

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: RCRA and UIC Permit Programs
- 2) Code Citation: 35 Ill. Adm. Code 702
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
702.101	Amendment
702.103	Amendment
702.105	Amendment
702.106	Amendment
702.107	Amendment
702.108	Amendment
702.109	Amendment
702.110	Amendment
702.120	Amendment
702.123	Amendment
702.125	Amendment
702.126	Amendment
702.152	Amendment
702.162	Amendment
702.163	Amendment
702.181	Amendment
702.186	Amendment
- 4) Statutory Authority: 415 ILCS 5/7.2, 13, 22.4, and 27
- 5) A Complete Description of the Subjects and Issues Involved: The amendments to Part 702 are a segment larger Board rulemaking. The consolidated docket R17-14/R17-15/R18-11/R18-31 rulemaking also includes amendments to 35 Ill. Adm. Code 703 through 705, 720 through 728, 730, 733, 738, 739, 810, 811, and 812. Due to the extreme volume of the consolidated docket, each Part is covered by a notice in four separate issues of the Illinois Register. Included in this issue are 35 Ill. Adm. Code 702 through 705, 720, and 721. The consolidated docket R17-14/R17-15/R18-11/R18-31 rulemaking updates the Illinois hazardous waste, underground injection control (UIC), and Municipal Solid Waste Landfill (MSWLF) rules to incorporate amendments adopted by the United States Environmental Protection Agency (USEPA) during calendar years 2016 and 2017, embracing two update periods: July 1, 2016 through December 31, 2016 and July 1, 2017 through December 31, 2017. The consolidated docket R17-14/R17-15/R18-11/R18-31 rulemaking further makes numerous corrections and non-substantive stylistic revisions that the Board finds necessary. A comprehensive description is

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STATE OF ILLINOIS
Pollution Control Board

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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.

The following briefly summarizes the federal actions in the update periods:

November 28, 2016 (81 Fed. Reg. 85696): USEPA revised requirements for importing and exporting hazardous waste. USEPA amended 40 C.F.R. 260 through 267, 271, and 273. USEPA intended greater protection of human health and the environment, greater consistency with current requirements for shipments between members of the Organization for Economic Cooperation and Development (OECD), and implementation of electronic submittal of import- and export-related documents into an Automated Export System.

November 28, 2016 (81 Fed. Reg. 85732): USEPA adopted the GIR, which extensively revised requirements for generators hazardous waste. USEPA revised rules in all parts of the hazardous waste rules: 40 C.F.R. 260 through 268, 270, 271, 273, and 279. The GIR also included revisions to RCRA Subtitle D rules in 40 C.F.R. 257 and 258. The federal MSWLF rules are codified in 40 C.F.R. 258. USEPA intended that reorganization of the hazardous waste generator requirements would make them more user-friendly and address gaps in the rules to make them more effective and protective of human health and the environment. USEPA also corrected inadvertent errors and remove obsolete provisions.

August 29, 2017 (82 Fed. Reg. 41015): USEPA established the Automated Export System (AES) filing compliance date, a critical implementation date for electronic reporting hazardous waste exports. As of December 31, 2017, exporters of manifested hazardous waste, exporters of universal waste, exporters of spent lead-acid batteries for recycling or disposal, and exporters of cathode ray tubes (CRTs) for recycling were to report using the AES for export shipments. After the AES filing compliance date, the use of paper reporting was no longer permissible for these exports.

December 26, 2017 (82 Fed. Reg. 60894): USEPA further revised the rules for imports and exports of hazardous waste. No person can assert a confidential business information (CBI) claim for documents relating to import, export, and transit of hazardous waste and those specific to export of excluded CRTs.

Specifically, the amendments to Part 702 incorporate elements of the Generator Improvements Rule and the Hazardous Waste Import-Export Revisions. The Board makes several needed corrections in the text of the rules.

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Tables appear in a document entitled "Identical-in-Substance Rulemaking Addendum (Proposed)" that the Board added to consolidated docket R17-14/R17-15/R18-11/R18-31. The tables list the deviations from the literal text of the federal amendments and the several necessary corrections and stylistic revisions not directly derived from USEPA actions. Persons interested in the details of those deviations from the literal text should refer to the Identical-in-Substance Rulemaking Addendum (Proposed) in consolidated docket R17-14/R17-15/R18-11/R18-31.

Sections 13 and 22.4 of the Environmental Protection Act [415 ILCS 5/13 and 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) Does this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b) (2016)].
- 12) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference consolidated docket R17-14/R17-15/R18-11/R18-31 and be addressed to:

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

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Please direct inquiries to the following person and reference consolidated docket R17-14/R17-15/R18-11/R18-31:

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

312/814-6924
email: 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 disposing of industrial wastewaters into the sewage collection system of a publicly owned treatment works. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b) (2016)].
- B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b) (2016)].
- C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist and registered professional engineer. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b) (2016)].

