from specified unused materials through a written contract with a toll manufacturer. "Toll manufacturer" means a person who produces a product or intermediate made from specified unused materials pursuant to a written contract with a tolling contractor.

"Hazardous secondary material generator" means any person whose act or process produces hazardous secondary materials at the generating facility. For purposes of this definition, "generating facility" means all contiguous property owned, leased, or otherwise controlled by the hazardous secondary material generator. For the purposes of Sections 721.102(a)(2)(B) and 721.104(a)(23), a facility that collects hazardous secondary materials from other persons is not the hazardous secondary material generator.

"Hazardous waste" means a hazardous waste as defined in 35 Ill. Adm. Code 721.103.

"Hazardous waste constituent" means a constituent that caused the hazardous waste to be listed in Subpart D of 35 Ill. Adm. Code 721, or a constituent listed in 35 Ill. Adm. Code 721.124.

"Hazardous waste management unit" is a contiguous area of land on or in which hazardous waste is placed, or the largest area in which there is significant likelihood of mixing hazardous waste constituents in the same area. Examples of hazardous waste management units include a surface impoundment, a waste pile, a land treatment area, a landfill cell, an incinerator, a tank and its associated piping and underlying containment system, and a container storage area. A container alone does not constitute a unit; the unit includes containers, and the land or pad upon which they are placed.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

"Inactive portion" means that portion of a facility that was not operated after November 19, 1980. (See also "active portion" and "closed portion.")

"Incinerator" means any enclosed device of which the following is true:

The facility uses controlled flame combustion, and both of the following are true of the facility:

The facility does not meet the criteria for classification as a boiler, sludge dryer, or carbon regeneration unit, nor

The facility is not listed as an industrial furnace; or

The facility meets the definition of infrared incinerator or plasma arc incinerator.

"Incompatible waste" means a hazardous waste that is unsuitable for the following:

Placement in a particular device or facility because it may cause corrosion or decay of containment materials (e.g., container inner liners or tank walls); or

Commingling with another waste or material under uncontrolled conditions because the commingling might produce heat or pressure, fire, or explosion, violent reaction, toxic dusts, mists, fumes or gases, or flammable fumes or gases.

(See Appendix E to 35 Ill. Adm. Code 724 and Appendix E to 35 Ill. Adm. Code 725 for references that list examples.)

"Industrial furnace" means any of the following enclosed devices that are integral components of manufacturing processes and that use thermal treatment to accomplish recovery of materials or energy:

Cement kilns;

Lime kilns;

~~POLLUTION CONTROL BOARD~~

~~NOTICE OF PROPOSED AMENDMENTS~~

Aggregate kilns;

Phosphate kilns;

Coke ovens;

Blast furnaces;

Smelting, melting, and refining furnaces (including pyrometallurgical devices such as cupolas, reverberator furnaces, sintering machines, roasters, and foundry furnaces);

Titanium dioxide chloride process oxidation reactors;

Methane reforming furnaces;

Pulping liquor recovery furnaces;

Combustion devices used in the recovery of sulfur values from spent sulfuric acid;

Halogen acid furnaces (HAFs) for the production of acid from halogenated hazardous waste generated by chemical production facilities where the furnace is located on the site of a chemical production facility, the acid product has a halogen acid content of at least three percent, the acid product is used in a manufacturing process, and, except for hazardous waste burned as fuel, hazardous waste fed to the furnace has a minimum halogen content of 20 percent, as generated; and

Any other such device as the Agency determines to be an industrial furnace on the basis of one or more of the following factors:

The design and use of the device primarily to accomplish recovery of material products;

The use of the device to burn or reduce raw materials to make a material product;

~~POLLUTION CONTROL BOARD~~

~~NOTICE OF PROPOSED AMENDMENTS~~

The use of the device to burn or reduce secondary materials as effective substitutes for raw materials, in processes using raw materials as principal feedstocks;

The use of the device to burn or reduce secondary materials as ingredients in an industrial process to make a material product;

The use of the device in common industrial practice to produce a material product; and

Other relevant factors.

~~“Individual generation site”~~ means the contiguous site at or on which one or more hazardous wastes are generated. An individual generation site, such as a large manufacturing plant, may have one or more sources of hazardous waste but is considered a single or individual generation site if the site or property is contiguous.

~~“Infrared incinerator”~~ means any enclosed device that uses electric powered resistance heaters as a source of radiant heat followed by an afterburner using controlled flame combustion and which is not listed as an industrial furnace.

~~“Inground tank”~~ means a device meeting the definition of tank whereby a portion of the tank wall is situated to any degree within the ground, thereby preventing visual inspection of that external surface area of the tank that is in the ground.

~~“In operation”~~ refers to a facility that is treating, storing, or disposing of hazardous waste.

~~“Injection well”~~ means a well into which fluids are being injected. (See also ~~“underground injection.”~~)

~~“Inner liner”~~ means a continuous layer of material placed inside a tank or container that protects the construction materials of the tank or container from the contained waste or reagents used to treat the waste.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

“Installation inspector” means a person who, by reason of knowledge of the physical sciences and the principles of engineering, acquired by a professional education and related practical experience, is qualified to supervise the installation of tank systems.

“Intermediate facility” means any facility that stores hazardous secondary materials for more than 10 days and which is neither a hazardous secondary material generator nor a reclaimer of hazardous secondary material.

“International shipment” means the transportation of hazardous waste into or out of the jurisdiction of the United States.

“Lamp” or “universal waste lamp” means the bulb or tube portion of an electric lighting device. A lamp is specifically designed to produce radiant energy, most often in the ultraviolet, visible, or infrared regions of the electromagnetic spectrum. Examples of common universal waste lamps include, but are not limited to, fluorescent, high intensity discharge, neon, mercury vapor, high-pressure sodium, and metal halide lamps.

“Land-based unit” means an area where hazardous secondary materials are placed in or on the land before recycling. This definition does not include land-based production units.

“Land treatment facility” means a facility or part of a facility at which hazardous waste is applied onto or incorporated into the soil surface; such facilities are disposal facilities if the waste will remain after closure.

“Landfill” means a disposal facility or part of a facility where hazardous waste is placed in or on land and which is not a pile, a land treatment facility, a surface impoundment, an underground injection well, a salt dome formation, a salt bed formation, an underground mine, a cave, or a corrective action management unit (CAMU).

“Landfill cell” means a discrete volume of a hazardous waste landfill that uses a liner to provide isolation of wastes from adjacent cells or wastes. Examples of landfill cells are trenches and pits.

“LDS” means leak detection system.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

“Leachate” means any liquid, including any suspended components in the liquid, that has percolated through or drained from hazardous waste.

“Liner” means a continuous layer of natural or manmade materials beneath or on the sides of a surface impoundment, landfill, or landfill cell that restricts the downward or lateral escape of hazardous waste, hazardous waste constituents, or leachate.

“Leak-detection system” means a system capable of detecting the failure of either the primary or secondary containment structure or the presence of a release of hazardous waste or accumulated liquid in the secondary containment structure. Such a system must employ operational controls (e.g., daily visual inspections for releases into the secondary containment system of aboveground tanks) or consist of an interstitial monitoring device designed to detect continuously and automatically the failure of the primary or secondary containment structure or the presence of a release of hazardous waste into the secondary containment structure.

“Management” or “hazardous waste management” means the systematic control of the collection, source separation, storage, transportation, processing, treatment, recovery, and disposal of hazardous waste.

“Manifest” means the shipping document USEPA Form 8700-22 (including, if necessary, USEPA Form 8700-22A), or the e-Manifest, originated and signed in accordance with the applicable requirements of 35 Ill. Adm. Code 722 through 727.

“Manifest tracking number” means the alphanumeric identification number (i.e., a unique three letter suffix preceded by nine numerical digits) that is pre-printed in Item 4 of the manifest by a registered source.

“Mercury-containing equipment” means a device or part of a device (including thermostats, but excluding batteries and lamps) that contains elemental mercury integral to its function.

“Military munitions” means all ammunition products and components produced or used by or for the United States Department of Defense or the United States Armed Services for national defense and security, including military munitions

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

under the control of the United States Department of Defense (USDOD), the United States Coast Guard, the United States Department of Energy (USDOE), and National Guard personnel. The term military munitions includes: confined gaseous, liquid, and solid propellants, explosives, pyrotechnics, chemical and riot control agents, smokes, and incendiaries used by USDOD components, including bulk explosives and chemical warfare agents, chemical munitions, rockets, guided and ballistic missiles, bombs, warheads, mortar rounds, artillery ammunition, small arms ammunition, grenades, mines, torpedoes, depth charges, cluster munitions and dispensers, demolition charges, and devices and components of these items and devices. Military munitions do not include wholly inert items, improvised explosive devices, and nuclear weapons, nuclear devices, and nuclear components of these items and devices. However, the term does include non-nuclear components of nuclear devices, managed under USDOE's nuclear weapons program after all sanitization operations required under the Atomic Energy Act of 1954 (42 USC 2014 et seq.), as amended, have been completed.

“Mining overburden returned to the mine site” means any material overlying an economic mineral deposit that is removed to gain access to that deposit and is then used for reclamation of a surface mine.

“Miscellaneous unit” means a hazardous waste management unit where hazardous waste is treated, stored, or disposed of and that is not a container; tank; surface impoundment; pile; land treatment unit; landfill; incinerator; boiler; industrial furnace; underground injection well with appropriate technical standards pursuant to 35 Ill. Adm. Code 730; containment building; corrective action management unit (CAMU); unit eligible for a research, development, and demonstration permit pursuant to 35 Ill. Adm. Code 703.231; or staging pile.

“Movement” means hazardous waste that is transported to a facility in an individual vehicle.

“NAICS Code” means the code number assigned a facility using the “North American Industry Classification System,” incorporated by reference in Section 720.111.

“New hazardous waste management facility” or “new facility” means a facility that began operation, or for which construction commenced after November 19, 1980. (See also “Existing hazardous waste management facility.”)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

“New tank system” or “new tank component” means a tank system or component that will be used for the storage or treatment of hazardous waste and for which installation commenced after July 14, 1986; except, however, for purposes of 35 Ill. Adm. Code 724.293(g)(2) and 725.293(g)(2), a new tank system is one for which construction commenced after July 14, 1986. (See also “existing tank system.”)

“No free liquids,” as used in 35 Ill. Adm. Code 721.104(a)(26) and (b)(18), means that solvent-contaminated wipes may not contain free liquids, as determined by Method 9095B (Paint Filter Liquids Test), included in “Test Methods for Evaluating Solid Waste, Physical/Chemical Methods,” incorporated by reference in Section 720.111, and that there is no free liquid in the container holding the wipes. No free liquids may also be determined using another standard or test method that the Agency has determined by permit condition is equivalent to Method 9095B.

“Onground tank” means a device meeting the definition of tank that is situated in such a way that the bottom of the tank is on the same level as the adjacent surrounding surfaces so that the external tank bottom cannot be visually inspected.

“On-site” means the same or geographically contiguous property that may be divided by public or private right-of-way, provided the entrance and exit between the properties is at a crossroads intersection and access is by crossing as opposed to going along the right-of-way. Non-contiguous properties owned by the same person but connected by a right-of-way that the owner controls and to which the public does not have access is also considered on-site property.

“Open burning” means the combustion of any material without the following characteristics:

Control of combustion air to maintain adequate temperature for efficient combustion;

Containment of the combustion reaction in an enclosed device to provide sufficient residence time and mixing for complete combustion; and

Control of emission of the gaseous combustion products.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

(See also "incineration" and "thermal treatment.")

"Operator" means the person responsible for the overall operation of a facility.

"Owner" means the person that owns a facility or part of a facility.

"Partial closure" means the closure of a hazardous waste management unit in accordance with the applicable closure requirements of 35 Ill. Adm. Code 724 or 725 at a facility that contains other active hazardous waste management units. For example, partial closure may include the closure of a tank (including its associated piping and underlying containment systems), landfill cell, surface impoundment, waste pile, or other hazardous waste management unit, while other units of the same facility continue to operate.

"Person" means an individual, trust, firm, joint stock company, federal agency, corporation (including a government corporation), partnership, association, state, municipality, commission, political subdivision of a state, or any interstate body.

"Personnel" or "facility personnel" means all persons who work at or oversee the operations of a hazardous waste facility and whose actions or failure to act may result in noncompliance with 35 Ill. Adm. Code 724 or 725.

"Pesticide" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest or intended for use as a plant regulator, defoliant, or desiccant, other than any article that fulfills one of the following descriptions:

It is a new animal drug under section 201(v) of the Federal Food, Drug and Cosmetic Act (FFDCA; 21 USC 321(v)), incorporated by reference in Section 720.111(c);

It is an animal drug that has been determined by regulation of the federal Secretary of Health and Human Services pursuant to FFDCA section 512 (21 USC 360b), incorporated by reference in Section 720.111(c), to be an exempted new animal drug; or

It is an animal feed under FFDCA section 201(w) (21 USC 321(w)),

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

incorporated by reference in Section 720.111(c), that bears or contains any substances described in either of the two preceding paragraphs of this definition.

BOARD NOTE: The second exception of corresponding 40 CFR 260.10 reads as follows: "Is an animal drug that has been determined by regulation of the Secretary of Health and Human Services not to be a new animal drug." This is very similar to the language of section 2(u) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA; 7 USC 136(u)). The three exceptions, taken together, appear intended not to include as pesticide any material within the scope of federal Food and Drug Administration regulation. The Board codified this provision with the intent of retaining the same meaning as its federal counterpart while adding the definiteness required under Illinois law.

"Pile" means any non-containerized accumulation of solid, non-flowing hazardous waste that is used for treatment or storage, and that is not a containment building.

"Plasma arc incinerator" means any enclosed device that uses a high intensity electrical discharge or arc as a source of heat followed by an afterburner using controlled flame combustion and which is not listed as an industrial furnace.

"Point source" means any discernible, confined, and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture.

"Publicly owned treatment works" or "POTW" is as defined in 35 Ill. Adm. Code 310.110.

"Qualified groundwater scientist" means a scientist or engineer who has received a baccalaureate or postgraduate degree in the natural sciences or engineering, and has sufficient training and experience in groundwater hydrology and related fields, as demonstrated by state registration, professional certifications, or completion of accredited university courses that enable the individual to make sound professional judgments regarding groundwater monitoring and contaminant rate and transport.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

BOARD NOTE: State registration includes, but is not limited to, registration as a professional engineer with the Department of Professional Regulation, pursuant to 225 ILCS 325 and 68 Ill. Adm. Code 1380. Professional certification includes, but is not limited to, certification under the certified groundwater professional program of the National Ground Water Association.

“RCRA” means the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 USC 6901 et seq.).

“RCRA standardized permit” means a RCRA permit issued pursuant to Subpart J of 35 Ill. Adm. Code 703 and Subpart G of 35 Ill. Adm. Code 702 that authorizes management of hazardous waste. The RCRA standardized permit may have two parts: a uniform portion issued in all cases and a supplemental portion issued at the discretion of the Agency.

“Regional Administrator” means the Regional Administrator for the USEPA region in which the facility is located or the Regional Administrator’s designee.

“Remanufacturing” means processing a higher-value hazardous secondary material in order to manufacture a product that serves a similar functional purpose as the original commercial-grade material. For the purpose of this definition, a hazardous secondary material is considered higher-value if it was generated from the use of a commercial-grade material in a manufacturing process and can be remanufactured into a similar commercial-grade material.

“Remediation waste” means all solid and hazardous wastes, and all media (including groundwater, surface water, soils, and sediments) and debris that are managed for implementing cleanup.

“Remediation waste management site” means a facility where an owner or operator is or will be treating, storing, or disposing of hazardous remediation wastes. A remediation waste management site is not a facility that is subject to corrective action pursuant to 35 Ill. Adm. Code 724.201, but a remediation waste management site is subject to corrective action requirements if the site is located in such a facility.

“Replacement unit” means a landfill, surface impoundment, or waste pile unit from which all or substantially all of the waste is removed, and which is

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

subsequently reused to treat, store, or dispose of hazardous waste. Replacement unit does not include a unit from which waste is removed during closure, if the subsequent reuse solely involves the disposal of waste from that unit and other closing units or corrective action areas at the facility, in accordance with a closure or corrective action plan approved by USEPA or the Agency.

“Representative sample” means a sample of a universe or whole (e.g., waste pile, lagoon, groundwater) that can be expected to exhibit the average properties of the universe or whole.

“Runoff” means any rainwater, leachate, or other liquid that drains over land from any part of a facility.

“Runon” means any rainwater, leachate, or other liquid that drains over land onto any part of a facility.

“Saturated zone” or “zone of saturation” means that part of the earth’s crust in which all voids are filled with water.

“SIC code” means “Standard Industrial Classification code,” as assigned to a site by the United States Department of Transportation, Federal Highway Administration, based on the particular activities that occur on the site, as set forth in its publication “Standard Industrial Classification Manual,” incorporated by reference in Section 720.111(a).

“Sludge” means any solid, semi-solid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility, exclusive of the treated effluent from a wastewater treatment plant.

“Sludge dryer” means any enclosed thermal treatment device that is used to dehydrate sludge and which has a total thermal input, excluding the heating value of the sludge itself, of 2,500 Btu/lb or less of sludge treated on a wet-weight basis.

“Small quantity generator” means a generator that generates less than 1,000 kg of hazardous waste in a calendar month.

“Solid waste” means a solid waste as defined in 35 Ill. Adm. Code 721.102.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

“Solvent-contaminated wipe” means the following: A wipe that, after use or after cleaning up a spill, fulfills one or more of the following conditions:

The wipe contains one or more of the F001 through F005 solvents listed in 35 Ill. Adm. Code 721.131 or the corresponding P- or U-listed solvents found in 35 Ill. Adm. Code 721.133;

The wipe exhibits a hazardous characteristic found in Subpart C of 35 Ill. Adm. Code 721 when that characteristic results from a solvent listed in 35 Ill. Adm. Code 721; or

The wipe exhibits only the hazardous waste characteristic of ignitability found in 35 Ill. Adm. Code 721.121 due to the presence of one or more solvents that are not listed in 35 Ill. Adm. Code 721.

Solvent-contaminated wipes that contain listed hazardous waste other than solvents, or exhibit the characteristic of toxicity, corrosivity, or reactivity due to contaminants other than solvents, are not eligible for the exclusions at 35 Ill. Adm. Code 721.104(a)(26) and (b)(18).

“Sorbent” means a material that is used to soak up free liquids by either adsorption or absorption, or both. “Sorb” means to either adsorb or absorb, or both.

“Staging pile” means an accumulation of solid, non-flowing “remediation waste” (as defined in this Section) that is not a containment building and that is used only during remedial operations for temporary storage at a facility. Staging piles must be designated by the Agency according to 35 Ill. Adm. Code 724.654.

“State” means any of the several states, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

“Storage” means the holding of hazardous waste for a temporary period, at the end of which the hazardous waste is treated, disposed of, or stored elsewhere.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

“Sump” means any pit or reservoir that meets the definition of tank and those troughs or trenches connected to it that serve to collect hazardous waste for transport to hazardous waste storage, treatment, or disposal facilities; except that, as used in the landfill, surface impoundment, and waste pile rules, sump means any lined pit or reservoir that serves to collect liquids drained from a leachate collection and removal system or leak detection system for subsequent removal from the system.

“Surface impoundment” or “impoundment” means a facility or part of a facility that is a natural topographic depression, manmade excavation, or diked area formed primarily of earthen materials (although it may be lined with manmade materials) that is designed to hold an accumulation of liquid wastes or wastes containing free liquids and which is not an injection well. Examples of surface impoundments are holding, storage, settling and aeration pits, ponds, and lagoons.

“Tank” means a stationary device, designed to contain an accumulation of hazardous waste that is constructed primarily of non-earthen materials (e.g., wood, concrete, steel, plastic) that provide structural support.

“Tank system” means a hazardous waste storage or treatment tank and its associated ancillary equipment and containment system.

“TEQ” means toxicity equivalence, the international method of relating the toxicity of various dioxin and furan congeners to the toxicity of 2,3,7,8-tetrachlorodibenzo-p-dioxin.

“Thermal treatment” means the treatment of hazardous waste in a device that uses elevated temperatures as the primary means to change the chemical, physical, or biological character or composition of the hazardous waste. Examples of thermal treatment processes are incineration, molten salt, pyrolysis, calcination, wet air oxidation, and microwave discharge. (See also “incinerator” and “open burning.”)

“Thermostat” means a temperature control device that contains metallic mercury in an ampule attached to a bimetal sensing element and mercury-containing ampules that have been removed from such a temperature control device in compliance with 35 Ill. Adm. Code 733.113(c)(2) or 733.133(c)(2).

~~POLLUTION CONTROL BOARD~~

~~NOTICE OF PROPOSED AMENDMENTS~~

~~“Totally enclosed treatment facility”~~ means a facility for the treatment of hazardous waste that is directly connected to an industrial production process and which is constructed and operated in a manner that prevents the release of any hazardous waste or any constituent thereof into the environment during treatment. An example is a pipe in which waste acid is neutralized.

~~“Transfer facility”~~ means any transportation-related facility, including loading docks, parking areas, storage areas, and other similar areas where shipments of hazardous waste or hazardous secondary materials are held during the normal course of transportation.

~~“Transport vehicle”~~ means a motor vehicle or rail car used for the transportation of cargo by any mode. Each cargo-carrying body (trailer, railroad freight car, etc.) is a separate transport vehicle.

~~“Transportation”~~ means the movement of hazardous waste by air, rail, highway, or water.

~~“Transporter”~~ means a person engaged in the off-site transportation of hazardous waste by air, rail, highway, or water.

~~“Treatability study”~~ means the following:

A study in which a hazardous waste is subjected to a treatment process to determine the following:

Whether the waste is amenable to the treatment process;

What pretreatment (if any) is required;

The optimal process conditions needed to achieve the desired treatment;

The efficiency of a treatment process for a specific waste or wastes; and

The characteristics and volumes of residuals from a particular

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

treatment process;

Also included in this definition for the purpose of 35 Ill. Adm. Code 721.104(e) and (f) exemptions are liner compatibility, corrosion and other material compatibility studies, and toxicological and health effects studies. A treatability study is not a means to commercially treat or dispose of hazardous waste.

“Treatment” means any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any hazardous waste so as to neutralize the waste, recover energy or material resources from the waste, or render the waste non-hazardous or less hazardous; safer to transport, store, or dispose of; or amenable for recovery, amenable for storage, or reduced in volume.

“Treatment zone” means a soil area of the unsaturated zone of a land treatment unit within which hazardous constituents are degraded, transformed, or immobilized.

“Underground injection” means the subsurface emplacement of fluids through a bored, drilled, or driven well or through a dug well, where the depth of the dug well is greater than the largest surface dimension. (See also “injection well.”)

“Underground tank” means a device meeting the definition of tank whose entire surface area is totally below the surface of and covered by the ground.

“Unfit-for-use tank system” means a tank system that has been determined, through an integrity assessment or other inspection, to be no longer capable of storing or treating hazardous waste without posing a threat of release of hazardous waste to the environment.

“United States” means the 50 states, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

“Universal waste” means any of the following hazardous wastes that are managed pursuant to the universal waste requirements of 35 Ill. Adm. Code 733:

~~POLLUTION CONTROL BOARD~~

~~NOTICE OF PROPOSED AMENDMENTS~~

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

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

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

Lamps, as described in 35 Ill. Adm. Code 733.105.

~~“Universal waste handler”~~ means either of the following:

A generator (as defined in this Section) of universal waste; or

The owner or operator of a facility, including all contiguous property, that receives universal waste from other universal waste handlers, accumulates the universal waste, and sends that universal waste to another universal waste handler, to a destination facility, or to a foreign destination.

~~“Universal waste handler”~~ does not mean either of the following:

A person that treats (except under the provisions of Section 733.113(a) or (c) or 733.133(a) or (c)), disposes of, or recycles universal waste; or

A person engaged in the off-site transportation of universal waste by air, rail, highway, or water, including a universal waste transfer facility.

~~“Universal waste transporter”~~ means a person engaged in the off-site transportation of universal waste by air, rail, highway, or water.

~~“Unsaturated zone”~~ or ~~“zone of aeration”~~ means the zone between the land surface and the water table.

~~“Uppermost aquifer”~~ means the geologic formation nearest the natural ground surface that is an aquifer, as well as lower aquifers that are hydraulically interconnected with this aquifer within the facility's property boundary.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

““USDOT”” or ““Department of Transportation”” means the United States Department of Transportation.

““Used oil”” means any oil that has been refined from crude oil, or any synthetic oil, that has been used and as a result of such use is contaminated by physical or chemical impurities.

““USEPA”” or ““EPA”” means the United States Environmental Protection Agency.

““User of the Electronic Manifest System”” or ““user of the e-Manifest System”” means a hazardous waste generator, a hazardous waste transporter, an owner or operator of a hazardous waste treatment, storage, recycling, or disposal facility, or any other person or entity—

that is required to use a manifest to comply with any federal or state requirement to track the shipment, transportation, and receipt of either—

hazardous waste or other waste material that is shipped from the site of generation to an off-site designated facility for treatment, storage, recycling, or disposal; or

rejected wastes or regulated container residues that are shipped from a designated facility to an alternative facility, or returned to the generator; and

which elects to use either—

the e-Manifest System to obtain, complete and transmit an e-Manifest format supplied by the USEPA e-Manifest System; or

the paper manifest form and submits to the e-Manifest System for data processing purposes a paper copy of the manifest (or data from such a paper copy), in accordance with 35 Ill. Adm. Code 724.171(a)(2)(E) or 725.171(a)(2)(E).

~~POLLUTION CONTROL BOARD~~

~~NOTICE OF PROPOSED AMENDMENTS~~

A paper copy submitted for data processing purposes is submitted for data exchange purposes only and is not the official copy of record for legal purposes.

~~“USPS”~~ means the United States Postal Service.

~~“Vessel”~~ includes every description of watercraft used or capable of being used as a means of transportation on the water.

~~“Wastewater treatment unit”~~ means a device of which the following is true:

It is part of a wastewater treatment facility that has an NPDES permit pursuant to 35 Ill. Adm. Code 309 or a pretreatment permit or authorization to discharge pursuant to 35 Ill. Adm. Code 310;

It receives and treats or stores an influent wastewater that is a hazardous waste as defined in 35 Ill. Adm. Code 721.103, or generates and accumulates a wastewater treatment sludge that is a hazardous waste as defined in 35 Ill. Adm. Code 721.103, or treats or stores a wastewater treatment sludge that is a hazardous waste as defined in 35 Ill. Adm. Code 721.103; and

It meets the definition of tank or tank system in this Section.

~~“Water (bulk shipment)”~~ means the bulk transportation of hazardous waste that is loaded or carried on board a vessel without containers or labels.

~~“Well”~~ means any shaft or pit dug or bored into the earth, generally of a cylindrical form, and often walled with bricks or tubing to prevent the earth from caving in.

~~“Well injection”~~ (See ~~“underground injection.”~~)

~~“Wipe”~~ means a woven or non-woven shop towel, rag, pad, or swab made of wood pulp, fabric, cotton, polyester blends, or other material.

~~“Zone of engineering control”~~ means an area under the control of the owner or operator that, upon detection of a hazardous waste release, can be readily cleaned

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

up prior to the release of hazardous waste or hazardous constituents to groundwater or surface water.

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

Section 720.111 References

The following documents are incorporated by reference for the purposes of this Part and 35 Ill. Adm. Code 702 through 705, 721 through 728, 730, 733, 738, and 739:

- a) Non-Regulatory Government Publications and Publications of Recognized Organizations and Associations:

ACGME. Available from the Accreditation Council for Graduate Medical Education, 515 North State Street, Suite 2000, Chicago, IL 60654, 312-755-5000:

“”Accreditation Council for Graduate Medical Education: Glossary of Terms,“” March 19, 2009, referenced in 35 Ill. Adm. Code 722.300.

BOARD NOTE: Also available on the Internet for download and viewing as a PDF file at the following Internet address:
http://www.acgme.org/#acWebsite/about/ab_ACGMEglossary.pdf.

ACI. Available from the American Concrete Institute, Box 19150, Redford Station, Detroit, Michigan 48219:

ACI 318-83: “”Building Code Requirements for Reinforced Concrete,“” adopted November 1983, referenced in 35 Ill. Adm. Code 724.673 and 725.543.

ANSI. Available from the American National Standards Institute, 1430 Broadway, New York, New York 10018, 212-354-3300:

See ASME/ANSI B31.3 and B31.4 and supplements below in this subsection (a) under ASME.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

API. Available from the American Petroleum Institute, 1220 L Street, N.W., Washington, D.C. 20005, 202-682-8000:

“Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems,” API Recommended Practice 1632, Second Edition, December 1987, referenced in 35 Ill. Adm. Code 724.292, 724.295, 725.292, and 725.295.

“Evaporative Loss from External Floating-Roof Tanks,” API publication 2517, Third Edition, February 1989, USEPA-approved for 35 Ill. Adm. Code 721.983 and 725.984.

“Guide for Inspection of Refinery Equipment,” Chapter XIII, “Atmospheric and Low Pressure Storage Tanks,” 4th Edition, 1981, reaffirmed December 1987, referenced in 35 Ill. Adm. Code 721.291, 724.291, 724.293, 725.291, and 725.292.

“Installation of Underground Petroleum Storage Systems,” API Recommended Practice 1615, Fourth Edition, November 1987, referenced in 35 Ill. Adm. Code 724.292.

ASME. Available from the American Society of Mechanical Engineers, 345 East 47th Street, New York, NY 10017, 212-705-7722:

“Chemical Plant and Petroleum Refinery Piping,” ASME/ANSI B31.3-1987, as supplemented by B31.3a-1988 and B31.3b-1988, referenced in 35 Ill. Adm. Code 724.292 and 725.292. Also available from ANSI.

“Liquid Transportation Systems for Hydrocarbons, Liquid Petroleum Gas, Anhydrous Ammonia, and Alcohols,” ASME/ANSI B31.4-1986, as supplemented by B31.4a-1987, referenced in 35 Ill. Adm. Code 724.292 and 725.292. Also available from ANSI.

ASTM. Available from American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, 610-832-9585:

ASTM C 94-90, “Standard Specification for Ready-Mixed Concrete,”

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

approved March 30, 1990, referenced in 35 Ill. Adm. Code 724.673 and 725.543.

ASTM D 88-87, "Standard Test Method for Saybolt Viscosity," approved April 24, 1981, reapproved January 1987, referenced in 35 Ill. Adm. Code 726.200.

ASTM D 93-85, "Standard Test Methods for Flash Point by Pensky-Martens Closed Tester," approved October 25, 1985, USEPA-approved for 35 Ill. Adm. Code 721.121.

ASTM D 140-70, "Standard Practice for Sampling Bituminous Materials," approved 1970, referenced in Appendix A to 35 Ill. Adm. Code 721.

ASTM D 346-75, "Standard Practice for Collection and Preparation of Coke Samples for Laboratory Analysis," approved 1975, referenced in Appendix A to 35 Ill. Adm. Code 721.

ASTM D 420-69, "Guide to Site Characterization for Engineering, Design, and Construction Purposes," approved 1969, referenced in Appendix A to 35 Ill. Adm. Code 721.

ASTM D 1452-65, "Standard Practice for Soil Investigation and Sampling by Auger Borings," approved 1965, referenced in Appendix A to 35 Ill. Adm. Code 721.

ASTM D 1946-90, "Standard Practice for Analysis of Reformed Gas by Gas Chromatography," approved March 30, 1990, USEPA-approved for 35 Ill. Adm. Code 724.933 and 725.933.

ASTM D 2161-87, "Standard Practice for Conversion of Kinematic Viscosity to Saybolt Universal or to Saybolt Furol Viscosity," March 27, 1987, referenced in 35 Ill. Adm. Code 726.200.

ASTM D 2234-76, "Standard Practice for Collection of a Gross Sample of Coal," approved 1976, referenced in Appendix A to 35 Ill. Adm. Code 721.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

ASTM D 2267-88, ⁶⁶Standard Test Method for Aromatics in Light Naphthas and Aviation Gasolines by Gas Chromatography, ²² approved November 17, 1988, USEPA-approved for 35 Ill. Adm. Code 721.963 and 724.963.