14) Regulatory Agenda on which this rulemaking was summarized: January 2017 and January 2018

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

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

5
6 PART 702
7 RCRA AND UIC PERMIT PROGRAMS

8
9 SUBPART A: GENERAL PROVISIONS

10
11 Section
12 702.101 Purpose, Scope, and Applicability
13 702.102 Electronic Reporting
14 702.103 Trade Secret or Non-Disclosable Information Submitted to the Agency or Board
15 702.104 References
16 702.105 Rulemaking
17 702.106 Adoption of Agency Criteria
18 702.107 Permit Appeals and Review of Agency Determinations
19 702.108 Variances and Adjusted Standards
20 702.109 Enforcement Actions
21 702.110 Definitions

22
23 SUBPART B: PERMIT APPLICATIONS

24
25 Section
26 702.120 Permit Application
27 702.121 Who Applies
28 702.122 Completeness
29 702.123 Information Requirements
30 702.124 Recordkeeping
31 702.125 Continuation of Expiring Permits
32 702.126 Signatories to Permit Applications and Reports

33
34 SUBPART C: PERMIT CONDITIONS

35
36 Section
37 702.140 Conditions Applicable to all Permits
38 702.141 Duty to Comply
39 702.142 Duty to Reapply
40 702.143 Need to Halt or Reduce Activity Not a Defense
41 702.144 Duty to Mitigate
42 702.145 Proper Operation and Maintenance
43 702.146 Permit Actions

- 44 702.147 Property Rights
- 45 702.148 Duty to Provide Information
- 46 702.149 Inspection and Entry
- 47 702.150 Monitoring and Records
- 48 702.151 Signature Requirements
- 49 702.152 Reporting Requirements
- 50 702.160 Establishing Permit Conditions
- 51 702.161 Duration of Permits
- 52 702.162 Schedules of Compliance
- 53 702.163 Alternative Schedules of Compliance
- 54 702.164 Recording and Reporting

55
56 SUBPART D: ISSUED PERMITS

57
58 Section

- 59 702.181 Effect of a Permit
- 60 702.182 Transfer
- 61 702.183 Modification
- 62 702.184 Causes for Modification
- 63 702.185 Facility Siting
- 64 702.186 Revocation
- 65 702.187 Minor Modifications

66
67 AUTHORITY: Implementing Sections 7.2, 13, and 22.4 and authorized by Section 27 of the
68 Environmental Protection Act [415 ILCS 5/7.2, 13, 22.4, and 27].

69
70 SOURCE: Adopted in R81-32 at 6 Ill. Reg. 12479, effective May 17, 1982; amended in R82-19
71 at 7 Ill. Reg. 14352, effective May 17, 1982; amended in R84-9 at 9 Ill. Reg. 11926, effective
72 July 24, 1985; amended in R85-23 at 10 Ill. Reg. 13274, effective July 29, 1986; amended in
73 R86-1 at 10 Ill. Reg. 14083, effective August 12, 1986; amended in R86-28 at 11 Ill. Reg. 6131,
74 effective March 24, 1987; amended in R87-5 at 11 Ill. Reg. 19376, effective November 12, 1987;
75 amended in R87-26 at 12 Ill. Reg. 2579, effective January 15, 1988; amended in R87-29 at 12 Ill.
76 Reg. 6673, effective March 28, 1988; amended in R87-39 at 12 Ill. Reg. 13083, effective July
77 29, 1988; amended in R89-1 at 13 Ill. Reg. 18452, effective November 13, 1989; amended in
78 R89-2 at 14 Ill. Reg. 3089, effective February 20, 1990; amended in R89-9 at 14 Ill. Reg. 6273,
79 effective April 16, 1990; amended in R92-10 at 17 Ill. Reg. 5769, effective March 26, 1993;
80 amended in R93-16 at 18 Ill. Reg. 6918, effective April 26, 1994; amended in R94-5 at 18 Ill.
81 Reg. 18284, effective December 20, 1994; amended in R95-6 at 19 Ill. Reg. 9913, effective June
82 27, 1995; amended in R95-20 at 20 Ill. Reg. 11210, effective August 1, 1996; amended in R96-
83 10/R97-3/R97-5 at 22 Ill. Reg. 532, effective December 16, 1997; amended in R99-15 at 23 Ill.
84 Reg. 9359, effective July 26, 1999; amended in R00-11/R01-1 at 24 Ill. Reg. 18585, effective
85 December 7, 2000; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 438, effective December
86 20, 2006; amended in R11-2/R11-16 at 35 Ill. Reg. 17647, effective October 14, 2011; amended

87 in R11-14 at 36 Ill. Reg. 1588, effective January 20, 2012; amended in R17-14/R17-15/R18-12
88 at 42 Ill. Reg. _____, effective _____.

89
90 SUBPART A: GENERAL PROVISIONS

91
92 **Section 702.101 Purpose, Scope, and Applicability**

93
94 a) Coverage.

- 95
96 1) The permit regulations of 35 Ill. Adm. Code 702 through 705 include
97 provisions for the following two permit programs:
98
99 A) The RCRA (Resource Conservation and Recovery Act) permit
100 program pursuant to Title V and Title X of the Environmental
101 Protection Act [~~415 ILCS 5/Title V and Title X~~].
102
103 B) The UIC (Underground Injection Control) permit program
104 pursuant to Title III and Title X of the Environmental Protection
105 Act [~~415 ILCS 5/Title III and Title X~~].
106
107 2) The regulations of 35 Ill. Adm. Code 702 through 705 cover basic
108 permitting requirements (35 Ill. Adm. Code 702 through 704) and
109 procedures for processing of permit applications (35 Ill. Adm. Code 705)
110 for the RCRA and UIC permit programs.
111
112 3) The regulations of 35 Ill. Adm. Code 702 through 705 are derived from 40
113 CFR 124, 144, and 270.

114
115 b) Structure.

- 116
117 1) The regulations of 35 Ill. Adm. Code 702 through 705 comprise the
118 following four Parts:
119
120 A) This Part contains definitions applicable to 35 Ill. Adm. Code 702
121 through 705. It also contains basic permitting requirements for the
122 RCRA and UIC programs.
123
124 B) The regulations of 35 Ill. Adm. Code 703 contain requirements
125 specific to RCRA permits. In case of inconsistency between 35 Ill.
126 Adm. Code 702 and 703, 35 Ill. Adm. Code 703 will control.
127

- 128 C) The regulations of 35 Ill. Adm. Code 704 contain requirements
 129 specific to UIC permits. In case of inconsistency between 35 Ill.
 130 Adm. Code 702 and 704, 35 Ill. Adm. Code 704 will control.
 131
 132 D) The regulations of 35 Ill. Adm. Code 705 establish procedures for
 133 issuance of RCRA and UIC permits by the Agency .
 134
 135 2) The structure and coverage of 35 Ill. Adm. Code 702 through 704 are
 136 indicated in the following table:
 137

	RCRA AND UIC Subpart of 35 Ill. Adm. Code 702	RCRA Subpart of 35 Ill. Adm. Code 703	UIC Subpart of 35 Ill. Adm. Code 704
General	A	A	A
Prohibitions	–	B	B
Authorization by Rule	–	C	C
Permit Application	B	D	D
Special Forms of Permits	–	E	–
Permit Conditions	C	F	E
Issued Permits	D	–	H
Permit Modification	–	G	–
Remedial Action Plans	–	H	–
Intergration with MACT Standards	–	I	–
RCRA Standardized Permits	–	J	–
Requirements Applicable to Hazardous Waste Injection Wells	–	–	F
Financial Responsibility for Class I Hazardous Waste Injection Wells	–	–	G
Requirements Applicable to Class V Injection Wells	–	–	I

Requirements J
 Applicable to
 Class
 VI Injection Wells

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- c) Relation to other requirements.
 - 1) Permit application forms. An applicant for a RCRA or UIC permit or a person seeking interim status under RCRA must submit its application on an Agency permit application form when such is available.
 - 2) Technical regulations. Each of the two permit programs that are covered in these permit regulations has separate additional regulations that contain technical requirements for that program. These separate regulations are used by the Agency to determine the requirements that must be placed in any permit that it issues. These separate regulations are located as follows:
 - RCRA 35 Ill. Adm. Code ~~724 and 726720~~ through ~~728, 733,~~
and ~~739~~
 - UIC 35 Ill. Adm. Code 730 and 738

152
 153
 154
 155
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 157

BOARD NOTE: Derived in significant part from 40 CFR 144.1 and 270.1
 (2017)(2011).

(Source: Amended at 42 Ill. Reg. _____, effective _____)

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 160

Section 702.103 Trade Secret or Non-Disclosable Information Submitted to the Agency or Board

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 172
 173

- a) In accordance with Section 7 of the Environmental Protection Act ~~[415 ILCS 5/7]~~, and as federally required by 40 CFR 2, a person submitting certain information to the Agency or Board pursuant to this Part and 35 Ill. Adm. Code 703 through 705 may claim that information as trade secret or non-disclosable information. Any such claim of trade secret or non-disclosable information must be asserted at the time of submission in the manner prescribed by 35 Ill. Adm. Code 130. If no claim is made at the time of submission, the Agency or Board may make the information available to the public without further notice. If a claim is asserted, the information will be treated in accordance with 35 Ill. Adm. Code 130 and Board and Agency procedures.
- b) Claims of trade secret or non-disclosable information for the following information will be denied:

- 174
- 175 1) The name and address of any permit applicant or permittee;
- 176
- 177 2) The identity of substances being placed or to be placed in landfills or
- 178 hazardous waste treatment, storage, or disposal facilities; and
- 179
- 180 3) For UIC permits, information that deals with the existence, absence, or
- 181 level of contaminants in drinking water.
- 182

183 BOARD NOTE: Derived from 40 CFR 144.5 and 270.12 (2017)(2005).

184 (Source: Amended at 42 Ill. Reg. _____, effective _____)

185

186

187 **Section 702.105 Rulemaking**

188

- 189 a) Identical-in-Substance Regulations.
- 190
- 191 1) Generally applicable federal rules. Twice each year, the Board reserves
- 192 identical-in-substance rulemaking dockets pursuant to Sections 7.2, 13(c),
- 193 and 22.4(a) of the Act [~~415 ILCS 5/7.2, 13(e), and 22.4(a)~~]. The Board's
- 194 intent is generally to include all federal RCRA or UIC amendments that
- 195 occurred in the appropriate of the prior concluded update periods of
- 196 January 1 through June 30 or July 1 through December 31. The Board
- 197 reviews the federal actions that occurred in the period of interest and
- 198 includes those that require Board action in the reserved docket. The Board
- 199 itself initiates any necessary amendments to the RCRA or UIC program,
- 200 so no person needs to file a rulemaking proposal for the included
- 201 amendments. The Board routinely excludes from these identical-in-
- 202 substance proposals those federal amendments that pertain to facilities or
- 203 activities that exist or occur outside Illinois.
- 204
- 205 2) The Board does not generally include site-specific federal amendments in
- 206 an identical-in-substance rulemaking proposal without a request from a
- 207 member of the regulated community. The owner or operator of a facility
- 208 subject to a site-specific federal rule that wishes the Board to incorporate
- 209 that rule into the Illinois regulations should submit a request to the Clerk
- 210 of the Board for inclusion of that site-specific rule in a future identical-in-
- 211 substance rulemaking proposal. Any person wishing such inclusion may
- 212 petition the Board to adopt appropriate amendments to the Illinois RCRA
- 213 or UIC program pursuant to Sections 7.2 and 13(c) or 22.4(a) of the Act.
- 214 The petition must take the form of a proposal for rulemaking pursuant to
- 215 35 Ill. Adm. Code 101 and 102. The proposal must include a listing of all
- 216 amendments of interest to the petitioner together with copies of the

Federal Register notices on which the amendments are to be based.