ASTM D 2382-88, ⁶⁶Standard Test Method for Heat of Combustion of Hydrocarbon Fuels by Bomb Calorimeter (High Precision Method), ²² approved October 31, 1988, USEPA-approved for 35 Ill. Adm. Code 724.933 and 725.933.

ASTM D 2879-92, ⁶⁶Standard Test Method for Vapor Pressure-Temperature Relationship and Initial Decomposition Temperature of Liquids by Isoteniscope, ²² approved 1992, USEPA-approved for 35 Ill. Adm. Code 725.984, referenced in 35 Ill. Adm. Code 721.963, 724.963, and 725.963.

ASTM D 3828-87, ⁶⁶Standard Test Methods for Flash Point of Liquids by Setaflash Closed Tester, ²² approved December 14, 1988, USEPA-approved for 35 Ill. Adm. Code 721.121(a).

ASTM E 168-88, ⁶⁶Standard Practices for General Techniques of Infrared Quantitative Analysis, ²² approved May 27, 1988, USEPA-approved for 35 Ill. Adm. Code 721.963 and 724.963.

ASTM E 169-87, ⁶⁶Standard Practices for General Techniques of Ultraviolet-Visible Quantitative Analysis, ²² approved February 1, 1987, USEPA-approved for 35 Ill. Adm. Code 721.963 and 724.963.

ASTM E 260-85, ⁶⁶Standard Practice for Packed Column Gas Chromatography, ²² approved June 28, 1985, USEPA-approved for 35 Ill. Adm. Code 724.963.

ASTM G 21-70 (1984a), ⁶⁶Standard Practice for Determining Resistance of Synthetic Polymer Materials to Fungi, ²² referenced in 35 Ill. Adm. Code 724.414 and 725.414.

ASTM G 22-76 (1984b), ⁶⁶Standard Practice for Determining Resistance

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

of Plastics to Bacteria, ²² referenced in 35 Ill. Adm. Code 724.414 and 725.414.

GPO. Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, 202-512-1800:

Standard Industrial Classification Manual (1972), and 1977 Supplement, republished in 1983, referenced in 35 Ill. Adm. Code 702.110 and Section 720.110.

²² "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846 (Third Edition, November 1986), as amended by Updates I (July 1992), II (November 1994), IIA (August, 1993), IIB (January 1995), III (December 1996), IIIA (April 1998), and IIIB (November 2004) (document number 955-001-00000-1). See below in this subsection (a) under NTIS.

NACE. Available from the National Association of Corrosion Engineers, 1400 South Creek Dr., Houston, TX 77084, 713-492-0535:

²² "Control of External Corrosion on Metallic Buried, Partially Buried, or Submerged Liquid Storage Systems," NACE Recommended Practice RP0285-85, approved March 1985, referenced in 35 Ill. Adm. Code 724.292, 724.295, 725.292, and 725.295.

NFPA. Available from the National Fire Protection Association, 1 Batterymarch Park, Boston, MA 02269, 617-770-3000 or 800-344-3555:

²² "Flammable and Combustible Liquids Code," NFPA 30, issued July 14, 1984, referenced in 35 Ill. Adm. Code 721.298, 724.298, 725.298, 725.301, 726.211, and 727.290.

²² "Flammable and Combustible Liquids Code," NFPA 30, issued August 7, 1987, referenced in 35 Ill. Adm. Code 721.298, 724.298, 725.298, 725.301, 726.211, and 727.290.

²² "Flammable and Combustible Liquids Code," NFPA 30, issued July 18, 2003, as supplemented by TIA 03-1, issued July 15, 2004, and corrected

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

by Errata 30-03-01, issued August 13, 2004, USEPA-approved for 35 Ill. Adm. Code 724.298, 725.298, and 727.290, referenced in 35 Ill. Adm. Code 721.298, 724.298, 725.298, 725.301, and 726.211, and 727.290.

NTIS. Available from the U.S. Department of Commerce, National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161, 703-605-6000 or 800-553-6847 (Internet address: www.ntis.gov):

"APTI Course 415: Control of Gaseous Emissions," December 1981, USEPA publication number EPA-450/2-81-005, NTIS document number PB80-208895, USEPA-approved for 35 Ill. Adm. Code 703.210, 703.211, 703.352, 724.935, and 725.935.

BOARD NOTE: "APTI" denotes USEPA's "Air Pollution Training Institute" (Internet address: www.epa.gov/air/oaqps/eog/).

"Generic Quality Assurance Project Plan for Land Disposal Restrictions Program," USEPA publication number EPA-530/SW-87-011, March 15, 1987, NTIS document number PB88-170766, referenced in 35 Ill. Adm. Code 728.106.

"Method 1664, n-Hexane Extractable Material (HEM; Oil and Grease) and Silica Gel Treated n-Hexane Extractable Material (SGT-HEM; Nonpolar Material) by Extraction and Gravimetry," Revision A, February 1999, USEPA publication number EPA-821/R-98-002, NTIS document number PB99-121949, or Revision B, February 2010, USEPA publication number EPA-821/R-10-001, NTIS document number PB2011-100735, USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

BOARD NOTE: Also available on the Internet for free download as a PDF document from the USEPA website at: water.epa.gov/scitech/methods/cwa/methods_index.cfm. Revision A is also from the USEPA, National Service Center for Environmental Publications (NSCEP) website at www.epa.gov/nscep/index.html.

"Methods for Chemical Analysis of Water and Wastes," Third Edition, March 1983, USEPA document number EPA-600/4-79-020, NTIS document number PB84-128677, referenced in 35 Ill. Adm. Code 725.192.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

BOARD NOTE: Also available on the Internet as a viewable/printable HTML document from the USEPA website at: www.epa.gov/clariton/clhtml/pubtitleORD.html as document 600479002.

“North American Industry Classification System,” July 2007, U.S. Department of Commerce, Bureau of the Census, document number PB2007-100002 (hardcover printed volume) or PB2007-500023, referenced in Section 720.110 (definition of “NAICS Code”) for the purposes of Section ~~720.142~~, [720.142](#) and in 35 Ill. Adm. Code 721.104.

BOARD NOTE: Also available on the Internet from the Bureau of Census: www.census.gov/naics/2007/naicod07.htm.

“Procedures Manual for Ground Water Monitoring at Solid Waste Disposal Facilities,” August 1977, EPA-530/SW-611, NTIS document number PB84-174820, referenced in 35 Ill. Adm. Code 725.192.

“Screening Procedures for Estimating the Air Quality Impact of Stationary Sources,” October 1992, USEPA publication number EPA-454/R-92-019, NTIS document number 93-219095, referenced in 35 Ill. Adm. Code 726.204 and 726.206.

BOARD NOTE: Also available on the Internet for free download as a WordPerfect document from the USEPA website at the following Internet address: www.epa.gov/scram001/guidance/guide/scrng.wpd.

“Test Methods for Evaluating Solid Waste, Physical/Chemical Methods,” USEPA publication number EPA-530/SW-846 (Third Edition, November 1986; Revision 6, January 2005), as amended by Updates I (July 1992), II (November 1994), IIA (August 1993), IIB (January 1995), III (December 1996), IIIA (April 1998), and IIIB (November 2004) (document number 955-001-00000-1), generally referenced in Appendices A and I to 35 Ill. Adm. Code 721 and 35 Ill. Adm. Code 726.200, 726.206, 726.212, and 728.106 (in addition to the references cited below for specific methods):

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Method 0010 (November 1986) (Modified Method 5 Sampling Train), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 0011 (December 1996) (Sampling for Selected Aldehyde and Ketone Emissions from Stationary Sources), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721 and for Appendix I to 35 Ill. Adm. Code 726.

Method 0020 (November 1986) (Source Assessment Sampling System), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 0023A (December 1996) (Sampling Method for Polychlorinated Dibenzo-p-Dioxins and Polychlorinated Dibenzofuran Emissions from Stationary Sources), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721, Appendix I to 35 Ill. Adm. Code 726, and 35 Ill. Adm. Code 726.204.

Method 0030 (November 1986) (Volatile Organic Sampling Train), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 0031 (December 1996) (Sampling Method for Volatile Organic Compounds (SMVOC)), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 0040 (December 1996) (Sampling of Principal Organic Hazardous Constituents from Combustion Sources Using Tedlar® Bags), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 0050 (December 1996) (Isokinetic HCl/Cl₂ Emission Sampling Train), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721, Appendix I to 35 Ill. Adm. Code 726, and 35 Ill. Adm. Code 726.207.

Method 0051 (December 1996) (Midget Impinger HCl/Cl₂ Emission Sampling Train), USEPA-approved for Appendix I to 35

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Ill. Adm. Code 721, Appendix I to 35 Ill. Adm. Code 726, and 35 Ill. Adm. Code 726.207.

Method 0060 (December 1996) (Determination of Metals in Stack Emissions), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721, Appendix I to 35 Ill. Adm. Code 726, and 35 Ill. Adm. Code 726.206.

Method 0061 (December 1996) (Determination of Hexavalent Chromium Emissions from Stationary Sources), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721, 35 Ill. Adm. Code 726.206, and Appendix I to 35 Ill. Adm. Code 726.

Method 1010A (November 2004) (Test Methods for Flash Point by Pensky-Martens Closed Cup Tester), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 1020B (November 2004) (Standard Test Methods for Flash Point by Setaflash (Small Scale) Closed-cup Apparatus), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 1110A (November 2004) (Corrosivity Toward Steel), USEPA-approved for 35 Ill. Adm. Code 721.122 and Appendix I to 35 Ill. Adm. Code 721.

Method 1310B (November 2004) (Extraction Procedure (EP) Toxicity Test Method and Structural Integrity Test), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721 and referenced in Appendix I to 35 Ill. Adm. Code 728.

Method 1311 (November 1992) (Toxicity Characteristic Leaching Procedure), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721; for 35 Ill. Adm. Code 721.124, 728.107, and 728.140; and for Table T to 35 Ill. Adm. Code 728.

Method 1312 (November 1994) (Synthetic Precipitation Leaching Procedure), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

~~POLLUTION CONTROL BOARD~~

~~NOTICE OF PROPOSED AMENDMENTS~~

Method 1320 (November 1986) (Multiple Extraction Procedure), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 1330A (November 1992) (Extraction Procedure for Oily Wastes), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 9010C (November 2004) (Total and Amenable Cyanide: Distillation), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721 and 35 Ill. Adm. Code 728.140, 728.144, and 728.148, referenced in Table H to 35 Ill. Adm. Code 728.

Method 9012B (November 2004) (Total and Amenable Cyanide (Automated Colorimetric, with Off-Line Distillation)), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721 and 35 Ill. Adm. Code 728.140, 728.144, and 728.148, referenced in Table H to 35 Ill. Adm. Code 728.

Method 9040C (November 2004) (pH Electrometric Measurement), USEPA-approved for 35 Ill. Adm. Code 721.122 and Appendix I to 35 Ill. Adm. Code 721.

Method 9045D (November 2004) (Soil and Waste pH), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 9060A (November 2004) (Total Organic Carbon), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721 and 35 Ill. Adm. Code 721.934, 721.963, 724.934, 724.963, 725.934, and 725.963.

Method 9070A (November 2004) (n-Hexane Extractable Material (HEM) for Aqueous Samples), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 9071B (April 1998) (n-Hexane Extractable Material (HEM) for Sludge, Sediment, and Solid Samples), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Method 9095B (November 2004) (Paint Filter Liquids Test), USEPA-approved for 35 Ill. Adm. Code 720.110; Appendix I to 35 Ill. Adm. Code 721; and 35 Ill. Adm. Code 724.290, 724.414, 725.290, 725.414, 725.981, 727.290, and 728.132.

BOARD NOTE: Also available on the Internet for free download in segments in PDF format from the USEPA website at: www.epa.gov/SW-846.

OECD. Organisation for Economic Co-operation and Development, Environment Directorate, 2 rue Andre Pascal, F-75775 Paris Cedex 16, France, +33 (0) 1 45 24 81 67 (www.oecd.org), also OECD Washington Center, 2001 L Street, NW, Suite 650, Washington, DC 20036-4922, 202-785-6323 or 800-456-6323 (www.oecdwash.org):

OECD Guidance Manual. "Guidance Manual for the Implementation of Council Decision C(2001)107/FINAL, as Amended, on the Control of Transboundary Movements of Wastes Destined for Recovery Operations," 2009 (also called "Guidance Manual for the Control of Transboundary Movements of Recoverable Materials" in OECD documents), but only the following segments, which set forth the substantive requirements of OECD decision C(2001)107/FINAL (June 14, 2001), as amended by C(2001)107/ADD1 (February 28, 2002), C(2004)20 (March 9, 2004), C(2005)141 (December 2, 2005), and C(2008)156 (December 4, 2008):

"Annex A: OECD Decision C(2001)107/FINAL, as Amended by C(2004)20; C(2005)141 and C(2008)156" (also called "Revision of Council Decision C(92)39/FINAL on the Control of Transboundary Movements of Wastes Destined for Recovery Operations," within the text of Annex A, and "Decision of the Council Concerning the Control of Transboundary Movements of Wastes Destined for Recovery Operations" in the original OECD decision source document, C(2001)107/FINAL (June 14, 2001), as amended by C(2001)107/ADD1

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

(February 28, 2002), C(2004)20 (March 9, 2004), C(2005)141 (December 2, 2005), and C(2008)156 (December 4, 2008)).

“Annex B: OECD Consolidated List of Wastes Subject to the Green Control Procedure” (individually referred to as “Annex B to OECD Guidance Manual” in 35 Ill. Adm. Code 722), combining Appendix 3 to OECD decision C(2001)107/FINAL, as amended as described above, together with the text of Annex IX (“List B”) to the “Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal” (“Basel Convention”).

“Annex C: OECD Consolidated List of Wastes Subject to the Amber Control Procedure” (individually referred to as “Annex C to OECD Guidance Manual” in 35 Ill. Adm. Code 722), combining Appendix 4 to OECD decision C(2001)107/FINAL, as amended, together with the text of Annexes II (“Categories of Wastes Requiring Special Consideration”) and VIII (“List A”) to the Basel Convention.

BOARD NOTE: The OECD Guidance Manual is available online from OECD at www.oecd.org/dataoecd/57/1/42262259.pdf. The OECD and the Basel Convention consider the OECD Guidance Manual unofficial text of these documents. Despite this unofficial status, the Board has chosen to follow USEPA’s lead and incorporate the OECD Guidance Manual by reference, instead of separately incorporating the OECD decision C(2001)107/FINAL (with its subsequent amendments: OECD decisions C(2001)107/ADD1, C(2004)20, C(2005)141, and C(2008)156) and the Basel Convention by reference. Use of the OECD Guidance Manual eases reference to the documents, increases access to the documents, and facilitates future updates to this incorporation by reference. All references to “OECD C(2001)107/FINAL” in the text of 35 Ill. Adm. Code 722 refer to both the OECD decision and the Basel Convention that the OECD decision references. The

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

OECD Guidance Manual includes as Annex A the full text of OECD document C(2001)107/FINAL, with amendments, and Annexes B and C set forth lists of wastes subject to Green control procedures and wastes subject to Amber control procedures, respectively, which consolidate the wastes from C(2001)107/FINAL together with those from the Basel Convention.

OECD Guideline for Testing of Chemicals, "Ready Biodegradability, Method 301B (July 17, 1992), CO₂ Evolution (Modified Sturm Test)," referenced in 35 Ill. Adm. Code 724.414.

STI. Available from the Steel Tank Institute, 728 Anthony Trail, Northbrook, IL 60062, 708-498-1980:

"Standard for Dual Wall Underground Steel Storage Tanks" (1986), referenced in 35 Ill. Adm. Code 724.293.

USDOD. Available from the United States Department of Defense:

"DOD Ammunition and Explosives Safety Standards" (DOD 6055.09-STD), as in effect on February 29, 2008, referenced in 35 Ill. Adm. Code 726.305.

"The Motor Vehicle Inspection Report" (DD Form 626), as in effect in March 2007, referenced in 35 Ill. Adm. Code 726.303.

"Requisition Tracking Form" (DD Form 1348), as in effect in July 1991, referenced in 35 Ill. Adm. Code 726.303.

"The Signature and Tally Record" (DD Form 1907), as in effect in November 2006, referenced in 35 Ill. Adm. Code 726.303.

"Dangerous Goods Shipping Paper/Declaration and Emergency Response Information for Hazardous Materials Transported by Government Vehicles" (DD Form 836), as in effect in December 2007, referenced in 35 Ill. Adm. Code 726.303.

~~POLLUTION CONTROL BOARD~~

~~NOTICE OF PROPOSED AMENDMENTS~~

BOARD NOTE: DOD 6055.09-STD is available on-line for download in pdf format from <http://www.ddesb.pentagon.mil>. DD Form 1348, DD Form 1907, DD Form 836, and DOD 6055.09-STD are available on-line for download in pdf format from <http://www.dtic.mil/whs/directives/infomgt/forms/formsprogram.htm>.

USEPA, Office of Ground Water and Drinking Water. Available from United States Environmental Protection Agency, Office of Drinking Water, State Programs Division, WH 550 E, Washington, D.C. 20460:

~~“~~Inventory of Injection Wells,~~”~~ USEPA Form 7520-16 (Revised 8-01), referenced in 35 Ill. Adm. Code 704.148 and 704.283.

~~“~~Technical Assistance Document: Corrosion, Its Detection and Control in Injection Wells,~~”~~ USEPA publication number EPA-570/9-87-002, August 1987, referenced in 35 Ill. Adm. Code 730.165.

USEPA, Receptor Analysis Branch. Available from Receptor Analysis Branch, USEPA (MD-14), Research Triangle Park, NC 27711:

~~“~~Screening Procedures for Estimating the Air Quality Impact of Stationary Sources, Revised,~~”~~ October 1992, USEPA publication number EPA-450/R-92-019, USEPA-approved for Appendix I to 35 Ill. Adm. Code 726.

BOARD NOTE: Also available for purchase from NTIS (see above) and on the Internet for free download as a WordPerfect document from the USEPA website at following Internet address:
www.epa.gov/scram001/guidance/guide/scrng.wpd.

USEPA Region 6. Available from United States Environmental Protection Agency, Region 6, Multimedia Permitting and Planning Division, 1445 Ross Avenue, Dallas, TX 75202 (phone: 214-665-7430):

~~“~~EPA RCRA Delisting Program—~~”~~ Guidance Manual for the Petitioner,~~”~~ March 23, 2000, referenced in Section 720.122.

USGSA. Available from the United States Government Services Administration:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Government Bill of Lading (GBL) (GSA Standard Form 1103, rev 9/2003, supplemented as necessary with GSA Standard Form 1109, rev 09/1998), referenced in Section 726.303.

BOARD NOTE: Available on-line for download in various formats from www.gsa.gov/forms/forms.htm.

- b) Code of Federal Regulations. Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20401, 202-783-3238:

10 CFR 20.2006 (~~2014~~)(2015)(2014) (Transfer for Disposal and Manifests), referenced in 35 Ill. Adm. Code 726.425 and 726.450.

Table II, column 2 in appendix B to 10 CFR 20 (~~2014~~)(2015)(2014) (Water Effluent Concentrations), referenced in 35 Ill. Adm. Code 702.110, 730.103, and 730.151.

Appendix G to 10 CFR 20 (~~2014~~)(2015)(2014) (Requirements for Transfers of Low-Level Radioactive Waste Intended for Disposal at Licensed Land Disposal Facilities and Manifests), referenced in 35 Ill. Adm. Code 726.440.

10 CFR 71 (~~2014~~)(2015)(2014) (Packaging and Transportation of Radioactive Material), referenced generally in 35 Ill. Adm. Code 726.430.

10 CFR 71.5 (~~2014~~)(2015)(2014) (Transportation of Licensed Material), referenced in 35 Ill. Adm. Code 726.425.

33 CFR 153.203 (~~2014~~)(2015)(2014) (Procedure for the Notice of Discharge), referenced in 35 Ill. Adm. Code 723.130 and 739.143.

40 CFR 3.3 (~~2014~~)(2015)(2014) (What Definitions Are Applicable to This Part?), referenced in Section 720.104.

40 CFR 3.10 (~~2014~~)(2015)(2014) (What Are the Requirements for Electronic Reporting to EPA?), referenced in Section 720.104.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

40 CFR 3.2000 (~~2014~~)(2015)(2014) (What Are the Requirements Authorized State, Tribe, and Local Programs²¹ Reporting Systems Must Meet?), referenced in Section 720.104.

40 CFR 51.100(ii) (~~2014~~)(2015)(2014) (Definitions), referenced in 35 Ill. Adm. Code 726.200.

Appendix W to 40 CFR 51 (~~2014~~)(2015)(2014) (Guideline on Air Quality Models), referenced in 35 Ill. Adm. Code 726.204.

BOARD NOTE: Also available from NTIS (see above for contact information) as "Guideline on Air Quality Models,"²² Revised 1986, USEPA publication number EPA-450/12-78-027R, NTIS document numbers PB86-245248 (Guideline) and PB88-150958 (Supplement).

Appendix B to 40 CFR 52.741 (~~2014~~)(2015)(2014) (VOM Measurement Techniques for Capture Efficiency), referenced in 35 Ill. Adm. Code 703.213, 703.352, 721.984, 721.986, 721.989, 724.982, 724.984, 724.986, 724.989, 725.983, 725.985, 725.987, and 725.990.

40 CFR 60 (~~2014~~)(2015)(2014) (Standards of Performance for New Stationary Sources), referenced generally in 35 Ill. Adm. Code 721.104, 721.950, 721.964, 721.980, 724.964, 724.980, 725.964, and 725.980.

Subpart VV of 40 CFR 60 (~~2014~~)(2015)(2014) (Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry), referenced in 35 Ill. Adm. Code 721.989, 724.989, and 725.990.

Appendix A to 40 CFR 60 (~~2014~~)(2015)(2014) (Test Methods), referenced generally in 35 Ill. Adm. Code 726.205 (in addition to the references cited below for specific methods):

Method 1 (Sample and Velocity Traverses for Stationary Sources), referenced in 35 Ill. Adm. Code 726.205.

~~POLLUTION CONTROL BOARD~~

~~NOTICE OF PROPOSED AMENDMENTS~~

Method 2 (Determination of Stack Gas Velocity and Volumetric Flow Rate (Type S Pitot Tube)), referenced in 35 Ill. Adm. Code 721.934, 724.933, 724.934, 725.933, 725.934, and 726.205.

Method 2A (Direct Measurement of Gas Volume through Pipes and Small Ducts), referenced in 35 Ill. Adm. Code 721.933, 724.933, 725.933, and 726.205.

Method 2B (Determination of Exhaust Gas Volume Flow Rate from Gasoline Vapor Incinerators), referenced in 35 Ill. Adm. Code 726.205.

Method 2C (Determination of Gas Velocity and Volumetric Flow Rate in Small Stacks or Ducts (Standard Pitot Tube)), referenced in 35 Ill. Adm. Code 721.933, 724.933, 725.933, and 726.205.

Method 2D (Measurement of Gas Volume Flow Rates in Small Pipes and Ducts), referenced in 35 Ill. Adm. Code 721.933, 724.933, 725.933, and 726.205.

Method 2E (Determination of Landfill Gas Production Flow Rate), referenced in 35 Ill. Adm. Code 726.205.

Method 2F (Determination of Stack Gas Velocity and Volumetric Flow Rate with Three-Dimensional Probes), referenced in 35 Ill. Adm. Code 726.205.

Method 2G (Determination of Stack Gas Velocity and Volumetric Flow Rate with Two-Dimensional Probes), referenced in 35 Ill. Adm. Code 726.205.

Method 2H (Determination of Stack Gas Velocity Taking into Account Velocity Decay Near the Stack Wall), referenced in 35 Ill. Adm. Code 726.205.

Method 3 (Gas Analysis for the Determination of Dry Molecular Weight), referenced in 35 Ill. Adm. Code 724.443 and 726.205.

~~POLLUTION CONTROL BOARD~~

~~NOTICE OF PROPOSED AMENDMENTS~~

Method 3A (Determination of Oxygen and Carbon Dioxide Concentrations in Emissions from Stationary Sources (Instrumental Analyzer Procedure)), referenced in 35 Ill. Adm. Code 726.205.

Method 3B (Gas Analysis for the Determination of Emission Rate Correction Factor or Excess Air), referenced in 35 Ill. Adm. Code 726.205.

Method 3C (Determination of Carbon Dioxide, Methane, Nitrogen, and Oxygen from Stationary Sources), referenced in 35 Ill. Adm. Code 726.205.

Method 4 (Determination of Moisture Content in Stack Gases), referenced in 35 Ill. Adm. Code 726.205.

Method 5 (Determination of Particulate Matter Emissions from Stationary Sources), referenced in 35 Ill. Adm. Code 726.205.

Method 5A (Determination of Particulate Matter Emissions from the Asphalt Processing and Asphalt Roofing Industry), referenced in 35 Ill. Adm. Code 726.205.

Method 5B (Determination of Nonsulfuric Acid Particulate Matter Emissions from Stationary Sources), referenced in 35 Ill. Adm. Code 726.205.

Method 5D (Determination of Particulate Matter Emissions from Positive Pressure Fabric Filters), referenced in 35 Ill. Adm. Code 726.205.

Method 5E (Determination of Particulate Matter Emissions from the Wool Fiberglass Insulation Manufacturing Industry), referenced in 35 Ill. Adm. Code 726.205.

Method 5F (Determination of Nonsulfate Particulate Matter Emissions from Stationary Sources), referenced in 35 Ill. Adm. Code 726.205.

~~POLLUTION CONTROL BOARD~~

~~NOTICE OF PROPOSED AMENDMENTS~~

Method 5G (Determination of Particulate Matter Emissions from Wood Heaters (Dilution Tunnel Sampling Location)), referenced in 35 Ill. Adm. Code 726.205.

Method 5H (Determination of Particulate Emissions from Wood Heaters from a Stack Location), referenced in 35 Ill. Adm. Code 726.205.

Method 5I (Determination of Low Level Particulate Matter Emissions from Stationary Sources), referenced in 35 Ill. Adm. Code 726.205.

Method 18 (Measurement of Gaseous Organic Compound Emissions by Gas Chromatography), referenced in 35 Ill. Adm. Code 721.933, 721.934, 724.933, 724.934, 725.933, and 725.934.

Method 21 (Determination of Volatile Organic Compound Leaks), referenced in 35 Ill. Adm. Code 703.213, 721.934, 721.935, 721.963, 721.983, 724.934, 724.935, 724.963, 725.934, 725.935, 725.963, and 725.984.

Method 22 (Visual Determination of Fugitive Emissions from Material Sources and Smoke Emissions from Flares), referenced in 35 Ill. Adm. Code 721.933, 724.933, 724.1101, 725.933, 725.1101, and 727.900.

Method 25A (Determination of Total Gaseous Organic Concentration Using a Flame Ionization Analyzer), referenced in 35 Ill. Adm. Code 721.934, 724.934, and 725.985.

Method 25D (Determination of the Volatile Organic Concentration of Waste Samples), referenced in 35 Ill. Adm. Code 721.983, 724.982, 725.983, and 725.984.

Method 25E (Determination of Vapor Phase Organic Concentration in Waste Samples), referenced in 35 Ill. Adm. Code 721.983 and 725.984.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Method 27 (Determination of Vapor Tightness of Gasoline Delivery Tank Using Pressure-Vacuum Test), referenced in 35 Ill. Adm. Code 721.986, 724.986, and 725.987.

40 CFR 61 (~~2014~~)(2015)(2014) (National Emission Standards for Hazardous Air Pollutants), referenced generally in 35 Ill. Adm. Code 721.104, 721.933, 721.950, 721.964, 721.980, 724.933, 724.964, 725.933, 725.964, and 725.980.

Subpart V of 40 CFR 61 (~~2014~~)(2015)(2014) (National Emission Standard for Equipment Leaks (Fugitive Emission Sources)), referenced in 35 Ill. Adm. Code 721.989, 724.989, and 725.990.

Subpart FF of 40 CFR 61 (~~2014~~)(2015)(2014) (National Emission Standard for Benzene Waste Operations), referenced in 35 Ill. Adm. Code 724.982 and 725.983.

40 CFR 63 (~~2014~~)(2015)(2014) (National Emission Standards for Hazardous Air Pollutants for Source Categories), referenced generally in 35 Ill. Adm. Code 721.293, 721.933, 721.950, 721.964, 721.980, 724.933, 724.964, 724.980, 725.933, 725.964, 725.980, and 726.200.

Subpart RR of 40 CFR 63 (~~2014~~)(2015)(2014) (National Emission Standards for Individual Drain Systems), referenced in 35 Ill. Adm. Code 721.984, 724.984, 724.985, 725.985, and 725.986.

Subpart EEE of 40 CFR 63 (2000) (National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors), referenced in 35 Ill. Adm. Code 703.280.

Subpart EEE of 40 CFR 63 (~~2014~~)(2015)(2014) (National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors) (includes 40 CFR 63.1206 (When and How Must You Comply with the Standards and Operating Requirements?), 63.1215 (What are the Health-Based Compliance Alternatives for Total Chlorine?), 63.1216 (What are the Standards for Solid-Fuel Boilers that Burn Hazardous Waste?), 63.1217 (What are the Standards for Liquid-Fuel Boilers that Burn Hazardous Waste?), 63.1218 (What are the Standards

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

for Hydrochloric Acid Production Furnaces that Burn Hazardous Waste?), 63.1219 (What are the Replacement Standards for Hazardous Waste Incinerators?), 63.1220 (What are the Replacement Standards for Hazardous Waste-Burning Cement Kilns?), and 63.1221 (What are the Replacement Standards for Hazardous Waste-Burning Lightweight Aggregate Kilns?)), referenced in Appendix A to 35 Ill. Adm. Code 703 and 35 Ill. Adm. Code 703.155, 703.205, 703.208, 703.221, 703.232, 703.320, 703.280, 724.440, 724.701, 724.950, 725.440, and 726.200.

Method 301 (Field Validation of Pollutant Measurement Methods from Various Waste Media) in appendix A to 40 CFR 63 (~~2014~~)(2015)(2014) (Test Methods), referenced in 35 Ill. Adm. Code 721.983 and 725.984.

Appendix C to 40 CFR 63 (~~2014~~)(2015)(2014) (Determination of the Fraction Biodegraded (F_{bio}) in a Biological Treatment Unit), referenced in 35 Ill. Adm. Code 725.984.

Appendix D to 40 CFR 63 (~~2014~~)(2015)(2014) (Test Methods), referenced in 35 Ill. Adm. Code 721.983 and 725.984.

40 CFR 136.3 (Identification of Test Procedures) (~~2014~~)(2015)(2014), referenced in 35 Ill. Adm. Code 702.110, 704.150, 704.187, and 730.103.

40 CFR 144.70 (~~2014~~)(2015)(2014) (Wording of the Instruments), referenced in 35 Ill. Adm. Code 704.240.

40 CFR 232.2 (~~2014~~)(2015)(2014) (Definitions), referenced in 35 Ill. Adm. Code 721.104.

40 CFR 257 (~~2014~~)(2015)(2014) (Criteria for Classification of Solid Waste Disposal Facilities and Practices), referenced in 35 Ill. Adm. Code 739.181.

Subpart B of 40 CFR 257 (~~2014~~)(2015)(2014) (Disposal Standards for the Receipt of Conditionally Exempt Small Quantity Generator (CESQG) Wastes at Non-Municipal Non-Hazardous Waste Disposal Units) (40 CFR 257.5 through 257.30), referenced in 35 Ill. Adm. Code 721.105.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

40 CFR 258 (~~2014~~)(~~2015~~)([2014](#)) (Criteria for Municipal Solid Waste Landfills), referenced in 35 Ill. Adm. Code 739.181.

40 CFR 260.21(b) (~~2014~~)(~~2015~~)([2014](#)) (Alternative Equivalent Testing Methods), referenced in Section 720.121.

40 CFR 261.151 (~~2014~~)(~~2015~~)([2014](#)) (Wording of the Instruments), referenced in 35 Ill. Adm. Code 721.251.

Appendix III to 40 CFR 261 (~~2014~~)(~~2015~~)([2014](#)) (Chemical Analysis Test Methods), referenced in 35 Ill. Adm. Code 704.150 and 704.187.

40 CFR 262.53 (~~2014~~)(~~2015~~)([2014](#)) (Notification of Intent to Export), referenced in 35 Ill. Adm. Code 722.153.

40 CFR 262.54 (~~2014~~)(~~2015~~)([2014](#)) (Special Manifest Requirements), referenced in 35 Ill. Adm. Code 722.154.

40 CFR 262.55 (~~2014~~)(~~2015~~)([2014](#)) (Exception Reports), referenced in 35 Ill. Adm. Code 722.155.

40 CFR 262.56 (~~2014~~)(~~2015~~)([2014](#)) (Annual Reports), referenced in 35 Ill. Adm. Code 722.156.

40 CFR 262.57 (~~2014~~)(~~2015~~)([2014](#)) (Recordkeeping), referenced in 35 Ill. Adm. Code 722.157.

Appendix to 40 CFR 262 (~~2014~~)(~~2015~~)([2014](#)) (Uniform Hazardous Waste Manifest and Instructions (EPA Forms 8700-22 and 8700-22A and Their Instructions)), referenced in Appendix A to 35 Ill. Adm. Code 722 and 35 Ill. Adm. Code 724.986 and 725.987.

40 CFR 264.151 (~~2014~~)(~~2015~~)([2014](#)) (Wording of the Instruments), referenced in 35 Ill. Adm. Code 724.251 and 727.240.

Appendix I to 40 CFR 264 (~~2014~~)(~~2015~~)([2014](#)) (Recordkeeping Instructions), referenced in Appendix A to 35 Ill. Adm. Code 724.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Appendix IV to 40 CFR 264 (~~2015~~)(2014) (~~2015~~)-(Cochran's Approximation to the Behrens-Fisher Students' T-Test), referenced in Appendix D to 35 Ill. Adm. Code 724.

Appendix V to 40 CFR 264 (~~2014~~)(~~2015~~)(2014) (Examples of Potentially Incompatible Waste), referenced in Appendix E to 35 Ill. Adm. Code 724 and 35 Ill. Adm. Code 727.270.

Appendix VI to 40 CFR 264 (~~2015~~)(2014) (~~2015~~)-(Political Jurisdictions in Which Compliance with §Section 264.18(a) Must Be Demonstrated), referenced in 35 Ill. Adm. Code 703.306, 724.118, and 727.110.

Appendix I to 40 CFR 265 (~~2014~~)(~~2015~~)(2014) (Recordkeeping Instructions), referenced in Appendix A to 35 Ill. Adm. Code 725.

Appendix III to 40 CFR 265 (~~2014~~)(~~2015~~)(2014) (EPA Interim Primary Drinking Water Standards), referenced in Appendix C to 35 Ill. Adm. Code 725.

Appendix IV to 40 CFR 265 (~~2014~~)(~~2015~~)(2014) (Tests for Significance), referenced in Appendix D to 35 Ill. Adm. Code 725.

Appendix V to 40 CFR 265 (~~2014~~)(~~2015~~)(2014) (Examples of Potentially Incompatible Waste), referenced in 35 Ill. Adm. Code 725.277, 725.301, 725.330, 725.357, 725.382, and 725.413 and Appendix E to 35 Ill. Adm. Code 725.

Appendix IX to 40 CFR 266 (~~2014~~)(~~2015~~)(2014) (Methods Manual for Compliance with the BIF Regulations), referenced generally in Appendix I to 35 Ill. Adm. Code 726.

Section 4.0 (Procedures for Estimating the Toxicity Equivalence of Chlorinated Dibenzo-p-Dioxin and Dibenzofuran Congeners), referenced in 35 Ill. Adm. Code 726.200 and 726.204.

Section 5.0 (Hazardous Waste Combustion Air Quality Screening Procedure), referenced in 35 Ill. Adm. Code 726.204 and 726.206.

~~POLLUTION CONTROL BOARD~~

~~NOTICE OF PROPOSED AMENDMENTS~~

Section 7.0 (Statistical Methodology for Bevill Residue Determinations), referenced in 35 Ill. Adm. Code 726.212.

BOARD NOTE: Also available from NTIS (see above for contact information) as ~~"~~Methods Manual for Compliance with BIF Regulations: Burning Hazardous Waste in Boilers and Industrial Furnaces,~~"~~ December 1990, USEPA publication number EPA-530/SW-91-010, NTIS document number PB91-120006.

40 CFR 267.151 (~~2014~~)(2015)([2014](#)) (Wording of the Instruments), referenced in 35 Ill. Adm. Code 727.240.

40 CFR 270.5 (~~2014~~)(2015)([2014](#)) (Noncompliance and Program Reporting by the Director), referenced in 35 Ill. Adm. Code 703.305.

40 CFR 302 (2015) (Designation, Reportable Quantities, and Notification), referenced in 35 Ill. Adm. Code 721.293.

40 CFR 711.15(a)(4)(i)(C) (2015) (Designation, Reportable Quantities, and Notification), referenced in 35 Ill. Adm. Code 721.104.

40 CFR 761 (~~2014~~)(2015)([2014](#)) (Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions), referenced generally in 35 Ill. Adm. Code 728.145.

40 CFR 761.3 (~~2014~~)(2015)([2014](#)) (Definitions), referenced in 35 Ill. Adm. Code 728.102 and 739.110.

40 CFR 761.60 (~~2014~~)(2015)([2014](#)) (Disposal Requirements), referenced in 35 Ill. Adm. Code 728.142.

40 CFR 761.65 (~~2014~~)(2015)([2014](#)) (Storage for Disposal), referenced in 35 Ill. Adm. Code 728.150.

40 CFR 761.70 (~~2014~~)(2015)([2014](#)) (Incineration), referenced in 35 Ill. Adm. Code 728.142.

Subpart B of 49 CFR 107 (~~2013~~)(2014)([2013](#)) (Exemptions), referenced

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

generally in 35 Ill. Adm. Code 724.986 and 725.987.

49 CFR 171 ~~(2014)~~ (2013), as amended at 78 Fed. Reg. 60745 (Oct. 2, 2013), 78 Fed. Reg. 65454 (Oct. 31, 2013), and 79 Fed. Reg. 15033 (Mar. 18, ~~2014~~) (2014) (General Information, Regulations, and Definitions), referenced generally in 35 Ill. Adm. Code 721.104, 733.118, 733.138, 733.152, and 739.143.

49 CFR 171.3 ~~(2013)~~ ~~(2014)~~ ~~(2013)~~ (Hazardous Waste), referenced in 35 Ill. Adm. Code 722.133.

49 CFR 171.8 ~~(2014)~~ (2013), as amended at 78 Fed. Reg. 65454 (Oct. 31, 2013) ~~(2014)~~ (Definitions and Abbreviations), referenced in 35 Ill. Adm. Code 733.118, 733.138, 733.152, 733.155, and 739.143.

49 CFR 171.15 ~~(2013)~~ ~~(2014)~~ ~~(2013)~~ (Immediate Notice of Certain Hazardous Materials Incidents), referenced in 35 Ill. Adm. Code 723.130 and 739.143.

49 CFR 171.16 ~~(2013)~~ ~~(2014)~~ ~~(2013)~~ (Detailed Hazardous Materials Incident Reports), referenced in 35 Ill. Adm. Code 723.130 and 739.143.

49 CFR 172 ~~(2014)~~ (2013), as amended at 78 Fed. Reg. 60745 (Oct. 2, 2013), 78 Fed. Reg. 65454 (Oct. 31, 2013), ~~and~~ 78 Fed. Reg. 69310 (Nov. 19, 2013), and 79 Fed. Reg. 15033 (Mar. 18, ~~2014~~) (2014) (Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, and Training Requirements), referenced generally in 35 Ill. Adm. Code 721.104, 721.986, 722.131, 722.132, 724.986, 725.987, 733.114, 733.118, 733.134, 733.138, 733.152, 733.155, and 739.143.

49 CFR 172.304 ~~(2013)~~ ~~(2014)~~ ~~(2013)~~ (Marking Requirements), referenced in 35 Ill. Adm. Code 722.132.

Subpart C of 49 CFR 172 ~~(2013)~~ ~~(2014)~~ ~~(2013)~~ (Shipping Papers), referenced in 35 Ill. Adm. Code 722.124.

Subpart F of 49 CFR 172 ~~(2014)~~ (2013), as amended at 78 Fed. Reg.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

60745 (Oct. 2, 2013)~~(2014)~~ (Placarding), referenced in 35 Ill. Adm. Code 722.133.

49 CFR 173 ~~(2014)~~ (2013), as amended at 78 Fed. Reg. 60745 (Oct. 2, 2013) and 78 Fed. Reg. 65454 (Oct. 31, 2013)~~(2014)~~ (Shippers—— General Requirements for Shipments and Packages), referenced generally in 35 Ill. Adm. Code 721.104, 721.986, 722.130, 724.416, 724.986, 725.416, 725.987, 733.118, 733.138, 733.152, and 739.143.

49 CFR 173.2 ~~(2013)~~~~(2014)~~~~(2013)~~ (Hazardous Materials Classes and Index to Hazard Class Definitions), referenced in 35 Ill. Adm. Code 733.152.

49 CFR 173.12 ~~(2013)~~~~(2014)~~~~(2013)~~ (Exceptions for Shipments of Waste Materials), referenced in 35 Ill. Adm. Code 724.416, 724.986, 725.416, and 725.987.

49 CFR 173.28 ~~(2013)~~~~(2014)~~~~(2013)~~ (Reuse, Reconditioning, and Remanufacture of Packagings), referenced in 35 Ill. Adm. Code 725.273.

49 CFR 173.50 ~~(2013)~~~~(2014)~~~~(2013)~~ (Class 1—— Definitions), referenced in 35 Ill. Adm. Code 721.123.

49 CFR 173.54 ~~(2013)~~~~(2014)~~~~(2013)~~ (Forbidden Explosives), referenced in 35 Ill. Adm. Code 721.123.

49 CFR 173.115 ~~(2014)~~~~(2013)~~ ~~(2014)~~ (Class 2, Divisions 2.1, 2.2, and 2.3—— Definitions), referenced in 35 Ill. Adm. Code 721.121.

49 CFR 173.127 ~~(2014)~~~~(2013)~~ ~~(2014)~~ (Class 2, Divisions 2.1, 2.2, and 2.3—— Definitions), referenced in 35 Ill. Adm. Code 721.121.

49 CFR 174 ~~(2013)~~~~(2014)~~~~(2013)~~ (Carriage by Rail), referenced generally in 35 Ill. Adm. Code 733.118, 733.138, 733.152, and 739.143.

49 CFR 175 ~~(2014)~~~~(2013)~~, as amended at 78 Fed. Reg. 65454 (Oct. 31, 2013) and 79 Fed. Reg. 15033 (Mar. 18, ~~2014~~)~~(2014)~~ (Carriage by

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Aircraft), referenced generally in 35 Ill. Adm. Code 733.118, 733.138, 733.152, and 739.143.

49 CFR 176 [\(2014\)](#)(2013), as amended at 78 Fed. Reg. 65454 (Oct. 31, 2013) ~~(2014)~~ (Carriage by Vessel), referenced generally in 35 Ill. Adm. Code 733.118, 733.138, 733.152, and 739.143.

49 CFR 177 [\(2014\)](#)(2013), as amended at 78 Fed. Reg. 60745 (Oct. 2, 2013) ~~(2014)~~ (Carriage by Public Highway), referenced generally in 35 Ill. Adm. Code 733.118, 733.138, 733.152, and 739.143.

49 CFR 177.817 ~~(2013)~~(2014)[\(2013\)](#) (Shipping Papers), referenced in 35 Ill. Adm. Code 722.124.

49 CFR 178 [\(2014\)](#)(2013), as amended at 78 Fed. Reg. 60745 (Oct. 2, 2013), 78 Fed. Reg. 65454 (Oct. 31, 2013), and 79 Fed. Reg. 15033 (Mar. 18, ~~2014~~)(2014) (Specifications for Packagings), referenced generally in 35 Ill. Adm. Code 721.104, 721.986, 722.130, 724.416, 724.986, 725.416, 725.987, 733.118, 733.138, 733.152, and 739.143.

49 CFR 179 ~~(2013)~~(2014)[\(2013\)](#) (Specifications for Tank Cars), referenced in 35 Ill. Adm. Code 721.104, 721.986, 722.130, 724.416, 724.986, 725.416, 725.987, 733.118, 733.138, 733.152, and 739.143.

49 CFR 180 ~~(2013)~~(2014)[\(2013\)](#) (Continuing Qualification and Maintenance of Packagings), referenced generally in 35 Ill. Adm. Code 721.986, 724.986, 725.987, 733.118, 733.138, 733.152, and 739.143.

49 CFR 190 ~~(2013)~~(2014)[\(2013\)](#) (Pipeline Safety Programs and Rulemaking Procedures), referenced generally in 35 Ill. Adm. Code 721.104.

49 CFR 191 ~~(2013)~~(2014)[\(2013\)](#) (Transportation of Natural and Other Gas by Pipeline: Annual Reports, Incident Reports, and Safety-Related Condition Reports), referenced generally in 35 Ill. Adm. Code 721.104.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

49 CFR 192 (~~2013~~)(2014)(2013) (Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards), referenced generally in 35 Ill. Adm. Code 721.104.

49 CFR 193 (~~2013~~)(2014)(2013) (Liquefied Natural Gas Facilities: Federal Safety Standards), referenced generally in 35 Ill. Adm. Code 721.104.

49 CFR 194 (~~2013~~)(2014)(2013) (Response Plans for Onshore Oil Pipelines), referenced generally in 35 Ill. Adm. Code 721.104.

49 CFR 195 (~~2013~~)(2014)(2013) (Transportation of Hazardous Liquids by Pipeline), referenced generally in 35 Ill. Adm. Code 721.104.

49 CFR 196 (2014) (Protection of Underground Pipelines from Excavation Activity), referenced generally in 35 Ill. Adm. Code 721.104.

49 CFR 198 (~~2013~~)(2014)(2013) (Regulations for Grants to Aid State Pipeline Safety Programs), referenced generally in 35 Ill. Adm. Code 721.104.

49 CFR 199 (~~2013~~)(2014)(2013) (Drug and Alcohol Testing), referenced generally in 35 Ill. Adm. Code 721.104.

c) Federal Statutes:

Section 11 of the Atomic Energy Act of 1954 (42 USC 2014) (~~2011~~)(2013)(2011), referenced in 35 Ill. Adm. Code 721.104 and 726.310.

Sections 301, 304, 307, and 402 of the Clean Water Act (33 USC 1311, 1314, ~~and~~ 1337, and 1342) (2013), referenced in 35 Ill. Adm. Code 721.293.

Sections 201(v), 201(w), and 512(j) of the Federal Food, Drug, and Cosmetic Act (FFDCA; 21 USC 321(v), 321(w), and 360b(j)) (~~2012~~)(2013)(2012), referenced in Section 720.110 and 35 Ill. Adm. Code 733.109.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section 1004 of the Resource Conservation and Recovery Act (42 USC 6903) (2013), referenced in 35 Ill. Adm. Code 721.951 and 721.981.

Chapter 601 of subtitle VIII of 49 USC (49 USC 60101 through 60140) ~~(2011)~~(2013)(2011), referenced in 35 Ill. Adm. Code 721.104.

Section 1412 of the Department of Defense Authorization Act of 1986 (50 USC 1521(j)(1)) ~~(2011)~~(2012)(2011), referenced in 35 Ill. Adm. Code 726.301.

- d) This Section incorporates no later editions or amendments.

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

SUBPART C: RULEMAKING PETITIONS AND OTHER PROCEDURES

Section 720.130 Procedures for Solid Waste Determinations and Non-Waste Determinations

In accordance with the standards and criteria in Sections 720.131 and 720.134 and the procedures in Section 720.133, the Board will determine on a case-by-case basis that the following recycled materials are not solid wastes:

- a) Materials that are accumulated speculatively without sufficient amounts being recycled (as defined in Section 721.101(c)(8));
- b) Materials that are reclaimed and then reused within the original production process in which they were generated;
- c) Materials that have been reclaimed but must be reclaimed further before the materials are completely recovered;
- d) Hazardous secondary materials that are reclaimed in a continuous industrial process; and
- e) Hazardous secondary materials that are indistinguishable in all relevant aspects from a product or intermediate.

~~POLLUTION CONTROL BOARD~~

~~NOTICE OF PROPOSED AMENDMENTS~~

- f) Hazardous secondary materials that are transferred for reclamation under 35 Ill. Adm. Code 721.104(a)(24) and are managed at a verified reclamation facility or verified intermediate facility where the management of the hazardous secondary materials is not regulated by any of 35 Ill. Adm. Code 724, 725, 726, or 727.

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

Section 720.131 Solid Waste Determinations

- a) The Board will determine that those materials that are accumulated speculatively without sufficient amounts being recycled are not solid wastes if the applicant demonstrates that sufficient amounts of the material will be recycled or transferred for recycling in the following year. Such a determination is valid only for the following year, but can be renewed, on an annual basis, by filing a new application. This determination will be based on the following criteria:
- 1) The manner in which the material is expected to be recycled, when the material is expected to be recycled, and whether this expected disposition is likely to occur (for example, because of past practice, market factors, the nature of the material or contractual arrangements for recycling);
 - 2) The reason that the applicant has accumulated the material for one or more years without recycling 75 percent of the volume accumulated at the beginning of the year;
 - 3) The quantity of material already accumulated and the quantity expected to be generated and accumulated before the material is recycled;
 - 4) The extent to which the material is handled to minimize loss; and
 - 5) Other relevant factors.
- b) The Board will determine that those materials that are reclaimed and then reused as feedstock within the original production process in which the materials were generated are not solid wastes if the reclamation operation is an essential part of the production process. This determination will be based on the following criteria:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) How economically viable the production process would be if it were to use virgin materials, rather than reclaimed materials;
 - 2) The extent to which the material is handled before reclamation to minimize loss;
 - 3) The time periods between generating the material and its reclamation, and between reclamation and return to the original primary production process;
 - 4) The location of the reclamation operation in relation to the production process;
 - 5) Whether the reclaimed material is used for the purpose for which it was originally produced when it is returned to the original process, and whether it is returned to the process in substantially its original form;
 - 6) Whether the person that generates the material also reclaims it; and
 - 7) Other relevant factors.
- c) The Board will determine, as provided in Section 720.133, that those hazardous secondary materials that have been partially reclaimed but must be reclaimed further before recovery is completed are not solid wastes if the partial, -after initial ~~the partial~~ reclamation has produced a, the resulting material is ~~has produced a~~ commodity-like material (even though it is not yet a commercial product, and has to be reclaimed further) ~~material~~. ~~This A~~ This determination that a partially-reclaimed material for which the determination is sought is commodity-like will be based on whether the hazardous secondary material is legitimately recycled, as specified in Section 720.143, and on whether all of the following decision criteria are satisfied:
- 1) ~~The~~ Whether ~~the~~ the ~~The~~ degree of ~~processing~~ partial ~~reclamation~~ reclamation ~~processing~~ the material has undergone ~~and the degree or further processing that is required~~ is substantial, as demonstrated by using a partial reclamation process other than the process that generated the hazardous secondary ~~material;~~ material and the degree of further processing that is required;

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 2) ~~The~~Whether~~The~~ value of ~~Whether~~ the partially-reclaimed material ~~after~~ has sufficient economic value ~~that~~that~~after~~ it ~~has been reclaimed~~ will be purchased for further ~~reclamation~~reclamation has been reclaimed;
 - 3) ~~The~~Whether~~The~~ degree to which ~~Whether~~ the partially-reclaimed material is ~~like an analogous~~ a viable substitute for a product or intermediate produced from virgin ~~or~~or like an analogous raw ~~material~~ materials ~~which~~that is used in subsequent production ~~steps~~steps~~material~~;
 - 4) ~~The~~Whether there is a~~The~~ extent to which an end ~~Whether there is a~~ market for the partially-reclaimed material ~~is guaranteed~~, as demonstrated by known customers who are further reclaiming the material (e.g., records of sales or contracts and evidence of subsequent use, such as bills of lading)is guaranteed; and
 - 5) ~~The~~Whether~~The~~ extent to which ~~Whether~~ the partially-reclaimed material is handled to minimize loss; and
 - 6) Other relevant factors.
- d) ~~Where~~When the management of a hazardous secondary material is not regulated by any of 35 Ill. Adm. Code 724, 725, 726, or 727, the Board will grant a solid waste determination, as provided in Section 720.133, from classifying as a solid waste those hazardous secondary materials that are transferred for reclamation under 35 Ill. Adm. Code 721.4(a)(24) and ~~which~~that are managed at a verified reclamation facility or verified intermediate facility. The Board's determination will be based on the following criteria:
- 1) The reclamation facility or intermediate facility has demonstrated that the reclamation process for the hazardous secondary materials is legitimate pursuant to Section 720.143;
 - 2) The reclamation facility or intermediate facility satisfies the financial assurance condition in 35 Ill. Adm. Code 721.4(a)(24)(F)(vi);
 - 3) The reclamation facility or intermediate facility has not been subject to a formal enforcement action in the previous three years and must not be classified as a significant non-complier under RCRA Subtitle C, or the

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

facility has provided credible evidence that the facility will manage the hazardous secondary materials properly. Credible evidence may include a demonstration that the facility has taken remedial steps to address the violations and prevent future violations, or that the violations are not relevant to the proper management of the hazardous secondary materials;

- 4) The intermediate or reclamation facility has the equipment and trained personnel needed to safely manage the hazardous secondary material, and the facility meets emergency preparedness and response requirements under Subpart M of 35 Ill. Adm. Code 721;
- 5) If residuals are generated from the reclamation of the excluded hazardous secondary materials, the reclamation facility has the permits required (if any) to manage the residuals, the facility has a contract with an appropriately permitted facility to dispose of the residuals, or the facility has presented credible evidence that the residuals will be managed in a manner that is protective of human health and the environment; and
- 6) The intermediate or reclamation facility has adequately addressed the potential for risk to proximate populations from unpermitted releases of the hazardous secondary material to the environment (i.e., releases that are not covered by a permit, such as a permit to discharge to water or air), which may include, but are not limited to, potential releases through surface transport by precipitation runoff, releases to soil and groundwater, wind-blown dust, fugitive air emissions, and catastrophic unit failures), and the facility has included consideration of potential cumulative risks from other nearby potential stressors.

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

Section 720.133 Procedures for Determinations

The Board will use the procedures of Subpart D of 35 Ill. Adm. Code 104 for determining whether a material is a solid waste, for determining whether a particular enclosed flame combustion device is a boiler, or for evaluating an application for a non-waste determination.

- a) The application must address the relevant criteria contained in Section 720.131, 720.132, or 720.134, as applicable.

~~POLLUTION CONTROL BOARD~~

~~NOTICE OF PROPOSED AMENDMENTS~~

- b) This subsection (b) corresponds with 40 CFR 260.33(b), which pertains to the USEPA procedure for review of petitions. This statement maintains structural consistency with USEPA rules.

~~Section 720.133 Procedures for Determinations~~

~~The Board will use the procedures of Subpart D of 35 Ill. Adm. Code 104 for determining whether a material is a solid waste, for determining whether a particular enclosed flame-combustion device is a boiler, or for evaluating an application for a non-waste determination.~~

- a) ~~The application must address the relevant criteria contained in Section 720.131, 720.132, or 720.134, as applicable.~~
- b) ~~This subsection (b) corresponds with 40 CFR 260.33(b), which pertains to the USEPA procedure for review of petitions. This statement maintains structural consistency with USEPA rules.~~
- c) ~~For non-waste determinations, in~~ Changed Circumstances. For a non-waste determination, in
 - 1) In the event of a change in circumstances that affects how a hazardous secondary material meets the relevant criteria contained in Section 720.131, 720.132, or 720.134 upon which a solid waste or non-waste determination has been based, the applicant must ~~re-apply to the Board for a formal determination that~~ send a description of the change in circumstances to the Board as a petition for adjusted standard that requests modification of the previously granted solid waste, boiler, or non-waste determination under which the petitioner operates or, in the alternative, a Board order that no such modification is necessary.
 - 2) The Board will;

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- A) determine, based on the record, whether re-apply to the Board for a formal determination that the hazardous secondary material continues to meet the relevant criteria ~~and therefore is not a~~ that justify exclusion from the definition as and therefore is not a solid waste; and
 - B) issue an appropriate order granting or denying the petition.
- d) A solid waste, boiler, or non-waste determination is effective for a fixed term not to exceed ~~ten~~10 years, except as provided in this subsection (d). No later than six months prior to the end of this term, facilities must re-apply for a solid waste, boiler, or non-waste determination. If a facility owner or operator re-applies for a solid waste, boiler, or non-waste determination no later than six months prior to expiration of a solid waste, boiler, or non-waste determination, the facility may continue to operate under an expired solid waste, boiler, or non-waste determination until receiving a decision on the re-application from the Board.
- e) A facility that receives a solid waste, boiler, or non-waste determination must provide notification, as required by Section 720.142.

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

Section 720.134 Non-Waste Determinations

- a) A person generating, managing, or reclaiming hazardous secondary material may petition the Board pursuant to this Section, Section 720.133 and Section 28.2 of the Act [415 ILCS 5/28.2] for an adjusted standard that is a formal determination that a hazardous secondary material is not discarded and therefore is not a solid waste. The Board's adjusted standard determination will be based on the criteria contained in either subsection (b) or (c) of this Section, as applicable. If the Board denies the petition, the hazardous secondary material might still be eligible for a solid waste determination pursuant to Section 720.131 or an exclusion. A determination made by the Board pursuant to this Section becomes effective upon occurrence of the first of the following two events:

~~POLLUTION CONTROL BOARD~~

~~NOTICE OF PROPOSED AMENDMENTS~~

- 1) After USEPA has authorized Illinois to administer this segment of the hazardous waste regulations, the determination is effective upon issuance of the Board order that grants the non-waste determination; or
 - 2) Before USEPA has granted such authorization, the non-waste determination becomes effective upon fulfillment of all of the following conditions:
 - A) The Board has granted an adjusted standard which determines that the hazardous secondary material meets the criteria in either subsection (b) or (c) of this Section, as applicable;
 - B) The Agency has requested that USEPA review the Board's non-waste determination; and
 - C) USEPA has approved the Board's non-waste determination.
- b) The Board will grant a non-waste determination for hazardous secondary material that is reclaimed in a continuous industrial process if the Board determines that the applicant has demonstrated that the hazardous secondary material is a part of the production process and the material is not discarded. The determination will be based on whether the hazardous secondary material is legitimately recycled, as determined pursuant to Section 720.143, and on the following criteria:
- 1) The extent to which the management of the hazardous secondary material is part of the continuous primary production process and is not waste treatment;
 - 2) Whether the capacity of the production process would use the hazardous secondary material in a reasonable time frame and ensure that the hazardous secondary material will not be abandoned (for example, based on past practices, market factors, the nature of the hazardous secondary material, or any contractual arrangements);
 - 3) Whether the hazardous constituents in the hazardous secondary material are reclaimed, rather than released to the air, water, or land, at significantly higher levels, from either a statistical or from a health and environmental

~~POLLUTION CONTROL BOARD~~

~~NOTICE OF PROPOSED AMENDMENTS~~

risk perspective, than would otherwise be released by the production process; and

- 4) Other relevant factors which demonstrate that the hazardous secondary material is not discarded, including why the hazardous secondary material cannot meet, or should not have to meet, the conditions of an exclusion under 35 Ill. Adm. Code 721.102 or 721.104.
- c) The Board will grant a non-waste determination for a hazardous secondary material that is indistinguishable in all relevant aspects from a product or intermediate if the petitioner demonstrates that the hazardous secondary material is comparable to a product or intermediate and is not discarded. The Board's determination will be based on whether the hazardous secondary material is legitimately recycled, as determined pursuant to Section 720.143, and on the following criteria:
- 1) Whether market participants treat the hazardous secondary material as a product or intermediate, rather than as a waste (for example, based on the current positive value of the hazardous secondary material, stability of demand, or any contractual arrangements);
 - 2) Whether the chemical and physical identity of the hazardous secondary material is comparable to commercial products or intermediates;
 - 3) Whether the capacity of the market would use the hazardous secondary material in a reasonable time frame and ensure that the hazardous secondary material will not be abandoned (for example, based on past practices, market factors, the nature of the hazardous secondary material, or any contractual arrangements);
 - 4) Whether the hazardous constituents in the hazardous secondary material are reclaimed, rather than released to the air, water, or land, at significantly higher levels, from either a statistical or from a health and environmental risk perspective, than would otherwise be released by the production process; and
 - 5) Other relevant factors which demonstrate that the hazardous secondary material is not discarded, including why the hazardous secondary material

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

cannot meet, or should not have to meet, the conditions of an exclusion under 35 Ill. Adm. Code 721.102 or 721.104.

BOARD NOTE: USEPA intended that use of the non-waste determination procedure is voluntary. By this procedure, the generator or other person managing a hazardous secondary material may obtain a formal determination that a particular use of a hazardous secondary material is legitimate recycling. The generator and others managing the material may independently make a determination pursuant to Section 720.143 and manage the material under one of the exemptions from the definition of solid waste codified at 35 Ill. Adm. Code 721.102(a)(2)(ii) or 721.104(a)(23), (a)(24), or (a)(25). See 73 Fed. Reg. 64668, 74710 (Oct. 30, 2008).

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

Section 720.142 Notification Requirement for Hazardous Secondary Materials

a) A hazardous secondary material generator, a tolling contractor, a toll manufacturer, a reclaimer, or an intermediate facility that manages hazardous secondary materials ~~which~~that~~which~~ are excluded from regulation under 35 Ill. Adm. Code 721.102(a)(2)(B) or 721.104(a)(23), (a)(24), or ~~(a)(25)~~~~(a)(27)~~(a)(25) must send a notification to USEPA Region 5. The notification must occur prior to operating under the ~~exclusion~~-regulatory ~~provision~~provision~~exclusion~~ and before March 1 of every even-numbered calendar year thereafter using a copy of USEPA Form 8700-12 obtained from the Agency, Bureau of Land (217-782-6762). The notification must include the following information:

- 1) The name, address, and USEPA identification number (if applicable) of the facility;
- 2) The name and telephone number of a contact person for the facility;
- 3) The NAICS code of the facility;

BOARD NOTE: Determined using the ⁴⁴"North American Industry Classification System,²¹" incorporated by reference in Section 720.111.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 4) The ~~exclusion-regulation~~regulationexclusion under which the facility will manage the hazardous secondary materials (e.g., 35 Ill. Adm. Code 721.102(a)(2)(B) or 721.104(a)(23), (a)(24), or (a)(25));
 - 5) For a reclaimer or intermediate facility that manages hazardous secondary materials in accordance with Section 721.104(a)(24) or (a)(25), whether the reclaimer or intermediate facility has financial assurance (not applicable for persons managing hazardous secondary materials generated and reclaimed under the control of the generator);
 - ~~65~~56) When the facility began or expects to begin managing the hazardous secondary materials in accordance with the ~~exclusion-regulation~~regulationexclusion;
 - ~~76~~67) A list of hazardous secondary materials that the facility will manage according to the ~~exclusion-regulation~~regulationexclusion (reported as the USEPA hazardous waste numbers that would apply if the hazardous secondary materials were managed as hazardous wastes);
 - ~~87~~78) For each hazardous secondary material, whether the hazardous secondary material, or any portion thereof, will be managed in a land-based unit;
 - ~~98~~89) The quantity of each hazardous secondary material to be managed annually; and
 - ~~109~~910) The certification (included in USEPA Form 8700-12) signed and dated by an authorized representative of the facility.
- b) If a facility that manages hazardous secondary material generator, tolling contractor, toll manufacturer, reclaimer, or intermediate facility has submitted a notification, but then subsequently ceases managing hazardous secondary materials in accordance with ~~the exclusions~~ a regulation listed in subsection (a)the exclusions, the facility owner or operator must notify the Agency within 30 days after the cessation using a copy of USEPA Form 8700-12 obtained from the Agency, Bureau of Land (217-782-6762). For purposes of this Section, a facility has stopped managing hazardous secondary materials if the facility no longer generates, manages, or reclaims hazardous secondary materials under the ~~exclusions~~ regulation listed in subsection (a)exclusions, and the facility owner or

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

operator does not expect to manage any amount of hazardous secondary materials for at least one year.