- b) Other Regulations. With respect to the Illinois RCRA or UIC program or permit issuance, any person may petition the Board to adopt amendments or additional regulations that are not identical in substance to federal regulations. Such proposal must conform to 35 Ill. Adm. Code 101 and 102 and Sections 13(d), 22.4(b) and (c), and Title VII of the Act [~~415 ILCS 5/13(d), 22.4(b) and (c), and Title VII~~].

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 702.106 Adoption of Agency Criteria

- a) The Agency may, in its sole discretion, adopt criteria that will give guidance to the public as to what it will approve in RCRA and UIC permit applications and as to what conditions it will impose in permit issuance. The statutory authority for the Agency adopting such criteria is the Agency's authority to issue permits pursuant to Sections 4 and 39 of the Act [~~415 ILCS 5/4 and 39~~], and the requirement of the Administrative Procedure Act [5 ILCS 100] that agencies codify as rules those policies or interpretations of general applicability that affect persons outside the Agency.
- b) With respect to review of permit applications and establishment of permit conditions, the Agency must adopt as criteria any policies and interpretations of general applicability that affect persons outside the Agency.
- c) Any criteria that the Agency adopts must include each of the following:
 - 1) Clear references to related provisions of the Act and Board regulations;
 - 2) A statement that the criteria are not Board regulations;
 - 3) A statement that the criteria apply only to review of permit applications and establishment of conditions; and
 - 4) Procedures to be followed if an applicant wishes to deviate from Agency criteria.
- d) For purposes of permit issuance, proof of compliance with Agency-adopted criteria is prima facie proof of compliance with related provisions of the appropriate Act and Board regulations. However, persons other than the Agency may challenge Agency-adopted criteria as applied in the context of permit issuance.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 702.107 Permit Appeals and Review of Agency Determinations

Unless the contrary intention is indicated, all actions taken by the Agency pursuant to 35 Ill. Adm. Code 702 through 704, 721 through 728, 730, 733, 738, or 739 are to be done as part of an original permit application or a proceeding for modification of an issued permit. Such actions are subject to the procedural requirements of 35 Ill. Adm. Code 705.

- a) Any final Agency action on an original permit application, a proceeding for modification of an issued permit, or any action for review of a final Agency determination required by these regulations, may be appealed to the Board pursuant to Title X of the Environmental Protection Act [~~415 ILCS 5/Title X~~] and 35 Ill. Adm. Code 105 and 705.212.
- b) Other actions that are not required by these regulations, whether undertaken by the Agency gratuitously or pursuant to a statutory authorization, such as one taken to enforce a bond, insurance policy, or similar instrument of a contractual nature or one intended to guide a regulated person in seeking compliance with the regulations, may not be permit modifications reviewable by the Board. The affected person may seek review of an Agency determination that is not a permit determination in any court of competent jurisdiction.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 702.108 Variances and Adjusted Standards

- a) The Agency has no authority to issue any permit that is inconsistent with Board regulations. If an applicant seeks a permit that would authorize actions that are inconsistent with Board regulations, including delayed compliance dates, the applicant should file for either of the following two forms of relief:
 - 1) A petition for a variance pursuant to Title IX of the Environmental Protection Act (Act) [~~415 ILCS 5/Title IX~~] and Subtitle B of 35 Ill. Adm. Code 104; or
 - 2) A petition for an adjusted standard pursuant to Section 28.2 of the Act [~~415 ILCS 5/28.2~~] and Subtitle D of 35 Ill. Adm. Code 104.
- b) The Agency must file a recommendation within prescribed times following the filing of a petition for a variance or adjusted standard. The recommendation must include a draft of the language the Agency proposes to include in the permit if its

303 recommendation is accepted.

- 304
- 305 c) If the Board grants a variance or adjusted standard, it will order the Agency to
- 306 issue or modify the permit pursuant to the variance.
- 307

308 (Source: Amended at 42 Ill. Reg. _____, effective _____)

309

310 **Section 702.109 Enforcement Actions**

311

312 Any person may file a civil complaint with the Board alleging violation of the RCRA or UIC

313 regulations, a permit requirement, or permit conditions, pursuant to Title VIII of the Act ~~[415~~

314 ~~ILCS 5/Title VIII]~~ and 35 Ill. Adm. Code 103.

315

- 316 a) A formal complaint filed with the Board will initiate a civil enforcement action in
- 317 which the complainant bears the burden of proving that the respondent committed
- 318 the alleged violations.
- 319
- 320 b) The Board will forward any informal complaint to the Agency, and the Agency
- 321 must investigate the alleged violations set forth in the complaint.
- 322

323 (Source: Amended at 42 Ill. Reg. _____, effective _____)

324

325 **Section 702.110 Definitions**

326

327 The following definitions apply to 35 Ill. Adm. Code 702, 703, 704, and 705. Terms not defined

328 in this Section have the meaning given by the appropriate act and regulations, as such are defined

329 in this Section. When a definition applies primarily to one or more programs, those programs

330 appear in parentheses after the defined terms.

331

332 "Act" or "Environmental Protection Act" means the Environmental Protection Act

333 [415 ILCS 5].