BOARD NOTE: USEPA Form 8700-12 is the required instructions and forms for notification of regulated waste activity.

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

Section 720.143 Legitimate Recycling of Hazardous Secondary Materials

- a) ~~This~~ Recycling of hazardous secondary materials for the purpose of the exclusions or exemptions from the hazardous waste regulations must be legitimate This Section applies to any person that is regulated pursuant to Section 720.134 or which claims to be excluded from hazardous waste regulation pursuant to 35 Ill. Adm. Code 721.102(a)(2)(B) or 721.104(a)(23), (a)(24), or (a)(25) because that person is engaged in reclamation. Any such person must be able to demonstrate that the recycling in which it is engaged is legitimate recycling. ~~Recycling of hazardous secondary materials for the purpose of the exclusions or exemptions from the hazardous waste regulations must be legitimate.~~ Hazardous secondary material that is not the subject of legitimate recycling is discarded material and is a solid waste. A determination that an activity is legitimate recycling must address all the ~~factors~~ requirements ~~factors~~ set forth in subsections (b) and (c) requirements of this ~~Section~~ subsection (a) Section.
- 1) Legitimate recycling must involve a hazardous secondary material that provides a useful contribution to the recycling process or to a product or intermediate of the recycling process. The hazardous secondary material provides a useful contribution if it fulfills one of the following criteria:
- A) The material contributes valuable ingredients to a product or intermediate;
 - B) The material replaces a catalyst or carrier in the recycling process;
 - C) The material is the source of a valuable constituent recovered in the recycling process;
 - D) The material is recovered or regenerated by the recycling process;
or

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- E) The material is used as an effective substitute for a commercial product.
- 2) The recycling process must produce a valuable product or intermediate. The product or intermediate is valuable if either of the following is true:
 - A) The product or intermediate is sold to a third party; or
 - B) The product or intermediate is used by the recycler or the generator as an effective substitute for a commercial product or as an ingredient or intermediate in an industrial process.
- 3) The generator and the recycler must manage the hazardous secondary material as a valuable commodity when it is under their control.

Where/When there is an analogous raw material, the hazardous secondary material must be managed, at a minimum, in a manner consistent with the management of the raw material or in an equally protective manner.

Where/When there is no analogous raw material, the hazardous secondary material must be contained. Hazardous secondary materials that are released to the environment and which/that are not recovered immediately are discarded material.
- 4) The product of the recycling process must be comparable to a legitimate product or intermediate as follows:
 - A) Where/When there is an analogous product or intermediate, the product of the recycling process is comparable to a legitimate product or intermediate if both of the following conditions are true:
 - i) The product of the recycling process does not exhibit a hazardous characteristic (as defined in Subpart C of 35 Ill. Adm. Code 721) that analogous products do not exhibit; and
 - ii) The concentrations of any hazardous constituents found in Appendix H of 35 Ill. Adm. Code 721 that are in the product or intermediate are at levels that are comparable to or lower than those found in analogous products or at levels

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

that meet widely-recognized commodity standards and specifications, ~~in the case where~~when the commodity standards and specifications include levels that specifically address those hazardous constituents.

- B) ~~Where~~When there is no analogous product, the product of the recycling process is comparable to a legitimate product or intermediate if either of the following conditions is true:
- i) The product of the recycling process is a commodity that meets widely recognized commodity standards and specifications (e.g., commodity specification grades for common metals); or
 - ii) The hazardous secondary materials being recycled are returned to the original process or processes from which they were generated to be reused (e.g., closed loop recycling).
- C) If the product of the recycling process has levels of hazardous constituents that are not comparable to or unable to be compared to a legitimate product or intermediate as provided in subsection (a)(4)(A) or (a)(4)(B), the recycling still may be shown to be legitimate, if the person performing the recycling fulfills the following ~~specified~~ requirements:
- i) The person performing the recycling must conduct the necessary assessment and prepare documentation ~~which~~that demonstrates that the recycling is, in fact, still legitimate;
 - ii) The assessment and documentation demonstrate that the recycling is legitimate based on lack of exposure from toxics in the product, lack of the bioavailability of the toxics in the product, or other relevant considerations ~~which~~that show that the recycled product does not contain levels of hazardous constituents that pose a significant human health or environmental risk;

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- iii) The documentation must include a certification statement that the recycling is legitimate, and the assessment and documentation must be maintained on-site for three years after the recycling operation has ceased; and
 - iv) The person performing the recycling must notify ~~the~~ USEPA and the Agency of the recycling activity using USEPA Form 8700-12.
- b) This subsection (b) corresponds with 40 CFR 260.43(b), which USEPA has removed and marked "reserved." This statement maintains structural consistency with the corresponding federal rules. Factors fundamental to a determination of legitimate recycling. Legitimate recycling must involve a hazardous secondary material that provides a useful contribution to the recycling process or to a product or intermediate of the recycling process, and the recycling process must produce a valuable product or intermediate. ~~This subsection (b) corresponds with 40 CFR 260.43(b), which USEPA has removed and marked "reserved." This statement maintains structural consistency with the corresponding federal rules.~~
- 1) The hazardous secondary material provides a useful contribution to the recycling process or to a product or intermediate if any of the following is true of its reclamation:
 - A) It contributes valuable ingredients to a product or intermediate;
 - B) It replaces a catalyst or carrier in the recycling process;
 - C) It is the source of a valuable constituent recovered in the recycling process;
 - D) It is recovered or regenerated by the recycling process; or
 - E) It is used as an effective substitute for a commercial product.
 - 2) The product or intermediate produced is valuable if either of the following describes it:
 - A) It is sold to a third party; or

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- B) It is used by the recycler or the generator as an effective substitute for a commercial product or as an ingredient or intermediate in an industrial process.
- c) This subsection (c) corresponds with 40 CFR 260.43(c), which USEPA has removed and marked "reserved." This statement maintains structural consistency with the corresponding federal rules. Other factors for consideration in a determination of legitimate recycling. A determination whether a specific recycling activity constitutes legitimate recycling must consider the factors of subsections (c)(1) and (c)(2) of this Section, in the way described in subsection (c)(3) of this Section: ~~This subsection (c) corresponds with 40 CFR 260.43(c), which USEPA has removed and marked "reserved." This statement maintains structural consistency with the corresponding federal rules.~~
- 1) The demonstration must show whether both the generator and the recycler manage the hazardous secondary material as a valuable commodity. Where there is an analogous raw material, the demonstration must show whether the generator and the recycler manage the hazardous secondary material, at a minimum, in a manner consistent with the management of the raw material. Where there is no analogous raw material, the demonstration must show whether the hazardous secondary material is contained. A hazardous secondary material that is released to the environment and which is not immediately recovered is discarded material, which is solid waste; and
- 2) The demonstration must show whether each of the following is true of the product of the recycling process:
- A) The product does not contain significant concentrations of any hazardous constituents listed in Appendix H to 35 Ill. Adm. Code 721 that are not found in analogous products;
- B) The product does not contain concentrations of any hazardous constituents listed in Appendix H to 35 Ill. Adm. Code 721 at levels that are significantly elevated above those found in analogous products; and
- C) The product does not exhibit a hazardous characteristic (as defined in Subpart C of 35 Ill. Adm. Code 721) that analogous products do not exhibit.
- 3) Determination whether a specific instance of reclamation is legitimate recycling. A determination that a specific instance of reclamation of a hazardous secondary material

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

is legitimate recycling, requires evaluation of all of the factors set forth in ~~subsections~~ subsection (c)(1) ~~and (c)(2)~~ of this Section, and the determination must consider legitimacy as a whole.

A) If, after careful evaluation, the determination is that the conditions of one or both of the factors set forth in subsections (c)(1) and (c)(2) of this Section are not fulfilled, this fact militates in favor of a determination that the reclamation of the hazardous secondary material is not legitimate recycling. However, the non-fulfillment of the factors set forth in subsections (c)(1) and (c)(2) of this Section does not require a determination that the reclamation is not legitimate recycling.

B) In evaluating the extent to which the reclamation fulfills the factors set forth in subsections (c)(1) and (c)(2) of this Section, and in determining whether a specific reclamation process that does not meet one or both of these factors is still legitimate recycling, the determination can consider the protectiveness of the storage methods, exposure of persons and the environment to toxics in the product, the bioavailability of the toxics in the product, and other relevant considerations that bear on whether the recycling is legitimate.

BOARD NOTE: USEPA stated that the four legitimacy factors of this Section are substantially the same as its pre-existing "legitimacy policy," as embodied in an internal USEPA memorandum. That memorandum elaborates "other relevant factors" as the economics of the recycling process (i.e., whether most of the revenue derives from sale of the product or from fees charged generators for managing their wastes) and whether the toxic constituents are necessary or of use to the product or are "just along for the ride." Memorandum from Sylvia K. Lowrance, Director, USEPA, Office of Resource Conservation and Recovery, to Hazardous Waste Management Division Directors, USEPA Regions 1 through 10, attachment at p. 2; see 73 Fed. Reg. 64668, 709-10 (Oct. 31, 2008).

BOARD NOTE: USEPA uses "legitimate recycling" interchangeably with "legitimately recycled," "recycling is legitimate," and "recycling to be considered legitimate" in corresponding 40 CFR 260.43, as added at 73 Fed. Reg. 64668 (Oct. 30, 2008). The Board has standardized the usage "legitimate recycling" in this Section. USEPA refers to "reclamation of the material that is legitimate" in corresponding 40 CFR 261.2(a)(2)(ii) and 261.4(a)(23), (a)(24), and (a)(25) (2009), as determined pursuant to corresponding 40 CFR 260.43 (2009). The Illinois provision at 35 Ill. Adm. Code 721.101(c)(7) (and corresponding federal 40 CFR 261.1(c)(7)) states that a material is

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

"recycled" if it is "used, reused, or reclaimed." The Board intends that "legitimate reclamation," in referenced provisions 35 Ill. Adm. Code 721.102(a)(2)(ii) or 721.104(a)(23), (a)(24), or (a)(25), is synonymous with "legitimate recycling," as used in this Section.

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

Document comparison by Workshare Compare on Monday, March 14, 2016
11:53:59 AM

Input:	
Document 1 ID	file:///I:/Input/Agency Rulemakings - Files Received\2016\Mar2016\35-720-Corrected Agency Proposed-(issue 12).docx
Description	35-720-Corrected Agency Proposed-(issue 12)
Document 2 ID	file:///I:/Input/Agency Rulemakings - Files Received\2016\Mar2016\35-720-r01(issue 12).docx
Description	35-720-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	829
Deletions	866
Moved from	6
Moved to	6
Style change	0
Format changed	0
Total changes	1707

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 720
7 HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL
8

9 SUBPART A: GENERAL PROVISIONS
10

11 Section

- 12 720.101 Purpose, Scope, and Applicability
13 720.102 Availability of Information; Confidentiality of Information
14 720.103 Use of Number and Gender
15 720.104 Electronic Reporting
16

17 SUBPART B: DEFINITIONS AND REFERENCES
18

19 Section

- 20 720.110 Definitions
21 720.111 References
22

23 SUBPART C: RULEMAKING PETITIONS AND OTHER PROCEDURES
24

25 Section

- 26 720.120 Rulemaking
27 720.121 Alternative Equivalent Testing Methods
28 720.122 Waste Delisting
29 720.123 Petitions for Regulation as Universal Waste
30 720.130 Procedures for Solid Waste Determinations and Non-Waste Determinations
31 720.131 Solid Waste Determinations
32 720.132 Boiler Determinations
33 720.133 Procedures for Determinations
34 720.134 Non-Waste Determinations
35 720.140 Additional Regulation of Certain Hazardous Waste Recycling Activities on a
36 Case-by-Case Basis
37 720.141 Procedures for Case-by-Case Regulation of Hazardous Waste Recycling
38 Activities
39 720.142 Notification Requirement for Hazardous Secondary Materials
40 720.143 Legitimate Recycling of Hazardous Secondary Materials
41

- 42 720.APPENDIX A Overview of Federal RCRA Subtitle C (Hazardous Waste) Regulations
43 (Repealed)

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

AUTHORITY: Implementing Sections 7.2, 13, and 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 13, 22.4, and 27].

SOURCE: Adopted in R81-22 at 5 Ill. Reg. 9781, effective May 17, 1982; amended and codified in R81-22 at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R82-19 at 7 Ill. Reg. 14015, effective October 12, 1983; amended in R84-9 at 9 Ill. Reg. 11819, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 968, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 13998, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20630, effective December 2, 1986; amended in R86-28 at 11 Ill. Reg. 6017, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13435, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19280, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2450, effective January 15, 1988; amended in R87-39 at 12 Ill. Reg. 12999, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 362, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18278, effective November 13, 1989; amended in R89-2 at 14 Ill. Reg. 3075, effective February 20, 1990; amended in R89-9 at 14 Ill. Reg. 6225, effective April 16, 1990; amended in R90-10 at 14 Ill. Reg. 16450, effective September 25, 1990; amended in R90-17 at 15 Ill. Reg. 7934, effective May 9, 1991; amended in R90-11 at 15 Ill. Reg. 9323, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14446, effective September 30, 1991; amended in R91-13 at 16 Ill. Reg. 9489, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17636, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5625, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20545, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6720, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12160, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17480, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9508, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 10929, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 256, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7590, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17496, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 1704, effective January 19, 1999; amended in R99-15 at 23 Ill. Reg. 9094, effective July 26, 1999; amended in R00-5 at 24 Ill. Reg. 1063, effective January 6, 2000; amended in R00-13 at 24 Ill. Reg. 9443, effective June 20, 2000; amended in R01-3 at 25 Ill. Reg. 1266, effective January 11, 2001; amended in R01-21/R01-23 at 25 Ill. Reg. 9168, effective July 9, 2001; amended in R02-1/R02-12/R02-17 at 26 Ill. Reg. 6550, effective April 22, 2002; amended in R03-7 at 27 Ill. Reg. 3712, effective February 14, 2003; amended in R03-18 at 27 Ill. Reg. 12713, effective July 17, 2003; amended in R05-8 at 29 Ill. Reg. 5974, effective April 13, 2005; amended in R05-2 at 29 Ill. Reg. 6290, effective April 22, 2005; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 2930, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 730, effective December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 11726, effective July 14, 2008; amended in R09-3 at 33 Ill. Reg. 922, effective December 30, 2008; amended in R09-16/R10-4 at 34 Ill. Reg. 18535, effective November 12, 2010; amended in R11-2/R11-16 at 35 Ill. Reg. 17672, effective October 14, 2011; amended in R12-7 at 36 Ill. Reg. 8740, effective June 4, 2012; amended in R13-5 at 37 Ill. Reg. 3180, effective March 4, 2013; amended in R13-15 at 37 Ill. Reg. 17726, effective October 24, 2013; amended in R14-1/R14-

87 2/R14-3 at 38 Ill. Reg. 7189, effective March 13, 2014; amended in R14-13 at 38 Ill. Reg. 12378,
88 effective May 27, 2014; amended in R15-1 at 39 Ill. Reg. 1542, effective January 12, 2015;
89 amended in R16-7 at 40 Ill. Reg. _____, effective _____.

90

91

SUBPART B: DEFINITIONS AND REFERENCES

92

93

Section 720.110 Definitions

94

95

When used in 35 Ill. Adm. Code 720 through 728, 733, 738, and 739 only, the following terms
96 have the meanings given below:

97

98

"Aboveground tank" means a device meeting the definition of tank that is situated
99 in such a way that the entire surface area of the tank is completely above the plane
100 of the adjacent surrounding surface and the entire surface area of the tank
101 (including the tank bottom) is able to be visually inspected.

102

103

"Active life" of a facility means the period from the initial receipt of hazardous
104 waste at the facility until the Agency receives certification of final closure.

105

106

"Active portion" means that portion of a facility where treatment, storage, or
107 disposal operations are being or have been conducted after May 19, 1980, and
108 which is not a closed portion. (See also "closed portion" and "inactive portion.")

109

110

"Administrator" means the Administrator of the United States Environmental
111 Protection Agency or the Administrator's designee.

112

113

"Agency" means the Illinois Environmental Protection Agency.

114

115

"Ancillary equipment" means any device, including, but not limited to, such
116 devices as piping, fittings, flanges, valves, and pumps, that is used to distribute,
117 meter, or control the flow of hazardous waste from its point of generation to
118 storage or treatment tanks, between hazardous waste storage and treatment tanks
119 to a point of disposal onsite, or to a point of shipment for disposal off-site.

120

121

"Aquifer" means a geologic formation, group of formations, or part of a formation
122 capable of yielding a significant amount of groundwater to wells or springs.

123

124

"Authorized representative" means the person responsible for the overall
125 operation of a facility or an operational unit (i.e., part of a facility), e.g., the plant
126 manager, superintendent, or person of equivalent responsibility.

127

128

"Battery" means a device that consists of one or more electrically connected
129 electrochemical cells that is designed to receive, store, and deliver electric energy.

130 An electrochemical cell is a system consisting of an anode, cathode, and an
131 electrolyte, plus such connections (electrical and mechanical) as may be needed to
132 allow the cell to deliver or receive electrical energy. The term battery also
133 includes an intact, unbroken battery from which the electrolyte has been removed.

134
135 "Board" means the Illinois Pollution Control Board.

136
137 "Boiler" means an enclosed device using controlled flame combustion and having
138 the following characteristics:

139
140 Boiler by physical characteristics:

141
142 The unit must have physical provisions for recovering and
143 exporting thermal energy in the form of steam, heated fluids, or
144 heated gases; and the unit's combustion chamber and primary
145 energy recovery sections must be of integral design. To be of
146 integral design, the combustion chamber and the primary energy
147 recovery sections (such as waterwalls and superheaters) must be
148 physically formed into one manufactured or assembled unit. A
149 unit in which the combustion chamber and the primary energy
150 recovery sections are joined only by ducts or connections carrying
151 flue gas is not integrally designed; however, secondary energy
152 recovery equipment (such as economizers or air preheaters) need
153 not be physically formed into the same unit as the combustion
154 chamber and the primary energy recovery section. The following
155 units are not precluded from being boilers solely because they are
156 not of integral design: process heaters (units that transfer energy
157 directly to a process stream) and fluidized bed combustion units;
158 and

159
160 While in operation, the unit must maintain a thermal energy
161 recovery efficiency of at least 60 percent, calculated in terms of the
162 recovered energy compared with the thermal value of the fuel; and

163
164 The unit must export and utilize at least 75 percent of the
165 recovered energy, calculated on an annual basis. In this
166 calculation, no credit may be given for recovered heat used
167 internally in the same unit. (Examples of internal use are the
168 preheating of fuel or combustion air, and the driving of induced or
169 forced draft fans or feedwater pumps.); or

170
171 Boiler by designation. The unit is one that the Board has determined, on
172 a case-by-case basis, to be a boiler, after considering the standards in

173 Section 720.132.

174
175 "Carbon dioxide stream" means carbon dioxide that has been captured from an
176 emission source (e.g., a power plant), plus incidental associated substances
177 derived from the source materials and the capture process, and any substances
178 added to the stream to enable or improve the injection process.

179
180 "Carbon regeneration unit" means any enclosed thermal treatment device used to
181 regenerate spent activated carbon.

182
183 "Cathode ray tube" or "CRT" means a vacuum tube, composed primarily of glass,
184 which is the visual or video display component of an electronic device. A "used,
185 intact CRT" means a CRT whose vacuum has not been released. A "used, broken
186 CRT" means glass removed from its housing or casing whose vacuum has been
187 released.

188
189 "Certification" means a statement of professional opinion based upon knowledge
190 and belief.

191
192 "Closed portion" means that portion of a facility that an owner or operator has
193 closed in accordance with the approved facility closure plan and all applicable
194 closure requirements. (See also "active portion" and "inactive portion.")

195
196 "Component" means either the tank or ancillary equipment of a tank system.

197
198 "Contained" means held in a unit (including a land-based unit, as defined in this
199 Section) that meets either of the following containment situations:

200
201 Containment situation 1 (non-hazardous waste containment):

202
203 The unit is in good condition, with no leaks or other continuing or
204 intermittent unpermitted releases of the hazardous secondary
205 materials to the environment, and is designed, as appropriate for
206 the hazardous secondary materials, to prevent unpermitted releases
207 of hazardous secondary materials to the environment.

208 "Unpermitted releases" are releases that are not covered by a
209 permit (such as a permit to discharge to water or air) and may
210 include, but are not limited to, releases through surface transport
211 by precipitation runoff, releases to soil and groundwater,
212 windblown dust, fugitive air emissions, and catastrophic unit
213 failures;

214

215 The unit is properly labeled or otherwise has a system (such as a
216 log) to immediately identify the hazardous secondary materials in
217 the unit; and

218
219 The unit holds hazardous secondary materials that are compatible
220 with other hazardous secondary materials placed in the unit, is
221 compatible with the materials used to construct the unit, and
222 addresses any potential risks of fires or explosions.

223
224 Containment situation 2 (hazardous waste containment):

225
226 Hazardous secondary materials in units that meet the applicable
227 requirements of 35 Ill. Adm. Code 724 or 725 are presumptively
228 contained.

229
230 "Confined aquifer" means an aquifer bounded above and below by impermeable
231 beds or by beds of distinctly lower permeability than that of the aquifer itself; an
232 aquifer containing confined groundwater.

233
234 "Container" means any portable device in which a material is stored, transported,
235 treated, disposed of, or otherwise handled.

236
237 "Containment building" means a hazardous waste management unit that is used to
238 store or treat hazardous waste pursuant to the provisions of Subpart DD of 35 Ill.
239 Adm. Code 724 and Subpart DD of 35 Ill. Adm. Code 725.

240
241 "Contingency plan" means a document setting out an organized, planned and
242 coordinated course of action to be followed in case of a fire, explosion, or release
243 of hazardous waste or hazardous waste constituents that could threaten human
244 health or the environment.

245
246 "Corrosion expert" means a person who, by reason of knowledge of the physical
247 sciences and the principles of engineering and mathematics, acquired by a
248 professional education and related practical experience, is qualified to engage in
249 the practice of corrosion control on buried or submerged metal piping systems and
250 metal tanks. Such a person must be certified as being qualified by the National
251 Association of Corrosion Engineers (NACE) or be a registered professional
252 engineer who has certification or licensing that includes education and experience
253 in corrosion control on buried or submerged metal piping systems and metal
254 tanks.

255
256 "CRT collector" means a person who receives used, intact CRTs for recycling,
257 repair, resale, or donation.

258
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

"CRT exporter" means any person in the United States that initiates a transaction to send used CRTs outside the United States or its territories for recycling or reuse, or any intermediary in the United States arranging for such export.

"CRT glass manufacturer" means an operation or part of an operation that uses a furnace to manufacture CRT glass.

"CRT processing" means conducting all of the following activities:

- Receiving broken or intact CRTs;
- Intentionally breaking intact CRTs or further breaking or separating broken CRTs; and
- Sorting or otherwise managing glass removed from CRT monitors.

"Designated facility" means either of the following entities:

A hazardous waste treatment, storage, or disposal facility that has been designated on the manifest by the generator, pursuant to 35 Ill. Adm. Code 722.120, of which any of the following is true:

- The facility has received a RCRA permit (or interim status) pursuant to 35 Ill. Adm. Code 702, 703, and 705;
- The facility has received a RCRA permit from USEPA pursuant to 40 CFR 124 and 270;
- The facility has received a RCRA permit from a state authorized by USEPA pursuant to 40 CFR 271; or
- The facility is regulated pursuant to 35 Ill. Adm. Code 721.106(c)(2) or Subpart F of 35 Ill. Adm. Code 266; or

A generator site designated by the hazardous waste generator on the manifest to receive back its own waste as a return shipment from a designated hazardous waste treatment, storage, or disposal facility that has rejected the waste in accordance with 35 Ill. Adm. Code 724.172(f) or 725.172(f).

If a waste is destined to a facility in a state other than Illinois that has been authorized by USEPA pursuant to 40 CFR 271, but which has not yet obtained

301 authorization to regulate that waste as hazardous, then the designated facility
302 must be a facility allowed by the receiving state to accept such waste.

303
304 "Destination facility" means a facility that treats, disposes of, or recycles a
305 particular category of universal waste, except those management activities
306 described in 35 Ill. Adm. Code 733.113(a) and (c) and 733.133(a) and (c). A
307 facility at which a particular category of universal waste is only accumulated is
308 not a destination facility for the purposes of managing that category of universal
309 waste.

310
311 "Dike" means an embankment or ridge of either natural or manmade materials
312 used to prevent the movement of liquids, sludges, solids, or other materials.

313
314 "Dioxins and furans" means tetra-, penta-, hexa-, hepta-, and octa-chlorinated
315 dibenzo dioxins and furans.

316
317 "Director" means the Director of the Illinois Environmental Protection Agency.

318
319 "Discharge" or "hazardous waste discharge" means the accidental or intentional
320 spilling, leaking, pumping, pouring, emitting, emptying, or dumping of hazardous
321 waste into or on any land or water.

322
323 "Disposal" means the discharge, deposit, injection, dumping, spilling, leaking, or
324 placing of any solid waste or hazardous waste into or on any land or water so that
325 such solid waste or hazardous waste or any constituent thereof may enter the
326 environment or be emitted into the air or discharged into any waters, including
327 groundwaters.

328
329 "Disposal facility" means a facility or part of a facility at which hazardous waste
330 is intentionally placed into or on any land or water and at which waste will remain
331 after closure. The term disposal facility does not include a corrective action
332 management unit (CAMU) into which remediation wastes are placed.

333
334 "Drip pad" means an engineered structure consisting of a curbed, free-draining
335 base, constructed of non-earthen materials and designed to convey preservative
336 kick-back or drippage from treated wood, precipitation and surface water runoff to
337 an associated collection system at wood preserving plants.

338
339 "Electronic manifest" or "e-Manifest" means the electronic format of the
340 hazardous waste manifest that is obtained from USEPA's national e-Manifest
341 System and transmitted electronically to the e-Manifest System, and which is the
342 legal equivalent of USEPA Forms 8700-22 (Manifest) and 8700-22A
343 (Continuation Sheet).

344
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

"Electronic Manifest System" or "e-Manifest System" means USEPA's national information technology system through which the e-Manifest may be obtained, completed, transmitted, and distributed to users of the e-Manifest System and to regulatory agencies.

"Elementary neutralization unit" means a device of which the following is true:

It is used for neutralizing wastes that are hazardous only because they exhibit the corrosivity characteristic defined in 35 Ill. Adm. Code 721.122 or which are listed in Subpart D of 35 Ill. Adm. Code 721 only for this reason; and

It meets the definition of tank, tank system, container, transport vehicle, or vessel in this Section.

"EPA hazardous waste number" or "USEPA hazardous waste number" means the number assigned by USEPA to each hazardous waste listed in Subpart D of 35 Ill. Adm. Code 721 and to each characteristic identified in Subpart C of 35 Ill. Adm. Code 721.

"EPA identification number" or "USEPA identification number" means the number assigned by USEPA pursuant to 35 Ill. Adm. Code 722 through 725 to each generator; transporter; and treatment, storage, or disposal facility.

"EPA region" or "USEPA region" means the states and territories found in any one of the following ~~10~~ten regions:

Region I: Maine, Vermont, New Hampshire, Massachusetts, Connecticut, and Rhode Island.

Region II: New York, New Jersey, Commonwealth of Puerto Rico, and the U.S. Virgin Islands.

Region III: Pennsylvania, Delaware, Maryland, West Virginia, Virginia, and the District of Columbia.

Region IV: Kentucky, Tennessee, North Carolina, Mississippi, Alabama, Georgia, South Carolina, and Florida.

Region V: Minnesota, Wisconsin, Illinois, Michigan, Indiana, and Ohio.

Region VI: New Mexico, Oklahoma, Arkansas, Louisiana, and Texas.

387
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

Region VII: Nebraska, Kansas, Missouri, and Iowa.

Region VIII: Montana, Wyoming, North Dakota, South Dakota, Utah, and Colorado.

Region IX: California, Nevada, Arizona, Hawaii, Guam, American Samoa, and Commonwealth of the Northern Mariana Islands.

Region X: Washington, Oregon, Idaho, and Alaska.

"Equivalent method" means any testing or analytical method approved by the Board pursuant to Section 720.120.

"Existing hazardous waste management (HWM) facility" or "existing facility" means a facility that was in operation or for which construction commenced on or before November 19, 1980. A facility had commenced construction if the owner or operator had obtained the federal, State, and local approvals or permits necessary to begin physical construction and either of the following had occurred:

A continuous on-site, physical construction program had begun; or

The owner or operator had entered into contractual obligations that could not be canceled or modified without substantial loss for physical construction of the facility to be completed within a reasonable time.

"Existing portion" means that land surface area of an existing waste management unit, included in the original Part A permit application, on which wastes have been placed prior to the issuance of a permit.

"Existing tank system" or "existing component" means a tank system or component that is used for the storage or treatment of hazardous waste and which was in operation, or for which installation was commenced, on or prior to July 14, 1986. Installation will be considered to have commenced if the owner or operator has obtained all federal, State, and local approvals or permits necessary to begin physical construction of the site or installation of the tank system and if either of the following is true:

A continuous on-site physical construction or installation program has begun; or

The owner or operator has entered into contractual obligations that cannot be canceled or modified without substantial loss for physical construction

430 of the site or installation of the tank system to be completed within a
 431 reasonable time.

432
 433 "Explosives or munitions emergency" means a situation involving the suspected
 434 or detected presence of unexploded ordnance (UXO), damaged or deteriorated
 435 explosives or munitions, an improvised explosive device (IED), other potentially
 436 explosive material or device, or other potentially harmful military chemical
 437 munitions or device, that creates an actual or potential imminent threat to human
 438 health, including safety, or the environment, including property, as determined by
 439 an explosives or munitions emergency response specialist. Such situations may
 440 require immediate and expeditious action by an explosives or munitions
 441 emergency response specialist to control, mitigate, or eliminate the threat.

442
 443 "Explosives or munitions emergency response" means all immediate response
 444 activities by an explosives and munitions emergency response specialist to
 445 control, mitigate, or eliminate the actual or potential threat encountered during an
 446 explosives or munitions emergency. An explosives or munitions emergency
 447 response may include in-place render-safe procedures, treatment, or destruction of
 448 the explosives or munitions or transporting those items to another location to be
 449 rendered safe, treated, or destroyed. Any reasonable delay in the completion of an
 450 explosives or munitions emergency response caused by a necessary, unforeseen,
 451 or uncontrollable circumstance will not terminate the explosives or munitions
 452 emergency. Explosives and munitions emergency responses can occur on either
 453 public or private lands and are not limited to responses at RCRA facilities.

454
 455 "Explosives or munitions emergency response specialist" means an individual
 456 trained in chemical or conventional munitions or explosives handling,
 457 transportation, render-safe procedures, or destruction techniques. Explosives or
 458 munitions emergency response specialists include United States Department of
 459 Defense (USDOD) emergency explosive ordnance disposal (EOD), technical
 460 escort unit (TEU), and USDOD-certified civilian or contractor personnel and
 461 other federal, State, or local government or civilian personnel who are similarly
 462 trained in explosives or munitions emergency responses.

463
 464 "Facility" means the following:

465
 466 All contiguous land and structures, other appurtenances, and
 467 improvements on the land used for treating, storing, or disposing of
 468 hazardous waste or for managing hazardous secondary materials prior to
 469 reclamation. A facility may consist of several treatment, storage, or
 470 disposal operational units (e.g., one or more landfills, surface
 471 impoundments, or combinations of them).

472

473 For the purpose of implementing corrective action pursuant to 35 Ill. Adm.
474 Code 724.201 or 35 Ill. Adm. Code 727.201, all contiguous property under
475 the control of the owner or operator seeking a permit under Subtitle C of
476 RCRA. This definition also applies to facilities implementing corrective
477 action pursuant to RCRA section 3008(h).

478
479 Notwithstanding the immediately-preceding paragraph of this definition, a
480 remediation waste management site is not a facility that is subject to 35 Ill.
481 Adm. Code 724.201, but a facility that is subject to corrective action
482 requirements if the site is located within such a facility.