334

335 "Administrator" means the Administrator of the United States Environmental

336 Protection Agency or an authorized representative.

337

338 "Agency" means the Illinois Environmental Protection Agency.

339

340 "Application" means the Agency forms for applying for a permit. For RCRA,

341 application also includes the information required by the Agency pursuant to 35

342 Ill. Adm. Code 703.182 through 703.212 (contents of Part B of the RCRA

343 application).

344

345 "Appropriate act and regulations" means the federal Resource Conservation and

346 Recovery Act (42 USC 6901 et seq.) (RCRA), the federal Safe Drinking Water
347 Act (42 USC 300f et seq.) (SDWA), or the Environmental Protection Act,
348 whichever is applicable, and the applicable regulations promulgated under those
349 statutes.

350
351 "Approved program or approved state" means a state or interstate program that
352 has been approved or authorized by USEPA pursuant to 40 CFR 271 (RCRA) or
353 section 1422 of the SDWA (42 USC 300h-1) (UIC).

354
355 "Aquifer" (RCRA and UIC) means a geologic formation, group of formations, or
356 part of a formation that is capable of yielding a significant amount of water to a
357 well or spring.

358
359 "Area of review" (UIC) means the area surrounding an injection well described
360 according to the criteria set forth in 35 Ill. Adm. Code 730.106, or in the case of
361 an area permit, the project area plus a circumscribing area the width of which is
362 either 402 meters (one-quarter of a mile) or a number calculated according to the
363 criteria set forth in 35 Ill. Adm. Code 730.106.

364
365 "Board" (RCRA and UIC) means the Illinois Pollution Control Board.

366
367 "Cesspool" (UIC) means a drywell that receives untreated sanitary waste
368 containing human excreta and which sometimes has an open bottom or perforated
369 sides.

370
371 "Closure" (RCRA) means the act of securing a Hazardous waste management
372 facility pursuant to 35 Ill. Adm. Code 724.

373
374 "Component" (RCRA) means any constituent part of a unit or any group of
375 constituent parts of a unit that are assembled to perform a specific function (e.g., a
376 pump seal, pump, kiln liner, or kiln thermocouple).

377
378 "Contaminant" (UIC) means any physical, chemical, biological, or radiological
379 substance or matter in water.

380
381 "Corrective action management unit" or "CAMU" (RCRA) means an area within
382 a facility that is designated by the Agency pursuant to Subpart S of 35 Ill. Adm.
383 Code 724 for the purpose of implementing corrective action requirements
384 pursuant to 35 Ill. Adm. Code 724.201 and RCRA section 3008(h) (42 USC
385 6928(h)). A CAMU must only be used for the management of remediation wastes
386 pursuant to implementing such corrective action requirements at the facility.
387 BOARD NOTE: USEPA must also designate a CAMU until it grants this
388 authority to the Agency. See the note following 35 Ill. Adm. Code 724.652.

389
390 "CWA" (RCRA and UIC) means the Clean Water Act (33 USC 1251 et seq.), as
391 amended.
392
393 "~~Date of approval by USEPA of the Illinois UIC program~~" (UIC) means March 3,
394 1984.
395
396 "Director" (RCRA and UIC) means the Director of the Illinois Environmental
397 Protection Agency or the Director's designee.
398
399 "Disposal" (RCRA) means the discharge, deposit, injection, dumping, spilling,
400 leaking, or placing of any hazardous waste into or on any land or water so that
401 such hazardous waste or any constituent of the waste may enter the environment
402 or be emitted into the air or discharged into any waters, including groundwater.
403
404 "Disposal facility" (RCRA) means a facility or part of a facility at which
405 hazardous waste is intentionally placed into or on the land or water, and at which
406 hazardous waste will remain after closure. The term disposal facility does not
407 include a corrective action management unit into which remediation wastes are
408 placed.
409
410 "Draft permit" (RCRA and UIC) means a document prepared pursuant to 35 Ill.
411 Adm. Code 705.141 indicating the Agency's tentative decision to issue, deny,
412 modify, terminate, or reissue a permit. A notice of intent to deny a permit, as
413 discussed in 35 Ill. Adm. Code 705.141, is a type of draft permit. A denial of a
414 request for modification, as discussed in 35 Ill. Adm. Code 705.128, is not a draft
415 permit. A proposed permit is not a draft permit.
416
417 "Drywell" (UIC) means a well, other than an improved sinkhole or subsurface
418 fluid distribution system, that is completed above the water table so that its
419 bottom and sides are typically dry, except when receiving fluids.
420
421 "Drilling mud" (UIC) means a heavy suspension used in drilling an injection well,
422 introduced down the drill pipe and through the drill bit.
423
424 "Elementary neutralization unit" (RCRA) means a device of which the following
425 is true:
426
427 It is used for neutralizing wastes that are hazardous wastes only because
428 they exhibit the corrosivity characteristics defined in 35 Ill. Adm. Code
429 721.122, or are listed in Subpart D of 35 Ill. Adm. Code 721 only for this
430 reason; and
431

432 It meets the definition of tank, tank system, container, transport vehicle, or
433 vessel in 35 Ill. Adm. Code 720.110.

434
435 "Emergency permit" (RCRA and UIC) means a RCRA or UIC permit issued in
436 accordance with 35 Ill. Adm. Code 703.221 or 704.163, respectively.

437
438 "Environmental Protection Agency" or "EPA" or "USEPA" (RCRA and UIC)
439 means the United States Environmental Protection Agency.

440
441 "Exempted aquifer" (UIC) means an aquifer or its portion that meets the criteria in
442 the definition of "underground source of drinking water" but which has been
443 exempted according to the procedures in 35 Ill. Adm. Code 702.105, 704.104, and
444 704.123(b).

445
446 "Existing hazardous waste management (HWM) facility" or "existing facility"
447 (RCRA) means a facility that was in operation or for which construction
448 commenced on or before November 19, 1980. A facility has commenced
449 construction if the following occurs:

450
451 The owner or operator has obtained the federal, State, and local approvals
452 or permits necessary to begin physical construction; and

453
454 Either of the following has transpired:

455
456 A continuous on-site, physical construction program has begun; or

457
458 The owner or operator has entered into contractual obligations for
459 physical construction of the facility that cannot be canceled or
460 modified without substantial loss and which are to be completed
461 within a reasonable time.

462
463 "Existing injection well" (UIC) means an injection well that is not a new injection
464 well.

465
466 "Facility mailing list" (RCRA) means the mailing list for a facility maintained by
467 the Agency in accordance with 35 Ill. Adm. Code 705.163(a).

468
469 "Facility or activity" (RCRA and UIC) means any HWM facility, UIC injection
470 well, or any other facility or activity (including land or appurtenances thereto) that
471 is subject to regulations under the Illinois RCRA or UIC program.

472
473 "Federal, State, and local approvals or permits necessary to begin physical
474 construction" (RCRA) means permits and approvals required under federal, State,

475 or local hazardous waste control statutes, regulations, or ordinances.
476
477 "~~Final authorization~~" (RCRA) means January 31, 1986, the date of approval by
478 USEPA of the Illinois hazardous waste management program that has met the
479 requirements of section 3006(b) of RCRA (42 USC 6926(b)) and the applicable
480 requirements of subpart A of 40 CFR 271.
481
482 "Fluid" (UIC) means any material or substance that flows or moves, whether in a
483 semisolid, liquid, sludge, gas, or any other form or state.
484
485 "Formation" (UIC) means a body of rock characterized by a degree of lithologic
486 homogeneity that is prevailingly, but not necessarily, tabular and is mappable on
487 the earth's surface or traceable in the subsurface.
488
489 "Formation fluid" (UIC) means fluid present in a formation under natural
490 conditions, as opposed to introduced fluids, such as drilling mud.
491
492 "Functionally equivalent component" (RCRA) means a component that performs
493 the same function or measurement and which meets or exceeds the performance
494 specifications of another component.
495
496 "Generator" (RCRA) means any person, by site location, whose act or process
497 produces hazardous waste.
498
499 "Geologic sequestration" means the long-term containment of a gaseous, liquid,
500 or supercritical carbon dioxide stream in a subsurface geologic formation. This
501 term does not apply to carbon dioxide capture or transport.
502
503 "Groundwater" (RCRA and UIC) means a water below the land surface in a zone
504 of saturation.
505
506 "Hazardous waste" (RCRA and UIC) means a hazardous waste as defined in 35
507 Ill. Adm. Code 721.103.
508
509 "Hazardous waste management facility" or "HWM facility" (RCRA) means all
510 contiguous land and structures, other appurtenances, and improvements on the
511 land, used for treating, storing, or disposing of hazardous waste. A facility may
512 consist of several treatment, storage, or disposal operational units (for example,
513 one or more landfills, surface impoundments, or combinations of them).
514
515 "HWM facility" (RCRA) means hazardous waste management facility.
516
517 "Improved sinkhole" (UIC) means a naturally occurring karst depression or other

518 natural crevice that is found in volcanic terrain and other geologic settings that
519 have been modified by man for the purpose of directing and emplacing fluids into
520 the subsurface.

521
522 "Injection well" (RCRA and UIC) means a well into which fluids are being
523 injected.

524
525 "Injection zone" (UIC) means a geologic formation, group of formations, or part
526 of a formation receiving fluids through a well.

527
528 "In operation" (RCRA) means a facility that is treating, storing, or disposing of
529 hazardous waste.

530
531 ~~"Interim authorization" (RCRA) means May 17, 1982, the date of approval by~~
532 ~~USEPA of the Illinois hazardous waste management program that has met the~~
533 ~~requirements of section 3006(g)(2) of RCRA (42 USC 6926(g)(2)) and applicable~~
534 ~~requirements of 40 CFR 271.~~

535
536 "Interstate agency" means an agency of two or more states established by or under
537 an agreement or compact approved by the Congress, or any other agency of two
538 or more states having substantial powers or duties pertaining to the control of
539 pollution as determined and approved by the Administrator under the appropriate
540 act and regulations.

541
542 "Major facility" means any RCRA or UIC facility or activity classified as such by
543 the Regional Administrator or the Agency.

544
545 "Manifest" (RCRA and UIC) means the shipping document originated and signed
546 by the generator that contains the information required by Subpart B of 35 Ill.
547 Adm. Code 722.

548
549 "National Pollutant Discharge Elimination System" means the program for
550 issuing, modifying, revoking and reissuing, terminating, monitoring, and
551 enforcing permits and imposing and enforcing pretreatment requirements pursuant
552 to Section 12(f) of the Environmental Protection Act and Subpart A of 35 Ill.
553 Adm. Code 309 and 35 Ill. Adm. Code 310. The term includes an approved
554 program.

555
556 "New HWM facility" (RCRA) means a hazardous waste management facility that
557 began operation or for which construction commenced after November 19, 1980.