483
484 "Federal agency" means any department, agency, or other instrumentality of the
485 federal government, any independent agency or establishment of the federal
486 government, including any government corporation and the Government Printing
487 Office.

488
489 "Federal, State, and local approvals or permits necessary to begin physical
490 construction" means permits and approvals required under federal, State, or local
491 hazardous waste control statutes, regulations, or ordinances.

492
493 "Final closure" means the closure of all hazardous waste management units at the
494 facility in accordance with all applicable closure requirements so that hazardous
495 waste management activities pursuant to 35 Ill. Adm. Code 724 and 725 are no
496 longer conducted at the facility unless subject to the provisions of 35 Ill. Adm.
497 Code 722.134.

498
499 "Food-chain crops" means tobacco, crops grown for human consumption, and
500 crops grown for feed for animals whose products are consumed by humans.

501
502 "Freeboard" means the vertical distance between the top of a tank or surface
503 impoundment dike and the surface of the waste contained therein.

504
505 "Free liquids" means liquids that readily separate from the solid portion of a
506 waste under ambient temperature and pressure.

507
508 "~~Gasification~~" means, ~~for the purpose of complying with 35 Ill. Adm. Code~~
509 ~~721.104(a)(12)(A), a process conducted in an enclosed device or system that is~~
510 ~~designed and operated to process petroleum feedstock, including oil-bearing~~
511 ~~hazardous secondary materials, through a series of highly controlled steps~~
512 ~~utilizing thermal decomposition, limited oxidation, and gas cleaning to yield a~~
513 ~~synthesis gas composed primarily of hydrogen and carbon monoxide gas.~~

514
515 "Generator" means any person, by site, whose act or process produces hazardous

516 waste identified or listed in 35 Ill. Adm. Code 721 or whose act first causes a
517 hazardous waste to become subject to regulation.

518
519 "Groundwater" means water below the land surface in a zone of saturation.

520
521 "Hazardous secondary material" means a secondary material (e.g., spent material,
522 by-product, or sludge) that, when discarded, would be identified as hazardous
523 waste pursuant to 35 Ill. Adm. Code 721.

524
525 ~~"Hazardous secondary material generated and reclaimed under the control of the~~
526 ~~generator" means one of the following materials:~~

527
528 ~~A material that is both generated and reclaimed at the generating facility~~
529 ~~(for purposes of this definition, generating facility means all contiguous~~
530 ~~property owned, leased, or otherwise controlled by the hazardous~~
531 ~~secondary material generator);~~

532
533 ~~A material that is generated and reclaimed at different facilities, if both of~~
534 ~~the following conditions are fulfilled:~~

535
536 ~~Either the reclaiming facility is controlled by the generator, or both~~
537 ~~the generating facility and the reclaiming facility are controlled by~~
538 ~~the same person, as "person" is defined in this Section; and~~

539
540 ~~The generator provides either of the following certifications:~~

541
542 ~~"On behalf of [insert generator facility name], I certify that~~
543 ~~this facility will send the indicated hazardous secondary~~
544 ~~material to [insert reclaimer facility name], which is~~
545 ~~controlled by [insert generator facility name] and that~~
546 ~~[insert the name of either facility] has acknowledged full~~
547 ~~responsibility for the safe management of the hazardous~~
548 ~~secondary material."~~

549
550 ~~or~~

551
552 ~~"On behalf of [insert generator facility name] I certify that~~
553 ~~this facility will send the indicated hazardous secondary~~
554 ~~material to [insert reclaimer facility name], that both~~
555 ~~facilities are under common control, and that [insert name~~
556 ~~of either facility] has acknowledged full responsibility for~~
557 ~~the safe management of the hazardous secondary material."~~
558

559 For purposes of this definition, "control" means the power to
560 direct the policies of the facility, whether by the ownership of
561 stock, voting rights, or otherwise, except that contractors who
562 operate facilities on behalf of a different person, as "person" is
563 defined in this Section, shall not be deemed to "control" such
564 facilities; or

565
566 A material that is generated pursuant to a written contract between a
567 tolling contractor and a toll manufacturer and which is reclaimed by the
568 tolling contractor, if the tolling contractor certifies the following:

569
570 "On behalf of [insert tolling contractor name], I certify that [insert
571 tolling contractor name], has a written contract with [insert toll
572 manufacturer name] to manufacture [insert name of product or
573 intermediate] which is made from specified unused materials, and
574 that [insert tolling contractor name] will reclaim the hazardous
575 secondary materials generated during this manufacture. On behalf
576 of [insert tolling contractor name], I also certify that [insert tolling
577 contractor name] retains ownership of, and responsibility for, the
578 hazardous secondary materials that are generated during the course
579 of the manufacture, including any releases of hazardous secondary
580 materials that occur during the manufacturing process."

581
582 For purposes of this definition, "tolling contractor" means a person
583 who arranges for the production of a product or intermediate made
584 from specified unused materials through a written contract with a toll
585 manufacturer. "Toll manufacturer" means a person who produces a
586 product or intermediate made from specified unused materials pursuant
587 to a written contract with a tolling contractor.

588
589 "Hazardous secondary material generator" means any person whose act or process
590 produces hazardous secondary materials at the generating facility. For purposes
591 of this definition, "generating facility" means all contiguous property owned,
592 leased, or otherwise controlled by the hazardous secondary material generator.
593 For the purposes of Sections 721.102(a)(2)(B) and 721.104(a)(23), a facility that
594 collects hazardous secondary materials from other persons is not the hazardous
595 secondary material generator.

596
597 "Hazardous waste" means a hazardous waste as defined in 35 Ill. Adm. Code
598 721.103.

599
600 "Hazardous waste constituent" means a constituent that caused the hazardous
601 waste to be listed in Subpart D of 35 Ill. Adm. Code 721, or a constituent listed in

602 35 Ill. Adm. Code 721.124.
603

604 "Hazardous waste management unit" is a contiguous area of land on or in which
605 hazardous waste is placed, or the largest area in which there is significant
606 likelihood of mixing hazardous waste constituents in the same area. Examples of
607 hazardous waste management units include a surface impoundment, a waste pile,
608 a land treatment area, a landfill cell, an incinerator, a tank and its associated
609 piping and underlying containment system, and a container storage area. A
610 container alone does not constitute a unit; the unit includes containers, and the
611 land or pad upon which they are placed.
612

613 "Inactive portion" means that portion of a facility that was not operated after
614 November 19, 1980. (See also "active portion" and "closed portion.")
615

616 "Incinerator" means any enclosed device of which the following is true:
617

618 The facility uses controlled flame combustion, and both of the following
619 are true of the facility:
620

621 The facility does not meet the criteria for classification as a boiler,
622 sludge dryer, or carbon regeneration unit, nor
623

624 The facility is not listed as an industrial furnace; or
625

626 The facility meets the definition of infrared incinerator or plasma arc
627 incinerator.
628

629 "Incompatible waste" means a hazardous waste that is unsuitable for the
630 following:
631

632 Placement in a particular device or facility because it may cause corrosion
633 or decay of containment materials (e.g., container inner liners or tank
634 walls); or
635

636 Commingling with another waste or material under uncontrolled
637 conditions because the commingling might produce heat or pressure, fire,
638 or explosion, violent reaction, toxic dusts, mists, fumes or gases, or
639 flammable fumes or gases.
640

641 (See Appendix E to 35 Ill. Adm. Code 724 and Appendix E to 35 Ill.
642 Adm. Code 725 for references that list examples.)
643

644 "Industrial furnace" means any of the following enclosed devices that are integral

645 components of manufacturing processes and that use thermal treatment to
646 accomplish recovery of materials or energy:

- 647
- 648 Cement kilns;
- 649
- 650 Lime kilns;
- 651
- 652 Aggregate kilns;
- 653
- 654 Phosphate kilns;
- 655
- 656 Coke ovens;
- 657
- 658 Blast furnaces;
- 659
- 660 Smelting, melting, and refining furnaces (including pyrometallurgical
661 devices such as cupolas, reverberator furnaces, sintering machines,
662 roasters, and foundry furnaces);
- 663
- 664 Titanium dioxide chloride process oxidation reactors;
- 665
- 666 Methane reforming furnaces;
- 667
- 668 Pulping liquor recovery furnaces;
- 669
- 670 Combustion devices used in the recovery of sulfur values from spent
671 sulfuric acid;
- 672
- 673 Halogen acid furnaces (HAFs) for the production of acid from halogenated
674 hazardous waste generated by chemical production facilities where the
675 furnace is located on the site of a chemical production facility, the acid
676 product has a halogen acid content of at least three percent, the acid
677 product is used in a manufacturing process, and, except for hazardous
678 waste burned as fuel, hazardous waste fed to the furnace has a minimum
679 halogen content of 20 percent, as generated; and
- 680
- 681 Any other such device as the Agency determines to be an industrial
682 furnace on the basis of one or more of the following factors:
- 683
- 684 The design and use of the device primarily to accomplish recovery
685 of material products;
- 686
- 687 The use of the device to burn or reduce raw materials to make a

688 material product;
689
690 The use of the device to burn or reduce secondary materials as
691 effective substitutes for raw materials, in processes using raw
692 materials as principal feedstocks;
693
694 The use of the device to burn or reduce secondary materials as
695 ingredients in an industrial process to make a material product;
696
697 The use of the device in common industrial practice to produce a
698 material product; and
699
700 Other relevant factors.

701
702 "Individual generation site" means the contiguous site at or on which one or more
703 hazardous wastes are generated. An individual generation site, such as a large
704 manufacturing plant, may have one or more sources of hazardous waste but is
705 considered a single or individual generation site if the site or property is
706 contiguous.

707
708 "Infrared incinerator" means any enclosed device that uses electric powered
709 resistance heaters as a source of radiant heat followed by an afterburner using
710 controlled flame combustion and which is not listed as an industrial furnace.

711
712 "Inground tank" means a device meeting the definition of tank whereby a portion
713 of the tank wall is situated to any degree within the ground, thereby preventing
714 visual inspection of that external surface area of the tank that is in the ground.

715
716 "In operation" refers to a facility that is treating, storing, or disposing of
717 hazardous waste.

718
719 "Injection well" means a well into which fluids are being injected. (See also
720 "underground injection.")

721
722 "Inner liner" means a continuous layer of material placed inside a tank or
723 container that protects the construction materials of the tank or container from the
724 contained waste or reagents used to treat the waste.

725
726 "Installation inspector" means a person who, by reason of knowledge of the
727 physical sciences and the principles of engineering, acquired by a professional
728 education and related practical experience, is qualified to supervise the
729 installation of tank systems.

730

731 "Intermediate facility" means any facility that stores hazardous secondary
732 materials for more than 10 days and which is neither a hazardous secondary
733 material generator nor a reclaimer of hazardous secondary material.
734

735 "International shipment" means the transportation of hazardous waste into or out
736 of the jurisdiction of the United States.
737

738 "Lamp" or "universal waste lamp" means the bulb or tube portion of an electric
739 lighting device. A lamp is specifically designed to produce radiant energy, most
740 often in the ultraviolet, visible, or infrared regions of the electromagnetic
741 spectrum. Examples of common universal waste lamps include, but are not
742 limited to, fluorescent, high intensity discharge, neon, mercury vapor, high-
743 pressure sodium, and metal halide lamps.
744

745 "Land-based unit" means an area where hazardous secondary materials are placed
746 in or on the land before recycling. This definition does not include land-based
747 production units.
748

749 "Land treatment facility" means a facility or part of a facility at which hazardous
750 waste is applied onto or incorporated into the soil surface; such facilities are
751 disposal facilities if the waste will remain after closure.
752

753 "Landfill" means a disposal facility or part of a facility where hazardous waste is
754 placed in or on land and which is not a pile, a land treatment facility, a surface
755 impoundment, an underground injection well, a salt dome formation, a salt bed
756 formation, an underground mine, a cave, or a corrective action management unit
757 (CAMU).
758

759 "Landfill cell" means a discrete volume of a hazardous waste landfill that uses a
760 liner to provide isolation of wastes from adjacent cells or wastes. Examples of
761 landfill cells are trenches and pits.
762

763 "LDS" means leak detection system.
764

765 "Leachate" means any liquid, including any suspended components in the liquid,
766 that has percolated through or drained from hazardous waste.
767

768 "Liner" means a continuous layer of natural or manmade materials beneath or on
769 the sides of a surface impoundment, landfill, or landfill cell that restricts the
770 downward or lateral escape of hazardous waste, hazardous waste constituents, or
771 leachate.
772

773 "Leak-detection system" means a system capable of detecting the failure of either

774 the primary or secondary containment structure or the presence of a release of
 775 hazardous waste or accumulated liquid in the secondary containment structure.
 776 Such a system must employ operational controls (e.g., daily visual inspections for
 777 releases into the secondary containment system of aboveground tanks) or consist
 778 of an interstitial monitoring device designed to detect continuously and
 779 automatically the failure of the primary or secondary containment structure or the
 780 presence of a release of hazardous waste into the secondary containment structure.

781
 782 "Management" or "hazardous waste management" means the systematic control
 783 of the collection, source separation, storage, transportation, processing, treatment,
 784 recovery, and disposal of hazardous waste.

785
 786 "Manifest" means the shipping document USEPA Form 8700-22 (including, if
 787 necessary, USEPA Form 8700-22A), or the e-Manifest, originated and signed in
 788 accordance with the applicable requirements of 35 Ill. Adm. Code 722 through
 789 727.

790
 791 "Manifest tracking number" means the alphanumeric identification number (i.e., a
 792 unique three letter suffix preceded by nine numerical digits) that is pre-printed in
 793 Item 4 of the manifest by a registered source.

794
 795 "Mercury-containing equipment" means a device or part of a device (including
 796 thermostats, but excluding batteries and lamps) that contains elemental mercury
 797 integral to its function.

798
 799 "Military munitions" means all ammunition products and components produced or
 800 used by or for the United States Department of Defense or the United States
 801 Armed Services for national defense and security, including military munitions
 802 under the control of the United States Department of Defense (USDOD), the
 803 United States Coast Guard, the United States Department of Energy (USDOE),
 804 and National Guard personnel. The term military munitions includes: confined
 805 gaseous, liquid, and solid propellants, explosives, pyrotechnics, chemical and riot
 806 control agents, smokes, and incendiaries used by USDOD components, including
 807 bulk explosives and chemical warfare agents, chemical munitions, rockets, guided
 808 and ballistic missiles, bombs, warheads, mortar rounds, artillery ammunition,
 809 small arms ammunition, grenades, mines, torpedoes, depth charges, cluster
 810 munitions and dispensers, demolition charges, and devices and components of
 811 these items and devices. Military munitions do not include wholly inert items,
 812 improvised explosive devices, and nuclear weapons, nuclear devices, and nuclear
 813 components of these items and devices. However, the term does include non-
 814 nuclear components of nuclear devices, managed under USDOE's nuclear
 815 weapons program after all sanitization operations required under the Atomic
 816 Energy Act of 1954 (42 USC 2014 et seq.), as amended, have been completed.

817
818 "Mining overburden returned to the mine site" means any material overlying an
819 economic mineral deposit that is removed to gain access to that deposit and is
820 then used for reclamation of a surface mine.
821
822 "Miscellaneous unit" means a hazardous waste management unit where hazardous
823 waste is treated, stored, or disposed of and that is not a container; tank; surface
824 impoundment; pile; land treatment unit; landfill; incinerator; boiler; industrial
825 furnace; underground injection well with appropriate technical standards pursuant
826 to 35 Ill. Adm. Code 730; containment building; corrective action management
827 unit (CAMU); unit eligible for a research, development, and demonstration permit
828 pursuant to 35 Ill. Adm. Code 703.231; or staging pile.
829
830 "Movement" means hazardous waste that is transported to a facility in an
831 individual vehicle.
832
833 "NAICS Code" means the code number assigned a facility using the "North
834 American Industry Classification System," incorporated by reference in Section
835 720.111.
836
837 "New hazardous waste management facility" or "new facility" means a facility
838 that began operation, or for which construction commenced after November 19,
839 1980. (See also "Existing hazardous waste management facility.")
840
841 "New tank system" or "new tank component" means a tank system or component
842 that will be used for the storage or treatment of hazardous waste and for which
843 installation commenced after July 14, 1986; except, however, for purposes of 35
844 Ill. Adm. Code 724.293(g)(2) and 725.293(g)(2), a new tank system is one for
845 which construction commenced after July 14, 1986. (See also "existing tank
846 system.")
847
848 "No free liquids", as used in 35 Ill. Adm. Code 721.104(a)(26) and (b)(18),
849 means that solvent-contaminated wipes may not contain free liquids, as
850 determined by Method 9095B (Paint Filter Liquids Test), included in "Test
851 Methods for Evaluating Solid Waste, Physical/Chemical Methods," incorporated
852 by reference in Section 720.111, and that there is no free liquid in the container
853 holding the wipes. No free liquids may also be determined using another standard
854 or test method that the Agency has determined by permit condition is equivalent
855 to Method 9095B.
856
857 "Onground tank" means a device meeting the definition of tank that is situated in
858 such a way that the bottom of the tank is on the same level as the adjacent
859 surrounding surfaces so that the external tank bottom cannot be visually

860 inspected.

861
862 "On-site" means the same or geographically contiguous property that may be
863 divided by public or private right-of-way, provided the entrance and exit between
864 the properties is at a crossroads intersection and access is by crossing as opposed
865 to going along the right-of-way. Non-contiguous properties owned by the same
866 person but connected by a right-of-way that the owner controls and to which the
867 public does not have access is also considered on-site property.

868
869 "Open burning" means the combustion of any material without the following
870 characteristics:

871
872 Control of combustion air to maintain adequate temperature for efficient
873 combustion;

874
875 Containment of the combustion reaction in an enclosed device to provide
876 sufficient residence time and mixing for complete combustion; and

877
878 Control of emission of the gaseous combustion products.

879
880 (See also "incineration" and "thermal treatment.")

881
882 "Operator" means the person responsible for the overall operation of a facility.

883
884 "Owner" means the person that owns a facility or part of a facility.

885
886 "Partial closure" means the closure of a hazardous waste management unit in
887 accordance with the applicable closure requirements of 35 Ill. Adm. Code 724 or
888 725 at a facility that contains other active hazardous waste management units.
889 For example, partial closure may include the closure of a tank (including its
890 associated piping and underlying containment systems), landfill cell, surface
891 impoundment, waste pile, or other hazardous waste management unit, while other
892 units of the same facility continue to operate.

893
894 "Person" means an individual, trust, firm, joint stock company, federal agency,
895 corporation (including a government corporation), partnership, association, state,
896 municipality, commission, political subdivision of a state, or any interstate body.

897
898 "Personnel" or "facility personnel" means all persons who work at or oversee the
899 operations of a hazardous waste facility and whose actions or failure to act may
900 result in noncompliance with 35 Ill. Adm. Code 724 or 725.

901
902 "Pesticide" means any substance or mixture of substances intended for

903 preventing, destroying, repelling, or mitigating any pest or intended for use as a
904 plant regulator, defoliant, or desiccant, other than any article that fulfills one of
905 the following descriptions:
906

907 It is a new animal drug under section 201(v) of the Federal Food, Drug
908 and Cosmetic Act (FFDCA; 21 USC 321(v)), incorporated by reference in
909 Section 720.111(c);
910

911 It is an animal drug that has been determined by regulation of the federal
912 Secretary of Health and Human Services pursuant to FFDCA section 512
913 (21 USC 360b), incorporated by reference in Section 720.111(c), to be an
914 exempted new animal drug; or
915

916 It is an animal feed under FFDCA section 201(w) (21 USC 321(w)),
917 incorporated by reference in Section 720.111(c), that bears or contains any
918 substances described in either of the two preceding paragraphs of this
919 definition.

920 BOARD NOTE: The second exception of corresponding 40 CFR 260.10
921 reads as follows: "Is an animal drug that has been determined by
922 regulation of the Secretary of Health and Human Services not to be a new
923 animal drug." This is very similar to the language of section 2(u) of the
924 Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA; 7 USC
925 136(u)). The three exceptions, taken together, appear intended not to
926 include as pesticide any material within the scope of federal Food and
927 Drug Administration regulation. The Board codified this provision with
928 the intent of retaining the same meaning as its federal counterpart while
929 adding the definiteness required under Illinois law.
930

931 "Pile" means any non-containerized accumulation of solid, non-flowing
932 hazardous waste that is used for treatment or storage, and that is not a
933 containment building.
934

935 "Plasma arc incinerator" means any enclosed device that uses a high intensity
936 electrical discharge or arc as a source of heat followed by an afterburner using
937 controlled flame combustion and which is not listed as an industrial furnace.
938

939 "Point source" means any discernible, confined, and discrete conveyance,
940 including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well,
941 discrete fissure, container, rolling stock, concentrated animal feeding operation, or
942 vessel or other floating craft from which pollutants are or may be discharged.
943 This term does not include return flows from irrigated agriculture.
944

945 "Publicly owned treatment works" or "POTW" is as defined in 35 Ill. Adm. Code

946 310.110.

947

948

949

950

951

952

953

954

"Qualified groundwater scientist" means a scientist or engineer who has received a baccalaureate or postgraduate degree in the natural sciences or engineering, and has sufficient training and experience in groundwater hydrology and related fields, as demonstrated by state registration, professional certifications, or completion of accredited university courses that enable the individual to make sound professional judgments regarding groundwater monitoring and contaminant rate and transport.

955

956

957

958

959

BOARD NOTE: State registration includes, but is not limited to, registration as a professional engineer with the Department of Professional Regulation, pursuant to 225 ILCS 325 and 68 Ill. Adm. Code 1380. Professional certification includes, but is not limited to, certification under the certified groundwater professional program of the National Ground Water Association.

960

961

962

963

"RCRA" means the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 USC 6901 et seq.).

964

965

966

967

968

969

"RCRA standardized permit" means a RCRA permit issued pursuant to Subpart J of 35 Ill. Adm. Code 703 and Subpart G of 35 Ill. Adm. Code 702 that authorizes management of hazardous waste. The RCRA standardized permit may have two parts: a uniform portion issued in all cases and a supplemental portion issued at the discretion of the Agency.

970

971

972

"Regional Administrator" means the Regional Administrator for the USEPA region in which the facility is located or the Regional Administrator's designee.

973

974

975

976

977

978

"Remanufacturing" means processing a higher-value hazardous secondary material in order to manufacture a product that serves a similar functional purpose as the original commercial-grade material. For the purpose of this definition, a hazardous secondary material is considered higher-value if it was generated from the use of a commercial-grade material in a manufacturing process and can be remanufactured into a similar commercial-grade material.

979

980

981

982

"Remediation waste" means all solid and hazardous wastes, and all media (including groundwater, surface water, soils, and sediments) and debris that are managed for implementing cleanup.

983

984

985

986

987

988

"Remediation waste management site" means a facility where an owner or operator is or will be treating, storing, or disposing of hazardous remediation wastes. A remediation waste management site is not a facility that is subject to corrective action pursuant to 35 Ill. Adm. Code 724.201, but a remediation waste management site is subject to corrective action requirements if the site is located

989 in such a facility.

990

991 "Replacement unit" means a landfill, surface impoundment, or waste pile unit
992 from which all or substantially all of the waste is removed, and which is
993 subsequently reused to treat, store, or dispose of hazardous waste. Replacement
994 unit does not include a unit from which waste is removed during closure, if the
995 subsequent reuse solely involves the disposal of waste from that unit and other
996 closing units or corrective action areas at the facility, in accordance with a closure
997 or corrective action plan approved by USEPA or the Agency.

998

999 "Representative sample" means a sample of a universe or whole (e.g., waste pile,
1000 lagoon, groundwater) that can be expected to exhibit the average properties of the
1001 universe or whole.

1002

1003 "Runoff" means any rainwater, leachate, or other liquid that drains over land from
1004 any part of a facility.

1005

1006 "Runon" means any rainwater, leachate, or other liquid that drains over land onto
1007 any part of a facility.

1008

1009 "Saturated zone" or "zone of saturation" means that part of the earth's crust in
1010 which all voids are filled with water.

1011

1012 "SIC code" means "Standard Industrial Classification code," as assigned to a site
1013 by the United States Department of Transportation, Federal Highway
1014 Administration, based on the particular activities that occur on the site, as set forth
1015 in its publication "Standard Industrial Classification Manual," incorporated by
1016 reference in Section 720.111(a).

1017

1018 "Sludge" means any solid, semi-solid, or liquid waste generated from a municipal,
1019 commercial, or industrial wastewater treatment plant, water supply treatment
1020 plant, or air pollution control facility, exclusive of the treated effluent from a
1021 wastewater treatment plant.

1022

1023 "Sludge dryer" means any enclosed thermal treatment device that is used to
1024 dehydrate sludge and which has a total thermal input, excluding the heating value
1025 of the sludge itself, of 2,500 Btu/lb or less of sludge treated on a wet-weight basis.

1026

1027 "Small quantity generator" means a generator that generates less than 1,000 kg of
1028 hazardous waste in a calendar month.

1029

1030 "Solid waste" means a solid waste as defined in 35 Ill. Adm. Code 721.102.

1031

1032 "Solvent-contaminated wipe" means the following: A wipe that, after use or after
1033 cleaning up a spill, fulfills one or more of the following conditions:

1034
1035 The wipe contains one or more of the F001 through F005 solvents
1036 listed in 35 Ill. Adm. Code 721.131 or the corresponding P- or U-
1037 listed solvents found in 35 Ill. Adm. Code 721.133;

1038
1039 The wipe exhibits a hazardous characteristic found in Subpart C of
1040 35 Ill. Adm. Code 721 when that characteristic results from a
1041 solvent listed in 35 Ill. Adm. Code 721; or

1042
1043 The wipe exhibits only the hazardous waste characteristic of
1044 ignitability found in 35 Ill. Adm. Code 721.121 due to the presence
1045 of one or more solvents that are not listed in 35 Ill. Adm. Code
1046 721.

1047
1048 Solvent-contaminated wipes that contain listed hazardous waste other than
1049 solvents, or exhibit the characteristic of toxicity, corrosivity, or reactivity
1050 due to contaminants other than solvents, are not eligible for the exclusions
1051 at 35 Ill. Adm. Code 721.104(a)(26) and (b)(18).

1052
1053 "Sorbent" means a material that is used to soak up free liquids by either
1054 adsorption or absorption, or both. "Sorb" means to either adsorb or absorb, or
1055 both.

1056
1057 "Staging pile" means an accumulation of solid, non-flowing "remediation waste"
1058 (as defined in this Section) that is not a containment building and that is used only
1059 during remedial operations for temporary storage at a facility. Staging piles must
1060 be designated by the Agency according to 35 Ill. Adm. Code 724.654.

1061
1062 "State" means any of the several states, the District of Columbia, the
1063 Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and
1064 the Commonwealth of the Northern Mariana Islands.

1065
1066 "Storage" means the holding of hazardous waste for a temporary period, at the end
1067 of which the hazardous waste is treated, disposed of, or stored elsewhere.

1068
1069 "Sump" means any pit or reservoir that meets the definition of tank and those
1070 troughs or trenches connected to it that serve to collect hazardous waste for
1071 transport to hazardous waste storage, treatment, or disposal facilities; except that,
1072 as used in the landfill, surface impoundment, and waste pile rules, sump means
1073 any lined pit or reservoir that serves to collect liquids drained from a leachate
1074 collection and removal system or leak detection system for subsequent removal

1075 from the system.

1076
 1077 "Surface impoundment" or "impoundment" means a facility or part of a facility
 1078 that is a natural topographic depression, manmade excavation, or diked area
 1079 formed primarily of earthen materials (although it may be lined with manmade
 1080 materials) that is designed to hold an accumulation of liquid wastes or wastes
 1081 containing free liquids and which is not an injection well. Examples of surface
 1082 impoundments are holding, storage, settling and aeration pits, ponds, and lagoons.

1083
 1084 "Tank" means a stationary device, designed to contain an accumulation of
 1085 hazardous waste that is constructed primarily of non-earthen materials (e.g.,
 1086 wood, concrete, steel, plastic) that provide structural support.

1087
 1088 "Tank system" means a hazardous waste storage or treatment tank and its
 1089 associated ancillary equipment and containment system.

1090
 1091 "TEQ" means toxicity equivalence, the international method of relating the
 1092 toxicity of various dioxin and furan congeners to the toxicity of 2,3,7,8-
 1093 tetrachlorodibenzo-p-dioxin.

1094
 1095 "Thermal treatment" means the treatment of hazardous waste in a device that uses
 1096 elevated temperatures as the primary means to change the chemical, physical, or
 1097 biological character or composition of the hazardous waste. Examples of thermal
 1098 treatment processes are incineration, molten salt, pyrolysis, calcination, wet air
 1099 oxidation, and microwave discharge. (See also "incinerator" and "open burning.")

1100
 1101 "Thermostat" means a temperature control device that contains metallic mercury
 1102 in an ampule attached to a bimetal sensing element and mercury-containing
 1103 ampules that have been removed from such a temperature control device in
 1104 compliance with 35 Ill. Adm. Code 733.113(c)(2) or 733.133(c)(2).

1105
 1106 "Totally enclosed treatment facility" means a facility for the treatment of
 1107 hazardous waste that is directly connected to an industrial production process and
 1108 which is constructed and operated in a manner that prevents the release of any
 1109 hazardous waste or any constituent thereof into the environment during treatment.
 1110 An example is a pipe in which waste acid is neutralized.

1111
 1112 "Transfer facility" means any transportation-related facility, including loading
 1113 docks, parking areas, storage areas, and other similar areas where shipments of
 1114 hazardous waste or hazardous secondary materials are held during the normal
 1115 course of transportation.

1116
 1117 "Transport vehicle" means a motor vehicle or rail car used for the transportation

1118 of cargo by any mode. Each cargo-carrying body (trailer, railroad freight car,
1119 etc.) is a separate transport vehicle.

1120
1121 "Transportation" means the movement of hazardous waste by air, rail, highway, or
1122 water.

1123
1124 "Transporter" means a person engaged in the off-site transportation of hazardous
1125 waste by air, rail, highway, or water.

1126
1127 "Treatability study" means the following:

1128
1129 A study in which a hazardous waste is subjected to a treatment process to
1130 determine the following:

1131
1132 Whether the waste is amenable to the treatment process;

1133
1134 What pretreatment (if any) is required;

1135
1136 The optimal process conditions needed to achieve the desired
1137 treatment;

1138
1139 The efficiency of a treatment process for a specific waste or
1140 wastes; and

1141
1142 The characteristics and volumes of residuals from a particular
1143 treatment process;

1144
1145 Also included in this definition for the purpose of 35 Ill. Adm. Code
1146 721.104(e) and (f) exemptions are liner compatibility, corrosion and other
1147 material compatibility studies, and toxicological and health effects studies.
1148 A treatability study is not a means to commercially treat or dispose of
1149 hazardous waste.

1150
1151 "Treatment" means any method, technique, or process, including neutralization,
1152 designed to change the physical, chemical, or biological character or composition
1153 of any hazardous waste so as to neutralize the waste, recover energy or material
1154 resources from the waste, or render the waste non-hazardous or less hazardous;
1155 safer to transport, store, or dispose of; or amenable for recovery, amenable for
1156 storage, or reduced in volume.

1157
1158 "Treatment zone" means a soil area of the unsaturated zone of a land treatment
1159 unit within which hazardous constituents are degraded, transformed, or
1160 immobilized.

1161
1162 "Underground injection" means the subsurface emplacement of fluids through a
1163 bored, drilled, or driven well or through a dug well, where the depth of the dug
1164 well is greater than the largest surface dimension. (See also "injection well.")
1165
1166 "Underground tank" means a device meeting the definition of tank whose entire
1167 surface area is totally below the surface of and covered by the ground.
1168
1169 "Unfit-for-use tank system" means a tank system that has been determined,
1170 through an integrity assessment or other inspection, to be no longer capable of
1171 storing or treating hazardous waste without posing a threat of release of hazardous
1172 waste to the environment.
1173
1174 "United States" means the 50 states, the District of Columbia, the Commonwealth
1175 of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the
1176 Commonwealth of the Northern Mariana Islands.
1177
1178 "Universal waste" means any of the following hazardous wastes that are managed
1179 pursuant to the universal waste requirements of 35 Ill. Adm. Code 733:
1180
1181 Batteries, as described in 35 Ill. Adm. Code 733.102;
1182
1183 Pesticides, as described in 35 Ill. Adm. Code 733.103;
1184
1185 Mercury-containing equipment, as described in 35 Ill. Adm. Code
1186 733.104; and
1187
1188 Lamps, as described in 35 Ill. Adm. Code 733.105.
1189
1190 "Universal waste handler" means either of the following:
1191
1192 A generator (as defined in this Section) of universal waste; or
1193
1194 The owner or operator of a facility, including all contiguous property, that
1195 receives universal waste from other universal waste handlers, accumulates
1196 the universal waste, and sends that universal waste to another universal
1197 waste handler, to a destination facility, or to a foreign destination.
1198
1199 "Universal waste handler" does not mean either of the following:
1200
1201 A person that treats (except under the provisions of Section
1202 733.113(a) or (c) or 733.133(a) or (c)), disposes of, or recycles
1203 universal waste; or

1204
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

A person engaged in the off-site transportation of universal waste by air, rail, highway, or water, including a universal waste transfer facility.

"Universal waste transporter" means a person engaged in the off-site transportation of universal waste by air, rail, highway, or water.

"Unsaturated zone" or "zone of aeration" means the zone between the land surface and the water table.

"Uppermost aquifer" means the geologic formation nearest the natural ground surface that is an aquifer, as well as lower aquifers that are hydraulically interconnected with this aquifer within the facility's property boundary.

"USDOT" or "Department of Transportation" means the United States Department of Transportation.

"Used oil" means any oil that has been refined from crude oil, or any synthetic oil, that has been used and as a result of such use is contaminated by physical or chemical impurities.

"USEPA" or "EPA" means the United States Environmental Protection Agency.

"User of the Electronic Manifest System" or "user of the e-Manifest System" means a hazardous waste generator, a hazardous waste transporter, an owner or operator of a hazardous waste treatment, storage, recycling, or disposal facility, or any other person or entity –

that is required to use a manifest to comply with any federal or state requirement to track the shipment, transportation, and receipt of either –

hazardous waste or other waste material that is shipped from the site of generation to an off-site designated facility for treatment, storage, recycling, or disposal; or

rejected wastes or regulated container residues that are shipped from a designated facility to an alternative facility, or returned to the generator; and

which elects to use either –

1246 the e-Manifest System to obtain, complete and transmit an e-
1247 Manifest format supplied by the USEPA e-Manifest System; or
1248
1249 the paper manifest form and submits to the e-Manifest System for
1250 data processing purposes a paper copy of the manifest (or data
1251 from such a paper copy), in accordance with 35 Ill. Adm. Code
1252 724.171(a)(2)(E) or 725.171(a)(2)(E).
1253

1254 A paper copy submitted for data processing purposes is submitted for data
1255 exchange purposes only and is not the official copy of record for legal
1256 purposes.
1257

1258 "USPS" means the United States Postal Service.
1259

1260 "Vessel" includes every description of watercraft used or capable of being used as
1261 a means of transportation on the water.
1262

1263 "Wastewater treatment unit" means a device of which the following is true:
1264

1265 It is part of a wastewater treatment facility that has an NPDES permit
1266 pursuant to 35 Ill. Adm. Code 309 or a pretreatment permit or
1267 authorization to discharge pursuant to 35 Ill. Adm. Code 310;
1268

1269 It receives and treats or stores an influent wastewater that is a hazardous
1270 waste as defined in 35 Ill. Adm. Code 721.103, or generates and
1271 accumulates a wastewater treatment sludge that is a hazardous waste as
1272 defined in 35 Ill. Adm. Code 721.103, or treats or stores a wastewater
1273 treatment sludge that is a hazardous waste as defined in 35 Ill. Adm. Code
1274 721.103; and
1275

1276 It meets the definition of tank or tank system in this Section.
1277

1278 "Water (bulk shipment)" means the bulk transportation of hazardous waste that is
1279 loaded or carried on board a vessel without containers or labels.
1280

1281 "Well" means any shaft or pit dug or bored into the earth, generally of a
1282 cylindrical form, and often walled with bricks or tubing to prevent the earth from
1283 caving in.
1284

1285 "Well injection" (See "underground injection.")
1286

1287 "Wipe" means a woven or non-woven shop towel, rag, pad, or swab made of
1288 wood pulp, fabric, cotton, polyester blends, or other material.

1289
1290 "Zone of engineering control" means an area under the control of the owner or
1291 operator that, upon detection of a hazardous waste release, can be readily cleaned
1292 up prior to the release of hazardous waste or hazardous constituents to
1293 groundwater or surface water.

1294
1295 (Source: Amended at 40 Ill. Reg. _____, effective _____)
1296

1297 **Section 720.111 References**
1298

1299 The following documents are incorporated by reference for the purposes of this Part and 35 Ill.
1300 Adm. Code 702 through 705, 721 through 728, 730, 733, 738, and 739:

- 1301
1302 a) Non-Regulatory Government Publications and Publications of Recognized
1303 Organizations and Associations:

1304
1305 ACGME. Available from the Accreditation Council for Graduate Medical
1306 Education, 515 North State Street, Suite 2000, Chicago, IL 60654, 312-
1307 755-5000:

1308
1309 "Accreditation Council for Graduate Medical Education: Glossary
1310 of Terms," March 19, 2009, referenced in 35 Ill. Adm. Code
1311 722.300.

1312
1313 BOARD NOTE: Also available on the Internet for download and
1314 viewing as a PDF file at the following Internet address:
1315 http://www.acgme.org/acWebsite/about/ab_ACGMEglossary.pdf.

1316
1317 ACI. Available from the American Concrete Institute, Box 19150,
1318 Redford Station, Detroit, Michigan 48219:

1319
1320 ACI 318-83: "Building Code Requirements for Reinforced
1321 Concrete," adopted November 1983, referenced in 35 Ill. Adm.
1322 Code 724.673 and 725.543.

1323
1324 ANSI. Available from the American National Standards Institute, 1430
1325 Broadway, New York, New York 10018, 212-354-3300:

1326
1327 See ASME/ANSI B31.3 and B31.4 and supplements below in this
1328 subsection (a) under ASME.

1329
1330 API. Available from the American Petroleum Institute, 1220 L Street,
1331 N.W., Washington, D.C. 20005, 202-682-8000:

- 1332
1333 "Cathodic Protection of Underground Petroleum Storage Tanks
1334 and Piping Systems," API Recommended Practice 1632, Second
1335 Edition, December 1987, referenced in 35 Ill. Adm. Code 724.292,
1336 724.295, 725.292, and 725.295.
1337
1338 "Evaporative Loss from External Floating-Roof Tanks," API
1339 publication 2517, Third Edition, February 1989, USEPA-approved
1340 for 35 Ill. Adm. Code 721.983 and 725.984.
1341
1342 "Guide for Inspection of Refinery Equipment," Chapter XIII,
1343 "Atmospheric and Low Pressure Storage Tanks," 4th Edition, 1981,
1344 reaffirmed December 1987, referenced in 35 Ill. Adm. Code
1345 721.291, 724.291, 724.293, 725.291, and 725.292.
1346
1347 "Installation of Underground Petroleum Storage Systems," API
1348 Recommended Practice 1615, Fourth Edition, November 1987,
1349 referenced in 35 Ill. Adm. Code 724.292.
1350
1351 ASME. Available from the American Society of Mechanical Engineers, 345 East
1352 47th Street, New York, NY 10017, 212-705-7722:
1353
1354 "Chemical Plant and Petroleum Refinery Piping," ASME/ANSI B31.3-
1355 1987, as supplemented by B31.3a-1988 and B31.3b-1988, referenced in
1356 35 Ill. Adm. Code 724.292 and 725.292. Also available from ANSI.
1357
1358 "Liquid Transportation Systems for Hydrocarbons, Liquid Petroleum Gas,
1359 Anhydrous Ammonia, and Alcohols," ASME/ANSI B31.4-1986, as
1360 supplemented by B31.4a-1987, referenced in 35 Ill. Adm. Code 724.292
1361 and 725.292. Also available from ANSI.
1362
1363 ASTM. Available from American Society for Testing and Materials, 100 Barr
1364 Harbor Drive, West Conshohocken, PA 19428-2959, 610-832-9585:
1365
1366 ASTM C 94-90, "Standard Specification for Ready-Mixed Concrete,"
1367 approved March 30, 1990, referenced in 35 Ill. Adm. Code 724.673 and
1368 725.543.
1369
1370 ASTM D 88-87, "Standard Test Method for Saybolt Viscosity," approved
1371 April 24, 1981, reapproved January 1987, referenced in 35 Ill. Adm. Code
1372 726.200.
1373
1374 ASTM D 93-85, "Standard Test Methods for Flash Point by Pensky-

- 1375 Martens Closed Tester," approved October 25, 1985, USEPA-approved
1376 for 35 Ill. Adm. Code 721.121.
1377
- 1378 ASTM D 140-70, "Standard Practice for Sampling Bituminous Materials,"
1379 approved 1970, referenced in Appendix A to 35 Ill. Adm. Code 721.
1380
- 1381 ASTM D 346-75, "Standard Practice for Collection and Preparation of
1382 Coke Samples for Laboratory Analysis," approved 1975, referenced in
1383 Appendix A to 35 Ill. Adm. Code 721.
1384
- 1385 ASTM D 420-69, "Guide to Site Characterization for Engineering,
1386 Design, and Construction Purposes," approved 1969, referenced in
1387 Appendix A to 35 Ill. Adm. Code 721.
1388
- 1389 ASTM D 1452-65, "Standard Practice for Soil Investigation and Sampling
1390 by Auger Borings," approved 1965, referenced in Appendix A to 35 Ill.
1391 Adm. Code 721.
1392
- 1393 ASTM D 1946-90, "Standard Practice for Analysis of Reformed Gas by
1394 Gas Chromatography," approved March 30, 1990, USEPA-approved for
1395 35 Ill. Adm. Code 724.933 and 725.933.
1396
- 1397 ASTM D 2161-87, "Standard Practice for Conversion of Kinematic
1398 Viscosity to Saybolt Universal or to Saybolt Furol Viscosity," March 27,
1399 1987, referenced in 35 Ill. Adm. Code 726.200.
1400
- 1401 ASTM D 2234-76, "Standard Practice for Collection of a Gross Sample of
1402 Coal," approved 1976, referenced in Appendix A to 35 Ill. Adm. Code
1403 721.
1404
- 1405 ASTM D 2267-88, "Standard Test Method for Aromatics in Light
1406 Naphthas and Aviation Gasolines by Gas Chromatography," approved
1407 November 17, 1988, USEPA-approved for 35 Ill. Adm. Code 721.963 and
1408 724.963.
1409
- 1410 ASTM D 2382-88, "Standard Test Method for Heat of Combustion of
1411 Hydrocarbon Fuels by Bomb Calorimeter (High Precision Method),"
1412 approved October 31, 1988, USEPA-approved for 35 Ill. Adm. Code
1413 724.933 and 725.933.
1414
- 1415 ASTM D 2879-92, "Standard Test Method for Vapor Pressure-
1416 Temperature Relationship and Initial Decomposition Temperature of
1417 Liquids by Isoteniscope," approved 1992, USEPA-approved for 35 Ill.

- 1418 Adm. Code 725.984, referenced in 35 Ill. Adm. Code 721.963, 724.963,
1419 and 725.963.
1420
1421 ASTM D 3828-87, "Standard Test Methods for Flash Point of Liquids by
1422 Setaflash Closed Tester," approved December 14, 1988, USEPA-approved
1423 for 35 Ill. Adm. Code 721.121(a).
1424
1425 ASTM E 168-88, "Standard Practices for General Techniques of Infrared
1426 Quantitative Analysis," approved May 27, 1988, USEPA-approved for 35
1427 Ill. Adm. Code 721.963 and 724.963.
1428
1429 ASTM E 169-87, "Standard Practices for General Techniques of
1430 Ultraviolet-Visible Quantitative Analysis," approved February 1, 1987,
1431 USEPA-approved for 35 Ill. Adm. Code 721.963 and 724.963.
1432
1433 ASTM E 260-85, "Standard Practice for Packed Column Gas
1434 Chromatography," approved June 28, 1985, USEPA-approved for 35 Ill.
1435 Adm. Code 724.963.
1436
1437 ASTM G 21-70 (1984a), "Standard Practice for Determining Resistance of
1438 Synthetic Polymer Materials to Fungi," referenced in 35 Ill. Adm. Code
1439 724.414 and 725.414.
1440
1441 ASTM G 22-76 (1984b), "Standard Practice for Determining Resistance
1442 of Plastics to Bacteria," referenced in 35 Ill. Adm. Code 724.414 and
1443 725.414.
1444
1445 GPO. Available from the Superintendent of Documents, U.S. Government
1446 Printing Office, Washington, D.C. 20402, 202-512-1800:
1447
1448 Standard Industrial Classification Manual (1972), and 1977 Supplement,
1449 republished in 1983, referenced in 35 Ill. Adm. Code 702.110 and Section
1450 720.110.
1451
1452 "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods,"
1453 USEPA publication number EPA-530/SW-846 (Third Edition, November
1454 1986), as amended by Updates I (July 1992), II (November 1994), IIA
1455 (August, 1993), IIB (January 1995), III (December 1996), IIIA (April
1456 1998), and IIIB (November 2004) (document number 955-001-00000-1).
1457 See below in this subsection (a) under NTIS.
1458
1459 NACE. Available from the National Association of Corrosion Engineers, 1400
1460 South Creek Dr., Houston, TX 77084, 713-492-0535:

- 1461
1462 "Control of External Corrosion on Metallic Buried, Partially Buried, or
1463 Submerged Liquid Storage Systems," NACE Recommended Practice
1464 RP0285-85, approved March 1985, referenced in 35 Ill. Adm. Code
1465 724.292, 724.295, 725.292, and 725.295.
1466
1467 NFPA. Available from the National Fire Protection Association, 1 Batterymarch
1468 Park, Boston, MA 02269, 617-770-3000 or 800-344-3555:
1469
1470 "Flammable and Combustible Liquids Code," NFPA 30, issued July 14,
1471 1984, referenced in 35 Ill. Adm. Code 721.298, 724.298, 725.298,
1472 725.301, 726.211, and 727.290.
1473
1474 "Flammable and Combustible Liquids Code," NFPA 30, issued August 7,
1475 1987, referenced in 35 Ill. Adm. Code 721.298, 724.298, 725.298,
1476 725.301, 726.211, and 727.290.
1477
1478 "Flammable and Combustible Liquids Code," NFPA 30, issued July 18,
1479 2003, as supplemented by TIA 03-1, issued July 15, 2004, and corrected
1480 by Errata 30-03-01, issued August 13, 2004, ~~USEPA-approved for 35 Ill.~~
1481 ~~Adm. Code 724.298, 725.298, and 727.290,~~ referenced in 35 Ill. Adm.
1482 Code 721.298, 724.298, 725.298, 725.301, and 726.211, and 727.290.
1483
1484 NTIS. Available from the U.S. Department of Commerce, National Technical
1485 Information Service, 5285 Port Royal Road, Springfield, VA 22161, 703-605-
1486 6000 or 800-553-6847 (Internet address: www.ntis.gov):
1487
1488 "APTI Course 415: Control of Gaseous Emissions," December 1981,
1489 USEPA publication number EPA-450/2-81-005, NTIS document number
1490 PB80-208895, USEPA-approved for 35 Ill. Adm. Code 703.210, 703.211,
1491 703.352, 724.935, and 725.935.
1492
1493 BOARD NOTE: "APTI" denotes USEPA's "Air Pollution Training
1494 Institute" (Internet address: www.epa.gov/air/oaqps/eog/).
1495
1496 "Generic Quality Assurance Project Plan for Land Disposal Restrictions
1497 Program," USEPA publication number EPA-530/SW-87-011, March 15,
1498 1987, NTIS document number PB88-170766, referenced in 35 Ill. Adm.
1499 Code 728.106.
1500
1501 "Method 1664, n-Hexane Extractable Material (HEM; Oil and Grease) and
1502 Silica Gel Treated n-Hexane Extractable Material (SGT-HEM; Nonpolar
1503 Material) by Extraction and Gravimetry," Revision A, February 1999,

1504 USEPA publication number EPA-821/R-98-002, NTIS document number
1505 PB99-121949, or Revision B, February 2010, USEPA publication number
1506 EPA-821/R-10-001, NTIS document number PB2011-100735, USEPA-
1507 approved for Appendix I to 35 Ill. Adm. Code 721.
1508
1509 BOARD NOTE: Also available on the Internet for free download as a
1510 PDF document from the USEPA website at: [water.epa.gov/scitech/
1511 methods/cwa/methods_index.cfm](http://water.epa.gov/scitech/methods/cwa/methods_index.cfm). Revision A is also from the USEPA,
1512 National Service Center for Environmental Publications (NSCEP) website
1513 at www.epa.gov/nscep/index.html.
1514
1515 "Methods for Chemical Analysis of Water and Wastes," Third Edition,
1516 March 1983, USEPA document number EPA-600/4-79-020, NTIS
1517 document number PB84-128677, referenced in 35 Ill. Adm. Code
1518 725.192.
1519
1520 BOARD NOTE: Also available on the Internet as a viewable/printable
1521 HTML document from the USEPA website at:
1522 www.epa.gov/clariton/clhtml/pubtitleORD.html as document 600479002.
1523
1524 "North American Industry Classification System," July 2007, U.S.
1525 Department of Commerce, Bureau of the Census, document number
1526 PB2007-100002 (hardcover printed volume) or PB2007-500023,
1527 referenced in Section 720.110 (definition of "NAICS Code") for the
1528 purposes of Section 720.142 and in 35 Ill. Adm. Code 721.104.
1529
1530 BOARD NOTE: Also available on the Internet from the Bureau of
1531 Census: www.census.gov/naics/2007/naicod07.htm.
1532
1533 "Procedures Manual for Ground Water Monitoring at Solid Waste
1534 Disposal Facilities," August 1977, EPA-530/SW-611, NTIS document
1535 number PB84-174820, referenced in 35 Ill. Adm. Code 725.192.
1536
1537 "Screening Procedures for Estimating the Air Quality Impact of Stationary
1538 Sources," October 1992, USEPA publication number EPA-454/R-92-019,
1539 NTIS document number 93-219095, referenced in 35 Ill. Adm. Code
1540 726.204 and 726.206.
1541
1542 BOARD NOTE: Also available on the Internet for free download as a
1543 WordPerfect document from the USEPA website at the following Internet
1544 address: www.epa.gov/scram001/guidance/guide/scrng.wpd.
1545
1546 "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods,"

1547 USEPA publication number EPA-530/SW-846 (Third Edition, November
 1548 1986; Revision 6, January 2005), as amended by Updates I (July 1992), II
 1549 (November 1994), IIA (August 1993), IIB (January 1995), III (December
 1550 1996), IIIA (April 1998), and IIIB (November 2004) (document number
 1551 955-001-00000-1), generally referenced in Appendices A and I to 35 Ill.
 1552 Adm. Code 721 and 35 Ill. Adm. Code 726.200, 726.206, 726.212, and
 1553 728.106 (in addition to the references cited below for specific methods):
 1554
 1555 Method 0010 (November 1986) (Modified Method 5 Sampling
 1556 Train), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.
 1557
 1558 Method 0011 (December 1996) (Sampling for Selected Aldehyde
 1559 and Ketone Emissions from Stationary Sources), USEPA-approved
 1560 for Appendix I to 35 Ill. Adm. Code 721 and for Appendix I to 35
 1561 Ill. Adm. Code 726.
 1562
 1563 Method 0020 (November 1986) (Source Assessment Sampling
 1564 System), USEPA-approved for Appendix I to 35 Ill. Adm. Code
 1565 721.
 1566
 1567 Method 0023A (December 1996) (Sampling Method for
 1568 Polychlorinated Dibenzo-p-Dioxins and Polychlorinated
 1569 Dibenzofuran Emissions from Stationary Sources), USEPA-
 1570 approved for Appendix I to 35 Ill. Adm. Code 721, Appendix I to
 1571 35 Ill. Adm. Code 726, and 35 Ill. Adm. Code 726.204.
 1572
 1573 Method 0030 (November 1986) (Volatile Organic Sampling
 1574 Train), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.
 1575
 1576 Method 0031 (December 1996) (Sampling Method for Volatile
 1577 Organic Compounds (SMVOC)), USEPA-approved for Appendix
 1578 I to 35 Ill. Adm. Code 721.
 1579
 1580 Method 0040 (December 1996) (Sampling of Principal Organic
 1581 Hazardous Constituents from Combustion Sources Using Tedlar[®]
 1582 Bags), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.
 1583
 1584 Method 0050 (December 1996) (Isokinetic HCl/Cl₂ Emission
 1585 Sampling Train), USEPA-approved for Appendix I to 35 Ill. Adm.
 1586 Code 721, Appendix I to 35 Ill. Adm. Code 726, and 35 Ill. Adm.
 1587 Code 726.207.
 1588

1589 Method 0051 (December 1996) (Midget Impinger HCl/Cl₂
1590 Emission Sampling Train), USEPA-approved for Appendix I to 35
1591 Ill. Adm. Code 721, Appendix I to 35 Ill. Adm. Code 726, and 35
1592 Ill. Adm. Code 726.207.
1593
1594 Method 0060 (December 1996) (Determination of Metals in Stack
1595 Emissions), USEPA-approved for Appendix I to 35 Ill. Adm. Code
1596 721, Appendix I to 35 Ill. Adm. Code 726, and 35 Ill. Adm. Code
1597 726.206.
1598
1599 Method 0061 (December 1996) (Determination of Hexavalent
1600 Chromium Emissions from Stationary Sources), USEPA-approved
1601 for Appendix I to 35 Ill. Adm. Code 721, 35 Ill. Adm. Code
1602 726.206, and Appendix I to 35 Ill. Adm. Code 726.
1603
1604 Method 1010A (November 2004) (Test Methods for Flash Point by
1605 Pensky-Martens Closed Cup Tester), USEPA-approved for
1606 Appendix I to 35 Ill. Adm. Code 721.
1607
1608 Method 1020B (November 2004) (Standard Test Methods for
1609 Flash Point by Setaflash (Small Scale) Closed-cup Apparatus),
1610 USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.
1611
1612 Method 1110A (November 2004) (Corrosivity Toward Steel),
1613 USEPA-approved for 35 Ill. Adm. Code 721.122 and Appendix I
1614 to 35 Ill. Adm. Code 721.
1615
1616 Method 1310B (November 2004) (Extraction Procedure (EP)
1617 Toxicity Test Method and Structural Integrity Test), USEPA-
1618 approved for Appendix I to 35 Ill. Adm. Code 721 and referenced
1619 in Appendix I to 35 Ill. Adm. Code 728.
1620
1621 Method 1311 (November 1992) (Toxicity Characteristic Leaching
1622 Procedure), USEPA-approved for Appendix I to 35 Ill. Adm. Code
1623 721; for 35 Ill. Adm. Code 721.124, 728.107, and 728.140; and for
1624 Table T to 35 Ill. Adm. Code 728.
1625
1626 Method 1312 (November 1994) (Synthetic Precipitation Leaching
1627 Procedure), USEPA-approved for Appendix I to 35 Ill. Adm. Code
1628 721.
1629
1630 Method 1320 (November 1986) (Multiple Extraction Procedure),
1631 USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

1632
 1633 Method 1330A (November 1992) (Extraction Procedure for Oily
 1634 Wastes), USEPA-approved for Appendix I to 35 Ill. Adm. Code
 1635 721.
 1636
 1637 Method 9010C (November 2004) (Total and Amenable Cyanide:
 1638 Distillation), USEPA-approved for Appendix I to 35 Ill. Adm.
 1639 Code 721 and 35 Ill. Adm. Code 728.140, 728.144, and 728.148,
 1640 referenced in Table H to 35 Ill. Adm. Code 728.
 1641
 1642 Method 9012B (November 2004) (Total and Amenable Cyanide
 1643 (Automated Colorimetric, with Off-Line Distillation)), USEPA-
 1644 approved for Appendix I to 35 Ill. Adm. Code 721 and 35 Ill.
 1645 Adm. Code 728.140, 728.144, and 728.148, referenced in Table H
 1646 to 35 Ill. Adm. Code 728.
 1647
 1648 Method 9040C (November 2004) (pH Electrometric
 1649 Measurement), USEPA-approved for 35 Ill. Adm. Code 721.122
 1650 and Appendix I to 35 Ill. Adm. Code 721.
 1651
 1652 Method 9045D (November 2004) (Soil and Waste pH), USEPA-
 1653 approved for Appendix I to 35 Ill. Adm. Code 721.
 1654
 1655 Method 9060A (November 2004) (Total Organic Carbon),
 1656 USEPA-approved for Appendix I to 35 Ill. Adm. Code 721 and 35
 1657 Ill. Adm. Code 721.934, 721.963, 724.934, 724.963, 725.934, and
 1658 725.963.
 1659
 1660 Method 9070A (November 2004) (n-Hexane Extractable Material
 1661 (HEM) for Aqueous Samples), USEPA-approved for Appendix I
 1662 to 35 Ill. Adm. Code 721.
 1663
 1664 Method 9071B (April 1998) (n-Hexane Extractable Material
 1665 (HEM) for Sludge, Sediment, and Solid Samples), USEPA-
 1666 approved for Appendix I to 35 Ill. Adm. Code 721.
 1667
 1668 Method 9095B (November 2004) (Paint Filter Liquids Test),
 1669 USEPA-approved for 35 Ill. Adm. Code 720.110; Appendix I to 35
 1670 Ill. Adm. Code 721; and 35 Ill. Adm. Code 724.290, 724.414,
 1671 725.290, 725.414, 725.981, 727.290, and 728.132.
 1672

1673 BOARD NOTE: Also available on the Internet for free download in
 1674 segments in PDF format from the USEPA website at: www.epa.gov/SW-
 1675 846.
 1676

1677 OECD. Organisation for Economic Co-operation and Development,
 1678 Environment Directorate, 2 rue Andre Pascal, F-75775 Paris Cedex 16,
 1679 France, +33 (0) 1 45 24 81 67 (www.oecd.org), also OECD Washington
 1680 Center, 2001 L Street, NW, Suite 650, Washington, DC 20036-4922, 202-
 1681 785-6323 or 800-456-6323 (www.oecdwash.org):
 1682

1683 OECD Guidance Manual. "Guidance Manual for the
 1684 Implementation of Council Decision C(2001)107/FINAL, as
 1685 Amended, on the Control of Transboundary Movements of Wastes
 1686 Destined for Recovery Operations," 2009 (also called "Guidance
 1687 Manual for the Control of Transboundary Movements of
 1688 Recoverable Materials" in OECD documents), but only the
 1689 following segments, which set forth the substantive requirements
 1690 of OECD decision C(2001)107/FINAL (June 14, 2001), as
 1691 amended by C(2001)107/ADD1 (February 28, 2002), C(2004)20
 1692 (March 9, 2004), C(2005)141 (December 2, 2005), and
 1693 C(2008)156 (December 4, 2008):
 1694

1695 "Annex A: OECD Decision C(2001)107/FINAL, as
 1696 Amended by C(2004)20; C(2005)141 and C(2008)156"
 1697 (also called "Revision of Council Decision C(92)39/FINAL
 1698 on the Control of Transboundary Movements of Wastes
 1699 Destined for Recovery Operations," within the text of
 1700 Annex A, and "Decision of the Council Concerning the
 1701 Control of Transboundary Movements of Wastes Destined
 1702 for Recovery Operations" in the original OECD decision
 1703 source document, C(2001)107/FINAL (June 14, 2001), as
 1704 amended by C(2001)107/ADD1 (February 28, 2002),
 1705 C(2004)20 (March 9, 2004), C(2005)141 (December 2,
 1706 2005), and C(2008)156 (December 4, 2008)).
 1707

1708 "Annex B: OECD Consolidated List of Wastes Subject to
 1709 the Green Control Procedure" (individually referred to as
 1710 "Annex B to OECD Guidance Manual" in 35 Ill. Adm.
 1711 Code 722), combining Appendix 3 to OECD decision
 1712 C(2001)107/FINAL, as amended as described above,
 1713 together with the text of Annex IX ("List B") to the "Basel
 1714 Convention on the Control of Transboundary Movements

1715 of Hazardous Wastes and Their Disposal" ("Basel
1716 Convention").

1717
1718 "Annex C: OECD Consolidated List of Wastes Subject to
1719 the Amber Control Procedure" (individually referred to as
1720 "Annex C to OECD Guidance Manual" in 35 Ill. Adm.
1721 Code 722), combining Appendix 4 to OECD decision
1722 C(2001)107/FINAL, as amended, together with the text of
1723 Annexes II ("Categories of Wastes Requiring Special
1724 Consideration") and VIII ("List A") to the Basel
1725 Convention.

1726
1727 BOARD NOTE: The OECD Guidance Manual is available online
1728 from OECD at www.oecd.org/dataoecd/57/1/42262259.pdf. The
1729 OECD and the Basel Convention consider the OECD Guidance
1730 Manual unofficial text of these documents. Despite this unofficial
1731 status, the Board has chosen to follow USEPA's lead and
1732 incorporate the OECD Guidance Manual by reference, instead of
1733 separately incorporating the OECD decision C(2001)107/FINAL
1734 (with its subsequent amendments: OECD decisions
1735 C(2001)107/ADD1, C(2004)20, C(2005)141, and C(2008)156) and
1736 the Basel Convention by reference. Use of the OECD Guidance
1737 Manual eases reference to the documents, increases access to the
1738 documents, and facilitates future updates to this incorporation by
1739 reference. All references to "OECD C(2001)107/FINAL" in the
1740 text of 35 Ill. Adm. Code 722 refer to both the OECD decision and
1741 the Basel Convention that the OECD decision references. The
1742 OECD Guidance Manual includes as Annex A the full text of
1743 OECD document C(2001)107/FINAL, with amendments, and
1744 Annexes B and C set forth lists of wastes subject to Green control
1745 procedures and wastes subject to Amber control procedures,
1746 respectively, which consolidate the wastes from
1747 C(2001)107/FINAL together with those from the Basel
1748 Convention.

1749
1750 OECD Guideline for Testing of Chemicals, "Ready Biodegradability,"
1751 Method 301B (July 17, 1992), "CO₂ Evolution (Modified Sturm Test)," "
1752 referenced in 35 Ill. Adm. Code 724.414.