558
559 "New injection well" (UIC) means a well that began injection after March 3,
560 1984, the date of USEPA approval of the UIC program for the State of Illinois.

561 BOARD NOTE: See 40 CFR 147.700 (2017)(2011) and 49 Fed. Reg. 3991 (Feb.
562 1, 1984).

563
564 "Off-site" (RCRA) means any site that is not on-site.

565
566 "On-site" (RCRA) means on the same or geographically contiguous property that
567 may be divided by public or private rights-of-way, provided the entrance and exit
568 between the properties is at a cross-roads intersection, and access is by crossing as
569 opposed to going along, the rights-of-way. Non-contiguous properties owned by
570 the same person, but connected by a right-of-way that the person controls and to
571 which the public does not have access, is also considered on-site property.

572
573 "Owner or operator" means the owner or operator of any facility or activity
574 subject to regulation under the RCRA or UIC program.

575
576 "Permit" means an authorization, license, or equivalent control document issued
577 to implement this Part and 35 Ill. Adm. Code 703, 704, and 705. "Permit"
578 includes RCRA permit by rule (35 Ill. Adm. Code 703.141), RCRA standardized
579 permit (35 Ill. Adm. Code 703.238), UIC area permit (35 Ill. Adm. Code
580 704.162), and RCRA or UIC "Emergency Permit" (35 Ill. Adm. Code 703.221
581 and 704.163). "Permit" does not include RCRA interim status (35 Ill. Adm. Code
582 703.153 through 703.157), UIC authorization by rule (Subpart C of 35 Ill. Adm.
583 Code 704), or any permit that has not yet been the subject of final Agency action,
584 such as a draft permit or a proposed permit.

585
586 "Person" means any individual, partnership, co-partnership, firm, company,
587 corporation, association, joint stock company, trust, estate, political subdivision,
588 state agency, or any other legal entity, or their legal representative, agency, or
589 assigns.

590
591 "Physical construction" (RCRA) means excavation, movement of earth, erection
592 of forms or structures, or similar activity to prepare an HWM facility to accept
593 hazardous waste.

594
595 "Plugging" (UIC) means the act or process of stopping the flow of water, oil, or
596 gas into or out of a formation through a borehole or well penetrating that
597 formation.

598
599 "Point of injection" means the last accessible sampling point prior to waste fluids
600 being released into the subsurface environment through a Class V injection well.
601 For example, the point of injection of a Class V septic system might be the
602 distribution box – the last accessible sampling point before the waste fluids drain
603 into the underlying soils. For a dry well, it is likely to be the well bore itself.

604
605 "POTW" means publicly owned treatment works.
606
607 "Project" (UIC) means a group of wells in a single operation.
608
609 "Publicly owned treatment works" or "POTW" is as defined in 35 Ill. Adm. Code
610 310.
611
612 "Radioactive waste" (UIC) means any waste that contains radioactive material in
613 concentrations that exceed those listed in table II, column 2 in appendix B to 10
614 CFR 20, incorporated by reference in 35 Ill. Adm. Code 720.111.
615
616 "RCRA" (RCRA) means the Resource Conservation and Recovery Act of 1976
617 (42 USC 6901 et seq.). For the purposes of regulation pursuant to 35 Ill. Adm.
618 Code 700 through 705, 720 through 728, 733, 738, and 739, "RCRA" refers only
619 to RCRA Subtitle C. This does not include the RCRA Subtitle D (municipal solid
620 waste landfill) regulations, found in 35 Ill. Adm. Code 810 through 815, and the
621 RCRA Subtitle I (underground storage tank) regulations found in 35 Ill. Adm.
622 Code 731 and 732.
623
624 "RCRA permit" (RCRA) means a permit required pursuant to Section 21(f) of the
625 Act [415 ILCS 5/21(f)].
626
627 "RCRA standardized permit" (RCRA) means a RCRA permit issued pursuant to
628 Subpart J of 35 Ill. Adm. Code 703 and Subpart G of 35 Ill. Adm. Code 705 that
629 authorizes management of hazardous waste. The RCRA standardized permit may
630 have two parts: a uniform portion issued for all RCRA standardized permits and a
631 supplemental portion issued at the discretion of the Agency.
632
633 "Regional Administrator" (RCRA and UIC) means the Regional Administrator of
634 the USEPA Region in which the facility is located or the Regional Administrator's
635 designee.
636
637 BOARD NOTE: Illinois is in USEPA Region 5.
638
639 "Remedial action plan " or "RAP" (RCRA) means a special form of RCRA permit
640 that a facility owner or operator may obtain pursuant to Subpart H of 35 Ill. Adm.
641 Code 703, instead of a RCRA permit issued pursuant to this Part and 35 Ill. Adm.
642 Code 703, to authorize the treatment, storage, or disposal of hazardous
643 remediation waste (as defined in 35 Ill. Adm. Code 720.110) at a remediation
644 waste management site.
645
646 "Sanitary waste" (UIC) means liquid or solid wastes originating solely from

647 humans and human activities, such as wastes collected from toilets, showers,
648 wash basins, sinks used for cleaning domestic areas, sinks used for food
649 preparation, clothes washing operations, and sinks or washing machines where
650 food and beverage serving dishes, glasses, and utensils are cleaned. Sources of
651 these wastes may include single or multiple residences, hotels and motels,
652 restaurants, bunkhouses, schools, ranger stations, crew quarters, guard stations,
653 campgrounds, picnic grounds, day-use recreation areas, other commercial
654 facilities, and industrial facilities, provided the waste is not mixed with industrial
655 waste.