1753
1754 STI. Available from the Steel Tank Institute, 728 Anthony Trail, Northbrook, IL
1755 60062, 708-498-1980:

1756
1757 "Standard for Dual Wall Underground Steel Storage Tanks" (1986),

- 1758 referenced in 35 Ill. Adm. Code 724.293.
- 1759
- 1760 USDOD. Available from the United States Department of Defense:
- 1761
- 1762 "DOD Ammunition and Explosives Safety Standards" (DOD 6055.09-
- 1763 STD), as in effect on February 29, 2008, referenced in 35 Ill. Adm. Code
- 1764 726.305.
- 1765
- 1766 "The Motor Vehicle Inspection Report" (DD Form 626), as in effect in
- 1767 March 2007, referenced in 35 Ill. Adm. Code 726.303.
- 1768
- 1769 "Requisition Tracking Form" (DD Form 1348), as in effect in July 1991,
- 1770 referenced in 35 Ill. Adm. Code 726.303.
- 1771
- 1772 "The Signature and Tally Record" (DD Form 1907), as in effect in
- 1773 November 2006, referenced in 35 Ill. Adm. Code 726.303.
- 1774
- 1775 "Dangerous Goods Shipping Paper/Declaration and Emergency Response
- 1776 Information for Hazardous Materials Transported by Government
- 1777 Vehicles" (DD Form 836), as in effect in December 2007, referenced in 35
- 1778 Ill. Adm. Code 726.303.
- 1779
- 1780 BOARD NOTE: DOD 6055.09-STD is available on-line for download in pdf
- 1781 format from <http://www.ddesb.pentagon.mil>. DD Form 1348, DD Form 1907,
- 1782 DD Form 836, and DOD 6055.09-STD are available on-line for download in pdf
- 1783 format from [http://www.dtic.mil/whs/directives/infomgt/forms/](http://www.dtic.mil/whs/directives/infomgt/forms/formsprogram.htm)
- 1784 [formsprogram.htm](http://www.dtic.mil/whs/directives/infomgt/forms/formsprogram.htm).
- 1785
- 1786 USEPA, Office of Ground Water and Drinking Water. Available from United
- 1787 States Environmental Protection Agency, Office of Drinking Water, State
- 1788 Programs Division, WH 550 E, Washington, D.C. 20460:
- 1789
- 1790 "Inventory of Injection Wells," USEPA Form 7520-16 (Revised 8-01),
- 1791 referenced in 35 Ill. Adm. Code 704.148 and 704.283.
- 1792
- 1793 "Technical Assistance Document: Corrosion, Its Detection and Control in
- 1794 Injection Wells," USEPA publication number EPA-570/9-87-002, August
- 1795 1987, referenced in 35 Ill. Adm. Code 730.165.
- 1796
- 1797 USEPA, Receptor Analysis Branch. Available from Receptor Analysis Branch,
- 1798 USEPA (MD-14), Research Triangle Park, NC 27711:
- 1799
- 1800 "Screening Procedures for Estimating the Air Quality Impact of Stationary

1801 Sources, Revised," October 1992, USEPA publication number EPA-
1802 450/R-92-019, USEPA-approved for Appendix I to 35 Ill. Adm. Code
1803 726.
1804

1805 BOARD NOTE: Also available for purchase from NTIS (see above) and
1806 on the Internet for free download as a WordPerfect document from the
1807 USEPA website at following Internet address:
1808 www.epa.gov/scram001/guidance/guide/scrng.wpd.
1809

1810 USEPA Region 6. Available from United States Environmental Protection
1811 Agency, Region 6, Multimedia Permitting and Planning Division, 1445 Ross
1812 Avenue, Dallas, TX 75202 (phone: 214-665-7430):
1813

1814 "EPA RCRA Delisting Program – Guidance Manual for the Petitioner,"
1815 March 23, 2000, referenced in Section 720.122.
1816

1817 USGSA. Available from the United States Government Services Administration:
1818

1819 Government Bill of Lading (GBL) (GSA Standard Form 1103, rev 9/2003,
1820 supplemented as necessary with GSA Standard Form 1109, rev 09/1998),
1821 referenced in Section 726.303.
1822

1823 BOARD NOTE: Available on-line for download in various formats from
1824 www.gsa.gov/forms/forms.htm.
1825

1826 b) Code of Federal Regulations. Available from the Superintendent of Documents,
1827 U.S. Government Printing Office, Washington, D.C. 20401, 202-783-3238:
1828

1829 10 CFR 20.2006 ~~(2015)~~(2014) (Transfer for Disposal and Manifests),
1830 referenced in 35 Ill. Adm. Code 726.425 and 726.450.
1831

1832 Table II, column 2 in appendix B to 10 CFR 20 ~~(2015)~~(2014) (Water
1833 Effluent Concentrations), referenced in 35 Ill. Adm. Code 702.110,
1834 730.103, and 730.151.
1835

1836 Appendix G to 10 CFR 20 ~~(2015)~~(2014) (Requirements for Transfers of
1837 Low-Level Radioactive Waste Intended for Disposal at Licensed Land
1838 Disposal Facilities and Manifests), referenced in 35 Ill. Adm. Code
1839 726.440.
1840

1841 10 CFR 71 ~~(2015)~~(2014) (Packaging and Transportation of Radioactive
1842 Material), referenced generally in 35 Ill. Adm. Code 726.430.
1843

1844 10 CFR 71.5 (2015)(2014) (Transportation of Licensed Material),
 1845 referenced in 35 Ill. Adm. Code 726.425.
 1846
 1847 33 CFR 153.203 (2015)(2014) (Procedure for the Notice of Discharge),
 1848 referenced in 35 Ill. Adm. Code 723.130 and 739.143.
 1849
 1850 40 CFR 3.3 (2015)(2014) (What Definitions Are Applicable to This Part?),
 1851 referenced in Section 720.104.
 1852
 1853 40 CFR 3.10 (2015)(2014) (What Are the Requirements for Electronic
 1854 Reporting to EPA?), referenced in Section 720.104.
 1855
 1856 40 CFR 3.2000 (2015)(2014) (What Are the Requirements Authorized
 1857 State, Tribe, and Local Programs' Reporting Systems Must Meet?),
 1858 referenced in Section 720.104.
 1859
 1860 40 CFR 51.100(ii) (2015)(2014) (Definitions), referenced in 35 Ill. Adm.
 1861 Code 726.200.
 1862
 1863 Appendix W to 40 CFR 51 (2015)(2014) (Guideline on Air Quality
 1864 Models), referenced in 35 Ill. Adm. Code 726.204.
 1865
 1866 BOARD NOTE: Also available from NTIS (see above for contact
 1867 information) as "Guideline on Air Quality Models," Revised 1986,
 1868 USEPA publication number EPA-450/12-78-027R, NTIS document
 1869 numbers PB86-245248 (Guideline) and PB88-150958 (Supplement).
 1870
 1871 Appendix B to 40 CFR 52.741 (2015)(2014) (VOM Measurement
 1872 Techniques for Capture Efficiency), referenced in 35 Ill. Adm. Code
 1873 703.213, 703.352, 721.984, 721.986, 721.989, 724.982, 724.984, 724.986,
 1874 724.989, 725.983, 725.985, 725.987, and 725.990.
 1875
 1876 40 CFR 60 (2015)(2014) (Standards of Performance for New Stationary
 1877 Sources), referenced generally in 35 Ill. Adm. Code 721.104, 721.950,
 1878 721.964, 721.980, 724.964, 724.980, 725.964, and 725.980.
 1879
 1880 Subpart VV of 40 CFR 60 (2015)(2014) (Standards of Performance for
 1881 Equipment Leaks of VOC in the Synthetic Organic Chemicals
 1882 Manufacturing Industry), referenced in 35 Ill. Adm. Code 721.989,
 1883 724.989, and 725.990.
 1884
 1885 Appendix A to 40 CFR 60 (2015)(2014) (Test Methods), referenced
 1886 generally in 35 Ill. Adm. Code 726.205 (in addition to the references cited

1887
1888
1889
1890
1891
1892
1893
1894
1895
1896
1897
1898
1899
1900
1901
1902
1903
1904
1905
1906
1907
1908
1909
1910
1911
1912
1913
1914
1915
1916
1917
1918
1919
1920
1921
1922
1923
1924
1925
1926
1927
1928
1929

below for specific methods):

Method 1 (Sample and Velocity Traverses for Stationary Sources),
referenced in 35 Ill. Adm. Code 726.205.

Method 2 (Determination of Stack Gas Velocity and Volumetric
Flow Rate (Type S Pitot Tube)), referenced in 35 Ill. Adm. Code
721.934, 724.933, 724.934, 725.933, 725.934, and 726.205.

Method 2A (Direct Measurement of Gas Volume through Pipes
and Small Ducts), referenced in 35 Ill. Adm. Code 721.933,
724.933, 725.933, and 726.205.

Method 2B (Determination of Exhaust Gas Volume Flow Rate
from Gasoline Vapor Incinerators), referenced in 35 Ill. Adm.
Code 726.205.

Method 2C (Determination of Gas Velocity and Volumetric Flow
Rate in Small Stacks or Ducts (Standard Pitot Tube)), referenced in
35 Ill. Adm. Code 721.933, 724.933, 725.933, and 726.205.

Method 2D (Measurement of Gas Volume Flow Rates in Small
Pipes and Ducts), referenced in 35 Ill. Adm. Code 721.933,
724.933, 725.933, and 726.205.

Method 2E (Determination of Landfill Gas Production Flow Rate),
referenced in 35 Ill. Adm. Code 726.205.

Method 2F (Determination of Stack Gas Velocity and Volumetric
Flow Rate with Three-Dimensional Probes), referenced in 35 Ill.
Adm. Code 726.205.

Method 2G (Determination of Stack Gas Velocity and Volumetric
Flow Rate with Two-Dimensional Probes), referenced in 35 Ill.
Adm. Code 726.205.

Method 2H (Determination of Stack Gas Velocity Taking into
Account Velocity Decay Near the Stack Wall), referenced in 35 Ill.
Adm. Code 726.205.

Method 3 (Gas Analysis for the Determination of Dry Molecular
Weight), referenced in 35 Ill. Adm. Code 724.443 and 726.205.

1930	Method 3A (Determination of Oxygen and Carbon Dioxide Concentrations in Emissions from Stationary Sources (Instrumental Analyzer Procedure)), referenced in 35 Ill. Adm. Code 726.205.
1931	
1932	
1933	
1934	Method 3B (Gas Analysis for the Determination of Emission Rate Correction Factor or Excess Air), referenced in 35 Ill. Adm. Code 726.205.
1935	
1936	
1937	
1938	Method 3C (Determination of Carbon Dioxide, Methane, Nitrogen, and Oxygen from Stationary Sources), referenced in 35 Ill. Adm. Code 726.205.
1939	
1940	
1941	
1942	Method 4 (Determination of Moisture Content in Stack Gases), referenced in 35 Ill. Adm. Code 726.205.
1943	
1944	
1945	Method 5 (Determination of Particulate Matter Emissions from Stationary Sources), referenced in 35 Ill. Adm. Code 726.205.
1946	
1947	
1948	
1949	Method 5A (Determination of Particulate Matter Emissions from the Asphalt Processing and Asphalt Roofing Industry), referenced in 35 Ill. Adm. Code 726.205.
1950	
1951	
1952	Method 5B (Determination of Nonsulfuric Acid Particulate Matter Emissions from Stationary Sources), referenced in 35 Ill. Adm. Code 726.205.
1953	
1954	
1955	
1956	Method 5D (Determination of Particulate Matter Emissions from Positive Pressure Fabric Filters), referenced in 35 Ill. Adm. Code 726.205.
1957	
1958	
1959	
1960	Method 5E (Determination of Particulate Matter Emissions from the Wool Fiberglass Insulation Manufacturing Industry), referenced in 35 Ill. Adm. Code 726.205.
1961	
1962	
1963	
1964	Method 5F (Determination of Nonsulfate Particulate Matter Emissions from Stationary Sources), referenced in 35 Ill. Adm. Code 726.205.
1965	
1966	
1967	
1968	Method 5G (Determination of Particulate Matter Emissions from Wood Heaters (Dilution Tunnel Sampling Location)), referenced in 35 Ill. Adm. Code 726.205.
1969	
1970	
1971	
1972	

1973	Method 5H (Determination of Particulate Emissions from Wood Heaters from a Stack Location), referenced in 35 Ill. Adm. Code 726.205.
1974	
1975	
1976	
1977	Method 5I (Determination of Low Level Particulate Matter Emissions from Stationary Sources), referenced in 35 Ill. Adm. Code 726.205.
1978	
1979	
1980	
1981	Method 18 (Measurement of Gaseous Organic Compound Emissions by Gas Chromatography), referenced in 35 Ill. Adm. Code <u>721.933</u> , <u>721.934</u> , <u>724.933</u> , <u>724.934</u> , <u>725.933</u> , and <u>725.934</u> .
1982	
1983	
1984	
1985	Method 21 (Determination of Volatile Organic Compound Leaks), referenced in 35 Ill. Adm. Code <u>703.213</u> , <u>721.934</u> , <u>721.935</u> , <u>721.963</u> , <u>721.983</u> , <u>724.934</u> , <u>724.935</u> , <u>724.963</u> , <u>725.934</u> , <u>725.935</u> , <u>725.963</u> , and <u>725.984</u> .
1986	
1987	
1988	
1989	
1990	Method 22 (Visual Determination of Fugitive Emissions from Material Sources and Smoke Emissions from Flares), referenced in 35 Ill. Adm. Code <u>721.933</u> , <u>724.933</u> , <u>724.1101</u> , <u>725.933</u> , <u>725.1101</u> , and <u>727.900</u> .
1991	
1992	
1993	
1994	
1995	Method 25A (Determination of Total Gaseous Organic Concentration Using a Flame Ionization Analyzer), referenced in 35 Ill. Adm. Code <u>721.934</u> , <u>724.934</u> , and <u>725.985</u> .
1996	
1997	
1998	
1999	Method 25D (Determination of the Volatile Organic Concentration of Waste Samples), referenced in 35 Ill. Adm. Code <u>721.983</u> , <u>724.982</u> , <u>725.983</u> , and <u>725.984</u> .
2000	
2001	
2002	
2003	Method 25E (Determination of Vapor Phase Organic Concentration in Waste Samples), referenced in 35 Ill. Adm. Code <u>721.983</u> and <u>725.984</u> .
2004	
2005	
2006	
2007	Method 27 (Determination of Vapor Tightness of Gasoline Delivery Tank Using Pressure-Vacuum Test), referenced in 35 Ill. Adm. Code <u>721.986</u> , <u>724.986</u> , and <u>725.987</u> .
2008	
2009	
2010	
2011	40 CFR 61 (2015)(2014) (National Emission Standards for Hazardous Air Pollutants), referenced generally in 35 Ill. Adm. Code <u>721.104</u> , <u>721.933</u> , <u>721.950</u> , <u>721.964</u> , <u>721.980</u> , <u>724.933</u> , <u>724.964</u> , <u>725.933</u> , <u>725.964</u> , and <u>725.980</u> .
2012	
2013	
2014	
2015	

2016 Subpart V of 40 CFR 61 (2015)(~~2014~~) (National Emission Standard for
 2017 Equipment Leaks (Fugitive Emission Sources)), referenced in 35 Ill. Adm.
 2018 Code 721.989, 724.989, and 725.990.
 2019
 2020 Subpart FF of 40 CFR 61 (2015)(~~2014~~) (National Emission Standard for
 2021 Benzene Waste Operations), referenced in 35 Ill. Adm. Code 724.982 and
 2022 725.983.
 2023
 2024 40 CFR 63 (2015)(~~2014~~) (National Emission Standards for Hazardous Air
 2025 Pollutants for Source Categories), referenced generally in 35 Ill. Adm.
 2026 Code 721.293, 721.933, 721.950, 721.964, 721.980, 724.933, 724.964,
 2027 724.980, 725.933, 725.964, 725.980, and 726.200.
 2028
 2029 Subpart RR of 40 CFR 63 (2015)(~~2014~~) (National Emission Standards for
 2030 Individual Drain Systems), referenced in 35 Ill. Adm. Code 721.984,
 2031 724.984, 724.985, 725.985, and 725.986.
 2032
 2033 Subpart EEE of 40 CFR 63 (2000) (National Emission Standards for
 2034 Hazardous Air Pollutants from Hazardous Waste Combustors), referenced
 2035 in 35 Ill. Adm. Code 703.280.
 2036
 2037 Subpart EEE of 40 CFR 63 (2015)(~~2014~~) (National Emission Standards
 2038 for Hazardous Air Pollutants from Hazardous Waste Combustors)
 2039 (includes 40 CFR 63.1206 (When and How Must You Comply with the
 2040 Standards and Operating Requirements?), 63.1215 (What are the Health-
 2041 Based Compliance Alternatives for Total Chlorine?), 63.1216 (What are
 2042 the Standards for Solid-Fuel Boilers that Burn Hazardous Waste?),
 2043 63.1217 (What are the Standards for Liquid-Fuel Boilers that Burn
 2044 Hazardous Waste?), 63.1218 (What are the Standards for Hydrochloric
 2045 Acid Production Furnaces that Burn Hazardous Waste?), 63.1219 (What
 2046 are the Replacement Standards for Hazardous Waste Incinerators?),
 2047 63.1220 (What are the Replacement Standards for Hazardous Waste-
 2048 Burning Cement Kilns?), and 63.1221 (What are the Replacement
 2049 Standards for Hazardous Waste-Burning Lightweight Aggregate Kilns?)),
 2050 referenced in Appendix A to 35 Ill. Adm. Code 703 and 35 Ill. Adm. Code
 2051 703.155, 703.205, 703.208, 703.221, 703.232, 703.320, 703.280, 724.440,
 2052 724.701, 724.950, 725.440, and 726.200.
 2053
 2054 Method 301 (Field Validation of Pollutant Measurement Methods from
 2055 Various Waste Media) in appendix A to 40 CFR 63 (2015)(~~2014~~) (Test
 2056 Methods), referenced in 35 Ill. Adm. Code 721.983 and 725.984.
 2057

2058 Appendix C to 40 CFR 63 (2015)(2014) (Determination of the Fraction
2059 Biodegraded (F_{bio}) in a Biological Treatment Unit), referenced in 35 Ill.
2060 Adm. Code 725.984.
2061
2062 Appendix D to 40 CFR 63 (2015)(2014) (Test Methods), referenced in 35
2063 Ill. Adm. Code 721.983 and 725.984.
2064
2065 40 CFR 136.3 (Identification of Test Procedures) (2015)(2014), referenced
2066 in 35 Ill. Adm. Code 702.110, 704.150, 704.187, and 730.103.
2067
2068 40 CFR 144.70 (2015)(2014) (Wording of the Instruments), referenced in
2069 35 Ill. Adm. Code 704.240.
2070
2071 40 CFR 232.2 (2015)(2014) (Definitions), referenced in 35 Ill. Adm. Code
2072 721.104.
2073
2074 40 CFR 257 (2015)(2014) (Criteria for Classification of Solid Waste
2075 Disposal Facilities and Practices), referenced in 35 Ill. Adm. Code
2076 739.181.
2077
2078 Subpart B of 40 CFR 257 (2015)(2014) (Disposal Standards for the
2079 Receipt of Conditionally Exempt Small Quantity Generator (CESQG)
2080 Wastes at Non-Municipal Non-Hazardous Waste Disposal Units) (40 CFR
2081 257.5 through 257.30), referenced in 35 Ill. Adm. Code 721.105.
2082
2083 40 CFR 258 (2015)(2014) (Criteria for Municipal Solid Waste Landfills),
2084 referenced in 35 Ill. Adm. Code 739.181.
2085
2086 40 CFR 260.21(b) (2015)(2014) (Alternative Equivalent Testing
2087 Methods), referenced in Section 720.121.
2088
2089 40 CFR 261.151 (2015)(2014) (Wording of the Instruments), referenced in
2090 35 Ill. Adm. Code 721.251.
2091
2092 Appendix III to 40 CFR 261 (2015)(2014) (Chemical Analysis Test
2093 Methods), referenced in 35 Ill. Adm. Code 704.150 and 704.187.
2094
2095 40 CFR 262.53 (2015)(2014) (Notification of Intent to Export), referenced
2096 in 35 Ill. Adm. Code 722.153.
2097
2098 40 CFR 262.54 (2015)(2014) (Special Manifest Requirements), referenced
2099 in 35 Ill. Adm. Code 722.154.
2100

2101 40 CFR 262.55 (2015)(2014) (Exception Reports), referenced in 35 Ill.
2102 Adm. Code 722.155.
2103
2104 40 CFR 262.56 (2015)(2014) (Annual Reports), referenced in 35 Ill. Adm.
2105 Code 722.156.
2106
2107 40 CFR 262.57 (2015)(2014) (Recordkeeping), referenced in 35 Ill. Adm.
2108 Code 722.157.
2109
2110 Appendix to 40 CFR 262 (2015)(2014) (Uniform Hazardous Waste
2111 Manifest and Instructions (EPA Forms 8700-22 and 8700-22A and Their
2112 Instructions)), referenced in Appendix A to 35 Ill. Adm. Code 722 and 35
2113 Ill. Adm. Code 724.986 and 725.987.
2114
2115 40 CFR 264.151 (2015)(2014) (Wording of the Instruments), referenced in
2116 35 Ill. Adm. Code 724.251 and 727.240.
2117
2118 Appendix I to 40 CFR 264 (2015)(2014) (Recordkeeping Instructions),
2119 referenced in Appendix A to 35 Ill. Adm. Code 724.
2120
2121 Appendix IV to 40 CFR 264 (2015)(2014) (Cochran's Approximation to
2122 the Behrens-Fisher Students' T-Test), referenced in Appendix D to 35 Ill.
2123 Adm. Code 724.
2124
2125 Appendix V to 40 CFR 264 (2015)(2014) (Examples of Potentially
2126 Incompatible Waste), referenced in Appendix E to 35 Ill. Adm. Code 724
2127 and 35 Ill. Adm. Code 727.270.
2128
2129 Appendix VI to 40 CFR 264 (2015)(2014) (Political Jurisdictions in
2130 Which Compliance with Section 264.18(a) Must Be Demonstrated),
2131 referenced in 35 Ill. Adm. Code 703.306, 724.118, and 727.110.
2132
2133 Appendix I to 40 CFR 265 (2015)(2014) (Recordkeeping Instructions),
2134 referenced in Appendix A to 35 Ill. Adm. Code 725.
2135
2136 Appendix III to 40 CFR 265 (2015)(2014) (EPA Interim Primary Drinking
2137 Water Standards), referenced in Appendix C to 35 Ill. Adm. Code 725.
2138
2139 Appendix IV to 40 CFR 265 (2015)(2014) (Tests for Significance),
2140 referenced in Appendix D to 35 Ill. Adm. Code 725.
2141
2142 Appendix V to 40 CFR 265 (2015)(2014) (Examples of Potentially
2143 Incompatible Waste), referenced in 35 Ill. Adm. Code 725.277, 725.301,

2144 725.330, 725.357, 725.382, and 725.413 and Appendix E to 35 Ill. Adm.
2145 Code 725.
2146
2147 Appendix IX to 40 CFR 266 ~~(2015)~~(2014) (Methods Manual for
2148 Compliance with the BIF Regulations), referenced generally in Appendix I
2149 to 35 Ill. Adm. Code 726.
2150
2151 Section 4.0 (Procedures for Estimating the Toxicity Equivalence of
2152 Chlorinated Dibenzo-p-Dioxin and Dibenzofuran Congeners),
2153 referenced in 35 Ill. Adm. Code 726.200 and 726.204.
2154
2155 Section 5.0 (Hazardous Waste Combustion Air Quality Screening
2156 Procedure), referenced in 35 Ill. Adm. Code 726.204 and 726.206.
2157
2158 Section 7.0 (Statistical Methodology for Bevill Residue
2159 Determinations), referenced in 35 Ill. Adm. Code 726.212.
2160
2161 BOARD NOTE: Also available from NTIS (see above for contact
2162 information) as "Methods Manual for Compliance with BIF Regulations:
2163 Burning Hazardous Waste in Boilers and Industrial Furnaces," December
2164 1990, USEPA publication number EPA-530/SW-91-010, NTIS document
2165 number PB91-120006.
2166
2167 40 CFR 267.151 ~~(2015)~~(2014) (Wording of the Instruments), referenced in
2168 35 Ill. Adm. Code 727.240.
2169
2170 40 CFR 270.5 ~~(2015)~~(2014) (Noncompliance and Program Reporting by
2171 the Director), referenced in 35 Ill. Adm. Code 703.305.
2172
2173 40 CFR 302 (2015) (Designation, Reportable Quantities, and
2174 Notification), referenced in 35 Ill. Adm. Code 721.293.
2175
2176 40 CFR 711.15(a)(4)(i)(C) (2015) (Designation, Reportable Quantities,
2177 and Notification), referenced in 35 Ill. Adm. Code 721.104.
2178
2179 40 CFR 761 ~~(2015)~~(2014) (Polychlorinated Biphenyls (PCBs)
2180 Manufacturing, Processing, Distribution in Commerce, and Use
2181 Prohibitions), referenced generally in 35 Ill. Adm. Code 728.145.
2182
2183 40 CFR 761.3 ~~(2015)~~(2014) (Definitions), referenced in 35 Ill. Adm. Code
2184 728.102 and 739.110.
2185

2186 40 CFR 761.60 ~~(2015)~~(2014) (Disposal Requirements), referenced in 35
2187 Ill. Adm. Code 728.142.
2188
2189 40 CFR 761.65 ~~(2015)~~(2014) (Storage for Disposal), referenced in 35 Ill.
2190 Adm. Code 728.150.
2191
2192 40 CFR 761.70 ~~(2015)~~(2014) (Incineration), referenced in 35 Ill. Adm.
2193 Code 728.142.
2194
2195 Subpart B of 49 CFR 107 ~~(2014)~~(2013) (Exemptions), referenced
2196 generally in 35 Ill. Adm. Code 724.986 and 725.987.
2197
2198 49 CFR 171 ~~(2014)~~ (2013), as amended at 78 Fed. Reg. 60745 (Oct. 2,
2199 2013), 78 Fed. Reg. 65454 (Oct. 31, 2013), and 79 Fed. Reg. 15033 (Mar.
2200 18, 2014) (General Information, Regulations, and Definitions), referenced
2201 generally in 35 Ill. Adm. Code 721.104, 733.118, 733.138, 733.152, and
2202 739.143.
2203
2204 49 CFR 171.3 ~~(2014)~~(2013) (Hazardous Waste), referenced in 35 Ill.
2205 Adm. Code 722.133.
2206
2207 49 CFR 171.8 ~~(2014)~~ (2013), as amended at 78 Fed. Reg. 65454 (Oct. 31,
2208 2013) (Definitions and Abbreviations), referenced in 35 Ill. Adm. Code
2209 733.118, 733.138, 733.152, 733.155, and 739.143.
2210
2211 49 CFR 171.15 ~~(2014)~~(2013) (Immediate Notice of Certain Hazardous
2212 Materials Incidents), referenced in 35 Ill. Adm. Code 723.130 and
2213 739.143.
2214
2215 49 CFR 171.16 ~~(2014)~~(2013) (Detailed Hazardous Materials Incident
2216 Reports), referenced in 35 Ill. Adm. Code 723.130 and 739.143.
2217
2218 49 CFR 172 ~~(2014)~~ (2013), as amended at 78 Fed. Reg. 60745 (Oct. 2,
2219 2013), 78 Fed. Reg. 65454 (Oct. 31, 2013), 78 Fed. Reg. 69310 (Nov. 19,
2220 2013), and 79 Fed. Reg. 15033 (Mar. 18, 2014) (Hazardous Materials
2221 Table, Special Provisions, Hazardous Materials Communications,
2222 Emergency Response Information, and Training Requirements),
2223 referenced generally in 35 Ill. Adm. Code 721.104, 721.986, 722.131,
2224 722.132, 724.986, 725.987, 733.114, 733.118, 733.134, 733.138, 733.152,
2225 733.155, and 739.143.
2226
2227 49 CFR 172.304 ~~(2014)~~(2013) (Marking Requirements), referenced in 35
2228 Ill. Adm. Code 722.132.

2229
 2230 Subpart C of 49 CFR 172 ~~(2014)~~(2013) (Shipping Papers), referenced in
 2231 35 Ill. Adm. Code 722.124.
 2232
 2233 Subpart F of 49 CFR 172 ~~(2014)~~ (2013), as amended at 78 Fed. Reg.
 2234 60745 (Oct. 2, 2013) (Placarding), referenced in 35 Ill. Adm. Code
 2235 722.133.
 2236
 2237 49 CFR 173 ~~(2014)~~ (2013), as amended at 78 Fed. Reg. 60745 (Oct. 2,
 2238 2013) and 78 Fed. Reg. 65454 (Oct. 31, 2013) (Shippers – General
 2239 Requirements for Shipments and Packages), referenced generally in 35 Ill.
 2240 Adm. Code 721.104, 721.986, 722.130, 724.416, 724.986, 725.416,
 2241 725.987, 733.118, 733.138, 733.152, and 739.143.
 2242
 2243 49 CFR 173.2 ~~(2014)~~(2013) (Hazardous Materials Classes and Index to
 2244 Hazard Class Definitions), referenced in 35 Ill. Adm. Code 733.152.
 2245
 2246 49 CFR 173.12 ~~(2014)~~(2013) (Exceptions for Shipments of Waste
 2247 Materials), referenced in 35 Ill. Adm. Code 724.416, 724.986, 725.416,
 2248 and 725.987.
 2249
 2250 49 CFR 173.28 ~~(2014)~~(2013) (Reuse, Reconditioning, and Remanufacture
 2251 of Packagings), referenced in 35 Ill. Adm. Code 725.273.
 2252
 2253 49 CFR 173.50 ~~(2014)~~(2013) (Class 1 – Definitions), referenced in 35 Ill.
 2254 Adm. Code 721.123.
 2255
 2256 49 CFR 173.54 ~~(2014)~~(2013) (Forbidden Explosives), referenced in 35 Ill.
 2257 Adm. Code 721.123.
 2258
 2259 49 CFR 173.115 ~~(2014)~~(2013) (Class 2, Divisions 2.1, 2.2, and 2.3 –
 2260 Definitions), referenced in 35 Ill. Adm. Code 721.121.
 2261
 2262 49 CFR 173.127 ~~(2014)~~(2013) (Class 2, Divisions 2.1, 2.2, and 2.3 –
 2263 Definitions), referenced in 35 Ill. Adm. Code 721.121.
 2264
 2265 49 CFR 174 ~~(2014)~~(2013) (Carriage by Rail), referenced generally in 35
 2266 Ill. Adm. Code 733.118, 733.138, 733.152, and 739.143.
 2267
 2268 49 CFR 175 ~~(2014)~~(2013), as amended at 78 Fed. Reg. 65454 (Oct. 31,
 2269 2013) and 79 Fed. Reg. 15033 (Mar. 18, 2014) (Carriage by Aircraft),
 2270 referenced generally in 35 Ill. Adm. Code 733.118, 733.138, 733.152, and
 2271 739.143.

2272
 2273 49 CFR 176 (2014)~~(2013)~~, as amended at 78 Fed. Reg. 65454 (Oct. 31,
 2274 2013) (Carriage by Vessel), referenced generally in 35 Ill. Adm. Code
 2275 733.118, 733.138, 733.152, and 739.143.
 2276
 2277 49 CFR 177 (2014)~~(2013)~~, as amended at 78 Fed. Reg. 60745 (Oct. 2,
 2278 2013) (Carriage by Public Highway), referenced generally in 35 Ill. Adm.
 2279 Code 733.118, 733.138, 733.152, and 739.143.
 2280
 2281 49 CFR 177.817 (2014)~~(2013)~~ (Shipping Papers), referenced in 35 Ill.
 2282 Adm. Code 722.124.
 2283
 2284 49 CFR 178 (2014)~~(2013)~~, as amended at 78 Fed. Reg. 60745 (Oct. 2,
 2285 2013), 78 Fed. Reg. 65454 (Oct. 31, 2013), and 79 Fed. Reg. 15033 (Mar.
 2286 18, 2014) (Specifications for Packagings), referenced generally in 35 Ill.
 2287 Adm. Code 721.104, 721.986, 722.130, 724.416, 724.986, 725.416,
 2288 725.987, 733.118, 733.138, 733.152, and 739.143.
 2289
 2290 49 CFR 179 (2014)~~(2013)~~ (Specifications for Tank Cars), referenced in 35
 2291 Ill. Adm. Code 721.104, 721.986, 722.130, 724.416, 724.986, 725.416,
 2292 725.987, 733.118, 733.138, 733.152, and 739.143.
 2293
 2294 49 CFR 180 (2014)~~(2013)~~ (Continuing Qualification and Maintenance of
 2295 Packagings), referenced generally in 35 Ill. Adm. Code 721.986, 724.986,
 2296 725.987, 733.118, 733.138, 733.152, and 739.143.
 2297
 2298 49 CFR 190 (2014)~~(2013)~~ (Pipeline Safety Programs and Rulemaking
 2299 Procedures), referenced generally in 35 Ill. Adm. Code 721.104.
 2300
 2301 49 CFR 191 (2014)~~(2013)~~ (Transportation of Natural and Other Gas by
 2302 Pipeline: Annual Reports, Incident Reports, and Safety-Related Condition
 2303 Reports), referenced generally in 35 Ill. Adm. Code 721.104.
 2304
 2305 49 CFR 192 (2014)~~(2013)~~ (Transportation of Natural and Other Gas by
 2306 Pipeline: Minimum Federal Safety Standards), referenced generally in 35
 2307 Ill. Adm. Code 721.104.
 2308
 2309 49 CFR 193 (2014)~~(2013)~~ (Liquefied Natural Gas Facilities: Federal
 2310 Safety Standards), referenced generally in 35 Ill. Adm. Code 721.104.
 2311
 2312 49 CFR 194 (2014)~~(2013)~~ (Response Plans for Onshore Oil Pipelines),
 2313 referenced generally in 35 Ill. Adm. Code 721.104.
 2314

2315 49 CFR 195 ~~(2014)~~(2013) (Transportation of Hazardous Liquids by
2316 Pipeline), referenced generally in 35 Ill. Adm. Code 721.104.

2317
2318 49 CFR 196 (2014) (Protection of Underground Pipelines from
2319 Excavation Activity), referenced generally in 35 Ill. Adm. Code 721.104.

2320
2321 49 CFR 198 ~~(2014)~~(2013) (Regulations for Grants to Aid State Pipeline
2322 Safety Programs), referenced generally in 35 Ill. Adm. Code 721.104.

2323
2324 49 CFR 199 ~~(2014)~~(2013) (Drug and Alcohol Testing), referenced
2325 generally in 35 Ill. Adm. Code 721.104.

2326
2327 c) Federal Statutes:

2328
2329 Section 11 of the Atomic Energy Act of 1954 (42 USC 2014)
2330 ~~(2013)~~(2011), referenced in 35 Ill. Adm. Code 721.104 and 726.310.

2331
2332 Sections 301, 304, 307, and 402 of the Clean Water Act (33 USC 1311,
2333 1314, 1337, and 1342) (2013), referenced in 35 Ill. Adm. Code 721.293.

2334
2335 Sections 201(v), 201(w), and 512(j) of the Federal Food, Drug, and
2336 Cosmetic Act (FFDCA; 21 USC 321(v), 321(w), and 360b(j))
2337 ~~(2013)~~(2012), referenced in Section 720.110 and 35 Ill. Adm. Code
2338 733.109.

2339
2340 Section 1004 of the Resource Conservation and Recovery Act (42 USC
2341 6903) (2013), referenced in 35 Ill. Adm. Code 721.951 and 721.981.

2342
2343 Chapter 601 of subtitle VIII of 49 USC (49 USC 60101 through 60140)
2344 ~~(2013)~~(2011), referenced in 35 Ill. Adm. Code 721.104.

2345
2346 Section 1412 of the Department of Defense Authorization Act of 1986 (50
2347 USC 1521(j)(1)) ~~(2012)~~(2011), referenced in 35 Ill. Adm. Code 726.301.

2348
2349 d) This Section incorporates no later editions or amendments.

2350
2351 (Source: Amended at 40 Ill. Reg. _____, effective _____)

2352
2353 SUBPART C: RULEMAKING PETITIONS AND OTHER PROCEDURES

2354
2355 **Section 720.130 Procedures for Solid Waste Determinations and Non-Waste**
2356 **Determinations**

2357

2358 In accordance with the standards and criteria in Sections 720.131 and 720.134 and the
2359 procedures in Section 720.133, the Board will determine on a case-by-case basis that the
2360 following recycled materials are not solid wastes:

- 2361
- 2362 a) Materials that are accumulated speculatively without sufficient amounts being
2363 recycled (as defined in Section 721.101(c)(8));
- 2364
- 2365 b) Materials that are reclaimed and then reused within the original production
2366 process in which they were generated;
- 2367
- 2368 c) Materials that have been reclaimed but must be reclaimed further before the
2369 materials are completely recovered;
- 2370
- 2371 d) Hazardous secondary materials that are reclaimed in a continuous industrial
2372 process; and
- 2373
- 2374 e) Hazardous secondary materials that are indistinguishable in all relevant aspects
2375 from a product or intermediate.
- 2376
- 2377 f) Hazardous secondary materials that are transferred for reclamation under 35 Ill.
2378 Adm. Code 721.104(a)(24) and are managed at a verified reclamation facility or
2379 verified intermediate facility where the management of the hazardous secondary
2380 materials is not regulated by any of 35 Ill. Adm. Code 724, 725, 726, or 727.

2381
2382 (Source: Amended at 40 Ill. Reg. _____, effective _____)

2383

2384 **Section 720.131 Solid Waste Determinations**

2385

- 2386 a) The Board will determine that those materials that are accumulated speculatively
2387 without sufficient amounts being recycled are not solid wastes if the applicant
2388 demonstrates that sufficient amounts of the material will be recycled or
2389 transferred for recycling in the following year. Such a determination is valid only
2390 for the following year, but can be renewed, on an annual basis, by filing a new
2391 application. This determination will be based on the following criteria:
- 2392
- 2393 1) The manner in which the material is expected to be recycled, when the
2394 material is expected to be recycled, and whether this expected disposition
2395 is likely to occur (for example, because of past practice, market factors,
2396 the nature of the material or contractual arrangements for recycling);
- 2397
- 2398 2) The reason that the applicant has accumulated the material for one or more
2399 years without recycling 75 percent of the volume accumulated at the
2400 beginning of the year;

2401
2402
2403
2404
2405
2406
2407
2408
2409
2410
2411
2412
2413
2414
2415
2416
2417
2418
2419
2420
2421
2422
2423
2424
2425
2426
2427
2428
2429
2430
2431
2432
2433
2434
2435
2436
2437
2438
2439
2440
2441
2442
2443

- 3) The quantity of material already accumulated and the quantity expected to be generated and accumulated before the material is recycled;
 - 4) The extent to which the material is handled to minimize loss; and
 - 5) Other relevant factors.
- b) The Board will determine that those materials that are reclaimed and then reused as feedstock within the original production process in which the materials were generated are not solid wastes if the reclamation operation is an essential part of the production process. This determination will be based on the following criteria:
- 1) How economically viable the production process would be if it were to use virgin materials, rather than reclaimed materials;
 - 2) The extent to which the material is handled before reclamation to minimize loss;
 - 3) The time periods between generating the material and its reclamation, and between reclamation and return to the original primary production process;
 - 4) The location of the reclamation operation in relation to the production process;
 - 5) Whether the reclaimed material is used for the purpose for which it was originally produced when it is returned to the original process, and whether it is returned to the process in substantially its original form;
 - 6) Whether the person that generates the material also reclaims it; and
 - 7) Other relevant factors.
- c) The Board will determine, as provided in Section 720.133, that those hazardous secondary materials that have been partially reclaimed but must be reclaimed further before recovery is completed are not solid wastes if the partial, after initial reclamation has produced a, the resulting material is commodity-like material (even though it is not yet a commercial product, and has to be reclaimed further). This determination that a partially-reclaimed material for which the determination is sought is commodity-like will be based on whether the hazardous secondary material is legitimately recycled, as specified in Section 720.143, and

2444
2445
2446
2447
2448
2449
2450
2451
2452
2453
2454
2455
2456
2457
2458
2459
2460
2461
2462
2463
2464
2465
2466
2467
2468
2469
2470
2471
2472
2473
2474
2475
2476
2477
2478
2479
2480
2481
2482
2483
2484
2485
2486

on whether all of the following decision criteria are satisfied:

- 1) Whether the degree of partial reclamation processing the material has undergone is substantial, as demonstrated by using a partial reclamation process other than the process that generated the hazardous secondary material and the degree of further processing that is required;
- 2) Whether the value of the partially-reclaimed material has sufficient economic value that after it will be purchased for further reclamation has been reclaimed;
- 3) Whether the degree to which the partially-reclaimed material is a viable substitute for a product or intermediate produced from virgin or like an analogous raw materials that is used in subsequent production steps material;
- 4) Whether there is a The extent to which an end market for the partially-reclaimed material, as demonstrated by known customers who are further reclaiming the material (e.g., records of sales or contracts and evidence of subsequent use, such as bills of lading) is guaranteed; and
- 5) Whether the extent to which the partially-reclaimed material is handled to minimize loss; and
- 6) Other relevant factors.

d) When the management of a hazardous secondary material is not regulated by any of 35 Ill. Adm. Code 724, 725, 726, or 727, the Board will grant a solid waste determination, as provided in Section 720.133, from classifying as a solid waste those hazardous secondary materials that are transferred for reclamation under 35 Ill. Adm. Code 721.4(a)(24) and that are managed at a verified reclamation facility or verified intermediate facility. The Board's determination will be based on the following criteria:

- 1) The reclamation facility or intermediate facility has demonstrated that the reclamation process for the hazardous secondary materials is legitimate pursuant to Section 720.143;
- 2) The reclamation facility or intermediate facility satisfies the financial assurance condition in 35 Ill. Adm. Code 721.4(a)(24)(F)(vi);
- 3) The reclamation facility or intermediate facility has not been subject to a formal enforcement action in the previous three years and must not be

2487 classified as a significant non-complier under RCRA Subtitle C, or the
2488 facility has provided credible evidence that the facility will manage the
2489 hazardous secondary materials properly. Credible evidence may include a
2490 demonstration that the facility has taken remedial steps to address the
2491 violations and prevent future violations, or that the violations are not
2492 relevant to the proper management of the hazardous secondary materials;

2493
2494 4) The intermediate or reclamation facility has the equipment and trained
2495 personnel needed to safely manage the hazardous secondary material, and
2496 the facility meets emergency preparedness and response requirements
2497 under Subpart M of 35 Ill. Adm. Code 721;

2498
2499 5) If residuals are generated from the reclamation of the excluded hazardous
2500 secondary materials, the reclamation facility has the permits required (if
2501 any) to manage the residuals, the facility has a contract with an
2502 appropriately permitted facility to dispose of the residuals, or the facility
2503 has presented credible evidence that the residuals will be managed in a
2504 manner that is protective of human health and the environment; and

2505
2506 6) The intermediate or reclamation facility has adequately addressed the
2507 potential for risk to proximate populations from unpermitted releases of
2508 the hazardous secondary material to the environment (i.e., releases that are
2509 not covered by a permit, such as a permit to discharge to water or air),
2510 which may include, but are not limited to, potential releases through
2511 surface transport by precipitation runoff, releases to soil and groundwater,
2512 wind-blown dust, fugitive air emissions, and catastrophic unit failures),
2513 and the facility has included consideration of potential cumulative risks
2514 from other nearby potential stressors.

2515
2516 (Source: Amended at 40 Ill. Reg. _____, effective _____)
2517

2518 **Section 720.133 Procedures for Determinations**

2519
2520 The Board will use the procedures of Subpart D of 35 Ill. Adm. Code 104 for determining
2521 whether a material is a solid waste, for determining whether a particular enclosed flame
2522 combustion device is a boiler, or for evaluating an application for a non-waste determination.
2523

2524 a) The application must address the relevant criteria contained in Section 720.131,
2525 720.132, or 720.134, as applicable.

2526
2527 b) This subsection (b) corresponds with 40 CFR 260.33(b), which pertains to the
2528 USEPA procedure for review of petitions. This statement maintains structural
2529 consistency with USEPA rules.

2530
2531
2532
2533
2534
2535
2536
2537
2538
2539
2540
2541
2542
2543
2544
2545
2546
2547
2548
2549
2550
2551
2552
2553
2554
2555
2556
2557
2558
2559
2560
2561
2562
2563
2564
2565
2566
2567
2568
2569
2570
2571
2572

- c) Changed Circumstances.~~For a non-waste determination, in~~
 - 1) In the event of a change in circumstances that affects how a hazardous secondary material meets the relevant criteria contained in Section 720.131, 720.132, or 720.134 upon which a solid waste or non-waste determination has been based, the applicant must send a description of the change in circumstances to the Board as a petition for adjusted standard that requests modification of the previously granted solid waste, boiler, or non-waste determination under which the petitioner operates or, in the alternative, a Board order that no such modification is necessary.
 - 2) The Board will:
 - A) determine, based on the record, whether re-apply to the Board for a formal determination that the hazardous secondary material continues to meet the relevant criteria that justify exclusion from the definition as ~~and therefore is not~~ a solid waste; and
 - B) issue an appropriate order granting or denying the petition.
- d) A solid waste, boiler, or non-waste determination is effective for a fixed term not to exceed 10 years, except as provided in this subsection (d). No later than six months prior to the end of this term, facilities must re-apply for a solid waste, boiler, or non-waste determination. If a facility owner or operator re-applies for a solid waste, boiler, or non-waste determination no later than six months prior to expiration of a solid waste, boiler, or non-waste determination, the facility may continue to operate under an expired solid waste, boiler, or non-waste determination until receiving a decision on the re-application from the Board.
- e) A facility that receives a solid waste, boiler, or non-waste determination must provide notification, as required by Section 720.142.

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

Section 720.134 Non-Waste Determinations

- a) A person generating, managing, or reclaiming hazardous secondary material may petition the Board pursuant to this Section, Section 720.133 and Section 28.2 of the Act [415 ILCS 5/28.2] for an adjusted standard that is a formal determination that a hazardous secondary material is not discarded and therefore is not a solid waste. The Board's adjusted standard determination will be based on the criteria contained in either subsection (b) or (c) ~~of this Section~~, as applicable. If the

2573 Board denies the petition, the hazardous secondary material might still be eligible
2574 for a solid waste determination pursuant to Section 720.131 or an exclusion. A
2575 determination made by the Board pursuant to this Section becomes effective upon
2576 occurrence of the first of the following two events:
2577

- 2578 1) After USEPA has authorized Illinois to administer this segment of the
2579 hazardous waste regulations, the determination is effective upon issuance
2580 of the Board order that grants the non-waste determination; or
2581
- 2582 2) Before USEPA has granted such authorization, the non-waste
2583 determination becomes effective upon fulfillment of all of the following
2584 conditions:
 - 2585 A) The Board has granted an adjusted standard which determines that
2586 the hazardous secondary material meets the criteria in either
2587 subsection (b) or (c) of this Section, as applicable;
 - 2588 B) The Agency has requested that USEPA review the Board's non-
2589 waste determination; and
 - 2590 C) USEPA has approved the Board's non-waste determination.

2594 b) The Board will grant a non-waste determination for hazardous secondary material
2595 that is reclaimed in a continuous industrial process if the Board determines that
2596 the applicant has demonstrated that the hazardous secondary material is a part of
2597 the production process and the material is not discarded. The determination will
2598 be based on whether the hazardous secondary material is legitimately recycled, as
2599 determined pursuant to Section 720.143, and on the following criteria:
2600

- 2601 1) The extent to which the management of the hazardous secondary material
2602 is part of the continuous primary production process and is not waste
2603 treatment;
- 2604 2) Whether the capacity of the production process would use the hazardous
2605 secondary material in a reasonable time frame and ensure that the
2606 hazardous secondary material will not be abandoned (for example, based
2607 on past practices, market factors, the nature of the hazardous secondary
2608 material, or any contractual arrangements);
- 2609 3) Whether the hazardous constituents in the hazardous secondary material
2610 are reclaimed, rather than released to the air, water, or land, at
2611 significantly higher levels, from either a statistical or from a health and
2612 environmental risk perspective, than would otherwise be released by the
2613 production process; and
2614
2615
2616

2617
2618
2619
2620
2621
2622
2623
2624
2625
2626
2627
2628
2629
2630
2631
2632
2633
2634
2635
2636
2637
2638
2639
2640
2641
2642
2643
2644
2645
2646
2647
2648
2649
2650
2651
2652
2653
2654
2655
2656
2657
2658
2659
2660

- 4) Other relevant factors which demonstrate that the hazardous secondary material is not discarded, including why the hazardous secondary material cannot meet, or should not have to meet, the conditions of an exclusion under 35 Ill. Adm. Code 721.102 or 721.104.

- c) The Board will grant a non-waste determination for a hazardous secondary material that is indistinguishable in all relevant aspects from a product or intermediate if the petitioner demonstrates that the hazardous secondary material is comparable to a product or intermediate and is not discarded. The Board's determination will be based on whether the hazardous secondary material is legitimately recycled, as determined pursuant to Section 720.143, and on the following criteria:
 - 1) Whether market participants treat the hazardous secondary material as a product or intermediate, rather than as a waste (for example, based on the current positive value of the hazardous secondary material, stability of demand, or any contractual arrangements);
 - 2) Whether the chemical and physical identity of the hazardous secondary material is comparable to commercial products or intermediates;
 - 3) Whether the capacity of the market would use the hazardous secondary material in a reasonable time frame and ensure that the hazardous secondary material will not be abandoned (for example, based on past practices, market factors, the nature of the hazardous secondary material, or any contractual arrangements);
 - 4) Whether the hazardous constituents in the hazardous secondary material are reclaimed, rather than released to the air, water, or land, at significantly higher levels, from either a statistical or from a health and environmental risk perspective, than would otherwise be released by the production process; and
 - 5) Other relevant factors which demonstrate that the hazardous secondary material is not discarded, including why the hazardous secondary material cannot meet, or should not have to meet, the conditions of an exclusion under 35 Ill. Adm. Code 721.102 or 721.104.

~~BOARD NOTE: USEPA intended that use of the non-waste determination procedure is voluntary. By this procedure, the generator or other person managing a hazardous secondary material may obtain a formal determination that a particular use of a hazardous secondary material is legitimate recycling. The generator and others managing the material may independently make a determination pursuant to Section 720.143 and~~

2661 manage the material under one of the exemptions from the definition of solid waste
 2662 codified at 35 Ill. Adm. Code 721.102(a)(2)(ii) or 721.104(a)(23), (a)(24), or (a)(25). See
 2663 73 Fed. Reg. 64668, 74710 (Oct. 30, 2008).
 2664

2665 (Source: Amended at 40 Ill. Reg. _____, effective _____)
 2666

2667 **Section 720.142 Notification Requirement for Hazardous Secondary Materials**
 2668

- 2669 a) A hazardous secondary material generator, a tolling contractor, a toll
 2670 manufacturer, a reclaimer, or an intermediate facility that manages hazardous
 2671 secondary materials ~~that~~ which are excluded from regulation under 35 Ill. Adm.
 2672 Code ~~721.102(a)(2)(B) or 721.104(a)(23), (a)(24), or (a)(27)(a)(25)~~ must send a
 2673 notification to USEPA Region 5. The notification must occur prior to operating
 2674 under the regulatory provision~~exclusion~~ and before March 1 of every even-
 2675 numbered calendar year thereafter using a copy of USEPA Form 8700-12
 2676 obtained from the Agency, Bureau of Land (217-782-6762). The notification
 2677 must include the following information:
 2678
- 2679 1) The name, address, and USEPA identification number (if applicable) of
 2680 the facility;
 - 2681 2) The name and telephone number of a contact person for the facility;
 - 2682 3) The NAICS code of the facility;
 - 2683
 2684 BOARD NOTE: Determined using the "North American Industry
 2685 Classification System," incorporated by reference in Section 720.111.
 2686
 - 2687 4) The regulation~~exclusion~~ under which the facility will manage the
 2688 hazardous secondary materials (e.g., 35 Ill. Adm. Code ~~721.102(a)(2)(B)~~
 2689 ~~or 721.104(a)(23), (a)(24), or (a)(25)~~);
 2690
 - 2691 5) For a reclaimer or intermediate facility that manages hazardous secondary
 2692 materials in accordance with Section ~~721.104(a)(24) or (a)(25)~~, whether
 2693 the reclaimer or intermediate facility has financial assurance (not
 2694 applicable for persons managing hazardous secondary materials generated
 2695 and reclaimed under the control of the generator);
 2696
 - 2697 5) When the facility began or expects to begin managing the hazardous
 2698 secondary materials in accordance with the regulation~~exclusion~~;
 2699
 - 2700 6) A list of hazardous secondary materials that the facility will manage
 2701 according to the regulation~~exclusion~~ (reported as the USEPA hazardous
 2702
 2703

2704 waste numbers that would apply if the hazardous secondary materials were
2705 managed as hazardous wastes);

2706
2707 78) For each hazardous secondary material, whether the hazardous secondary
2708 material, or any portion thereof, will be managed in a land-based unit;

2709
2710 89) The quantity of each hazardous secondary material to be managed
2711 annually; and

2712
2713 94) The certification (included in USEPA Form 8700-12) signed and dated by
2714 an authorized representative of the facility.

2715
2716 b) If a facility that manages hazardous secondary material generator, tolling
2717 contractor, toll manufacturer, reclaimer, or intermediate facility has submitted a
2718 notification, but then subsequently ceases managing hazardous secondary
2719 materials in accordance with a regulation listed in subsection (a) the exclusions,
2720 the facility owner or operator must notify the Agency within 30 days after the
2721 cessation using a copy of USEPA Form 8700-12 obtained from the Agency,
2722 Bureau of Land (217-782-6762). For purposes of this Section, a facility has
2723 stopped managing hazardous secondary materials if the facility no longer
2724 generates, manages, or reclaims hazardous secondary materials under the
2725 regulation listed in subsection (a) exclusions, and the facility owner or operator
2726 does not expect to manage any amount of hazardous secondary materials for at
2727 least one year.

2728
2729 BOARD NOTE: USEPA Form 8700-12 is the required instructions and forms for
2730 notification of regulated waste activity.

2731
2732 (Source: Amended at 40 Ill. Reg. _____, effective _____)

2733
2734 **Section 720.143 Legitimate Recycling of Hazardous Secondary Materials**

2735
2736 a) Recycling of hazardous secondary materials for the purpose of the exclusions or
2737 exemptions from the hazardous waste regulations must be legitimate~~This Section~~
2738 ~~applies to any person that is regulated pursuant to Section 720.134 or which~~
2739 ~~claims to be excluded from hazardous waste regulation pursuant to 35 Ill. Adm.~~
2740 ~~Code 721.102(a)(2)(B) or 721.104(a)(23), (a)(24), or (a)(25) because that person~~
2741 ~~is engaged in reclamation. Any such person must be able to demonstrate that the~~
2742 ~~recycling in which it is engaged is legitimate recycling. Hazardous secondary~~
2743 ~~material that is not the subject of legitimate recycling is discarded material and is~~
2744 ~~a solid waste. A determination that an activity is legitimate recycling must~~
2745 ~~address all the requirements factors set forth in subsections (b) and (c) of this~~
2746 subsection (a) Section.
2747

- 2748
2749
2750
2751
2752
2753
2754
2755
2756
2757
2758
2759
2760
2761
2762
2763
2764
2765
2766
2767
2768
2769
2770
2771
2772
2773
2774
2775
2776
2777
2778
2779
2780
2781
2782
2783
2784
2785
2786
2787
2788
2789
2790
2791
2792
- 1) Legitimate recycling must involve a hazardous secondary material that provides a useful contribution to the recycling process or to a product or intermediate of the recycling process. The hazardous secondary material provides a useful contribution if it fulfills one of the following criteria:
 - A) The material contributes valuable ingredients to a product or intermediate;
 - B) The material replaces a catalyst or carrier in the recycling process;
 - C) The material is the source of a valuable constituent recovered in the recycling process;
 - D) The material is recovered or regenerated by the recycling process;
or
 - E) The material is used as an effective substitute for a commercial product.
 - 2) The recycling process must produce a valuable product or intermediate. The product or intermediate is valuable if either of the following is true:
 - A) The product or intermediate is sold to a third party; or
 - B) The product or intermediate is used by the recycler or the generator as an effective substitute for a commercial product or as an ingredient or intermediate in an industrial process.
 - 3) The generator and the recycler must manage the hazardous secondary material as a valuable commodity when it is under their control. When there is an analogous raw material, the hazardous secondary material must be managed, at a minimum, in a manner consistent with the management of the raw material or in an equally protective manner. When there is no analogous raw material, the hazardous secondary material must be contained. Hazardous secondary materials that are released to the environment and that are not recovered immediately are discarded material.
 - 4) The product of the recycling process must be comparable to a legitimate product or intermediate as follows:
 - A) When there is an analogous product or intermediate, the product of the recycling process is comparable to a legitimate product or intermediate if both of the following conditions are true:

- 2793
2794
2795
2796
2797
2798
2799
2800
2801
2802
2803
2804
2805
2806
2807
2808
2809
2810
2811
2812
2813
2814
2815
2816
2817
2818
2819
2820
2821
2822
2823
2824
2825
2826
2827
2828
2829
2830
2831
2832
2833
2834
2835
2836
- i) The product of the recycling process does not exhibit a hazardous characteristic (as defined in Subpart C of 35 Ill. Adm. Code 721) that analogous products do not exhibit; and
 - ii) The concentrations of any hazardous constituents found in Appendix H of 35 Ill. Adm. Code 721 that are in the product or intermediate are at levels that are comparable to or lower than those found in analogous products or at levels that meet widely-recognized commodity standards and specifications, when the commodity standards and specifications include levels that specifically address those hazardous constituents.
- B) When there is no analogous product, the product of the recycling process is comparable to a legitimate product or intermediate if either of the following conditions is true:
- i) The product of the recycling process is a commodity that meets widely recognized commodity standards and specifications (e.g., commodity specification grades for common metals); or
 - ii) The hazardous secondary materials being recycled are returned to the original process or processes from which they were generated to be reused (e.g., closed loop recycling).
- C) If the product of the recycling process has levels of hazardous constituents that are not comparable to or unable to be compared to a legitimate product or intermediate as provided in subsection (a)(4)(A) or (a)(4)(B), the recycling still may be shown to be legitimate if the person performing the recycling fulfills the following requirements:
- i) The person performing the recycling must conduct the necessary assessment and prepare documentation that demonstrates that the recycling is, in fact, still legitimate;
 - ii) The assessment and documentation demonstrate that the recycling is legitimate based on lack of exposure from toxics in the product, lack of the bioavailability of the toxics in the product, or other relevant considerations that show that the recycled product does not contain levels of

2837 hazardous constituents that pose a significant human health
2838 or environmental risk;

2839
2840 iii) The documentation must include a certification statement
2841 that the recycling is legitimate, and the assessment and
2842 documentation must be maintained on-site for three years
2843 after the recycling operation has ceased; and

2844
2845 iv) The person performing the recycling must notify USEPA
2846 and the Agency of the recycling activity using USEPA
2847 Form 8700-12.

2848
2849 b) This subsection (b) corresponds with 40 CFR 260.43(b), which USEPA has
2850 removed and marked "reserved." This statement maintains structural consistency
2851 with the corresponding federal rules. Factors fundamental to a determination of
2852 legitimate recycling. Legitimate recycling must involve a hazardous secondary
2853 material that provides a useful contribution to the recycling process or to a
2854 product or intermediate of the recycling process, and the recycling process must
2855 produce a valuable product or intermediate.

2856
2857 1) The hazardous secondary material provides a useful contribution to the
2858 recycling process or to a product or intermediate if any of the following is
2859 true of its reclamation:

2860
2861 A) It contributes valuable ingredients to a product or intermediate;

2862
2863 B) It replaces a catalyst or carrier in the recycling process;

2864
2865 C) It is the source of a valuable constituent recovered in the recycling
2866 process;

2867
2868 D) It is recovered or regenerated by the recycling process; or

2869
2870 E) It is used as an effective substitute for a commercial product.

2871
2872 2) The product or intermediate produced is valuable if either of the following
2873 describes it:

2874
2875 A) It is sold to a third party; or

2876
2877 B) It is used by the recycler or the generator as an effective substitute
2878 for a commercial product or as an ingredient or intermediate in an
2879 industrial process.

2880

- 2881 c) This subsection (c) corresponds with 40 CFR 260.43(c), which USEPA has
 2882 removed and marked "reserved." This statement maintains structural consistency
 2883 with the corresponding federal rules. Other factors for consideration in a
 2884 determination of legitimate recycling. A determination whether a specific
 2885 recycling activity constitutes legitimate recycling must consider the factors of
 2886 subsections (e)(1) and (e)(2) of this Section, in the way described in subsection
 2887 (e)(3) of this Section:
 2888
- 2889 1) The demonstration must show whether both the generator and the recycler
 2890 manage the hazardous secondary material as a valuable commodity.
 2891 Where there is an analogous raw material, the demonstration must show
 2892 whether the generator and the recycler manage the hazardous secondary
 2893 material, at a minimum, in a manner consistent with the management of
 2894 the raw material. Where there is no analogous raw material, the
 2895 demonstration must show whether the hazardous secondary material is
 2896 contained. A hazardous secondary material that is released to the
 2897 environment and which is not immediately recovered is discarded
 2898 material, which is solid waste; and
 2899
- 2900 2) The demonstration must show whether each of the following is true of the
 2901 product of the recycling process:
 2902
- 2903 A) The product does not contain significant concentrations of any
 2904 hazardous constituents listed in Appendix H to 35 Ill. Adm. Code
 2905 721 that are not found in analogous products;
 2906
- 2907 B) The product does not contain concentrations of any hazardous
 2908 constituents listed in Appendix H to 35 Ill. Adm. Code 721 at
 2909 levels that are significantly elevated above those found in
 2910 analogous products; and
 2911
- 2912 C) The product does not exhibit a hazardous characteristic (as defined
 2913 in Subpart C of 35 Ill. Adm. Code 721) that analogous products do
 2914 not exhibit.
 2915
- 2916 3) Determination whether a specific instance of reclamation is legitimate
 2917 recycling. A determination that a specific instance of reclamation of a
 2918 hazardous secondary material is legitimate recycling requires evaluation of
 2919 all of the factors set forth in subsection (e)(1) of this Section, and the
 2920 determination must consider legitimacy as a whole.
 2921
- 2922 A) If, after careful evaluation, the determination is that the conditions
 2923 of one or both of the factors set forth in subsections (e)(1) and

2924 (c)(2) of this Section are not fulfilled, this fact militates in favor of
 2925 a determination that the reclamation of the hazardous secondary
 2926 material is not legitimate recycling. However, the non-fulfillment
 2927 of the factors set forth in subsections (c)(1) and (c)(2) of this
 2928 Section does not require a determination that the reclamation is not
 2929 legitimate recycling.

2930
 2931 B) In evaluating the extent to which the reclamation fulfills the factors
 2932 set forth in subsections (c)(1) and (c)(2) of this Section, and in
 2933 determining whether a specific reclamation process that does not
 2934 meet one or both of these factors is still legitimate recycling, the
 2935 determination can consider the protectiveness of the storage
 2936 methods, exposure of persons and the environment to toxics in the
 2937 product, the bioavailability of the toxics in the product, and other
 2938 relevant considerations that bear on whether the recycling is
 2939 legitimate.

2940
 2941 BOARD NOTE: USEPA stated that the four legitimacy factors of this
 2942 Section are substantially the same as its pre-existing "legitimacy policy,"
 2943 as embodied in an internal USEPA memorandum. That memorandum
 2944 elaborates "other relevant factors" as the economics of the recycling
 2945 process (i.e., whether most of the revenue derives from sale of the product
 2946 or from fees charged generators for managing their wastes) and whether
 2947 the toxic constituents are necessary or of use to the product or are "just
 2948 'along for the ride.'" Memorandum from Sylvia K. Lowrance, Director,
 2949 USEPA, Office of Resource Conservation and Recovery, to Hazardous
 2950 Waste Management Division Directors, USEPA Regions 1 through 10,
 2951 attachment at p. 2; see 73 Fed. Reg. 64668, 709-10 (Oct. 31, 2008).

2952
 2953 BOARD NOTE: USEPA uses "legitimate recycling" interchangeably with "legitimately
 2954 recycled," "recycling is legitimate," and "recycling to be considered legitimate" in
 2955 corresponding 40 CFR 260.43, as added at 73 Fed. Reg. 64668 (Oct. 30, 2008). The
 2956 Board has standardized the usage "legitimate recycling" in this Section. USEPA refers to
 2957 "reclamation of the material that is legitimate" in corresponding 40 CFR 261.2(a)(2)(ii)
 2958 and 261.4(a)(23), (a)(24), and (a)(25) (2009), as determined pursuant to corresponding 40
 2959 CFR 260.43 (2009). The Illinois provision at 35 Ill. Adm. Code 721.101(e)(7) (and
 2960 corresponding federal 40 CFR 261.1(e)(7)) states that a material is "recycled" if it is
 2961 "used, reused, or reclaimed." The Board intends that "legitimate reclamation," in
 2962 referenced provisions 35 Ill. Adm. Code 721.102(a)(2)(ii) or 721.104(a)(23), (a)(24), or
 2963 (a)(25), is synonymous with "legitimate recycling," as used in this Section.

2964
 2965 (Source: Amended at 40 Ill. Reg. _____, effective _____)