656
657 "Schedule of compliance"(RCRA and UIC) means a schedule of remedial
658 measures included in a permit, including an enforceable sequence of interim
659 requirements (for example, actions, operations, or milestone events) leading to
660 compliance with the appropriate act and regulations.

661
662 "SDWA" (UIC) means the Safe Drinking Water Act (42 USC 300f et seq.).

663
664 "Septic system" (UIC) means a well, as defined in this Section, that is used to
665 emplace sanitary waste below the surface and which is typically comprised of a
666 septic tank and subsurface fluid distribution system or disposal system.

667
668 "Site" (RCRA and UIC) means the land or water area where any facility or
669 activity is physically located or conducted, including adjacent land used in
670 connection with the facility or activity.

671
672 "SIC code" (RCRA and UIC) means "Standard Industrial Classification code:".
673 This is the code assigned to a site by the United States Department of
674 Transportation, Federal Highway Administration, based on the particular
675 activities that occur on the site, as set forth in its publication, "Standard Industrial
676 Classification Manual," , incorporated by reference in 35 Ill. Adm. Code 720.111.

677
678 "State" (RCRA and UIC) means the State of Illinois.

679
680 "State Director" (RCRA and UIC) means the Director of the Illinois
681 Environmental Protection Agency.

682
683 "State/USEPA agreement" (RCRA and UIC) means an agreement between the
684 Regional Administrator and the State that coordinates USEPA and State activities,
685 responsibilities, and programs, including those under the RCRA and SDWA.

686
687 "Storage" (RCRA) means the holding of hazardous waste for a temporary period,
688 at the end of which the hazardous waste is treated, disposed of, or stored
689 elsewhere.

690
691 "Stratum" (plural "strata") (UIC) means a single sedimentary bed or layer,
692 regardless of thickness, that consists of generally the same kind of rock material.
693
694 "Subsurface fluid distribution system" (UIC) means an assemblage of perforated
695 pipes, drain tiles, or other similar mechanisms intended to distribute fluids below
696 the surface of the ground.
697
698 "Total dissolved solids" (UIC) means the total dissolved (filterable) solids as
699 determined by use of the method specified in 40 CFR 136.3 (Identification of Test
700 Procedures; the method for filterable residue), incorporated by reference in 35 Ill.
701 Adm. Code 720.111.
702
703 "Transfer facility" (RCRA) means any transportation related facility, including
704 loading docks, parking areas, storage areas, and other similar areas where
705 shipments of hazardous wastes are held during the normal course of
706 transportation.
707
708 "Transferee" (UIC) means the owner or operator receiving ownership or
709 operational control of the well.
710
711 "Transferor" (UIC) means the owner or operator transferring ownership or
712 operational control of the well.
713
714 "Transporter" (RCRA) means a person engaged in the off-site transportation of
715 "hazardous waste" by air, rail, highway, or water.
716
717 "Treatment" (RCRA) means any method, technique, process, including
718 neutralization, designed to change the physical, chemical, or biological character
719 or composition of any "hazardous waste" so as to neutralize such wastes, or so as
720 to recover energy or material resources from the waste, or so as to render such
721 wastes non-hazardous or less hazardous; safer to transport, store, or dispose of; or
722 amenable for recovery, amenable for storage, or reduced in volume.
723
724 "UIC" (UIC) means the Underground Injection Control program.
725
726 "Underground injection" (UIC) means a well injection.
727
728 "Underground source of drinking water" or "USDW" (RCRA and UIC) means an
729 aquifer or its portion that is not an exempted aquifer and of which either of the
730 following is true:
731
732 It supplies any public water system; or

733
734 It contains a sufficient quantity of groundwater to supply a public water
735 system; and

736
737 It currently supplies drinking water for human consumption; or

738
739 It contains less than 10,000 mg/ℓ total dissolved solids.

740
741 "USDW" (RCRA and UIC) means an underground source of drinking water.

742
743 "Wastewater treatment unit" (RCRA) means a device of which the following is
744 true:

745
746 It is part of a wastewater treatment facility that is subject to regulation
747 pursuant to Subpart A of 35 Ill. Adm. Code 309 or 35 Ill. Adm. Code 310;
748 and

749
750 It receives and treats or stores an influent wastewater that is a hazardous
751 waste as defined in 35 Ill. Adm. Code 721.103, or generates and
752 accumulates a wastewater treatment sludge that is a hazardous waste as
753 defined in 35 Ill. Adm. Code 721.103, or treats or stores a wastewater
754 treatment sludge that is a hazardous waste as defined in 35 Ill. Adm. Code
755 721.103; and

756
757 It meets the definition of tank or tank system in 35 Ill. Adm. Code
758 720.110.

759
760 "Well" (UIC) means a bored, drilled, or driven shaft, or a dug hole, whose depth
761 is greater than the largest surface dimension; a dug hole whose depth is greater
762 than the largest surface dimension; or an improved sinkhole; or, a subsurface fluid
763 distribution system.

764
765 "Well injection" (UIC) means the subsurface emplacement of fluids through a
766 well.

767
768 BOARD NOTE: Derived from 40 CFR 124.2, 144.3, and 270.2 (2017)(2011).

769
770 (Source: Amended at 42 Ill. Reg. _____, effective _____)

771
772 SUBPART B: PERMIT APPLICATIONS

773
774 **Section 702.120 Permit Application**

775

- 776 a) Applying for a UIC permit. Any person that is required to have a permit
 777 (including new applicants and permittees with expiring permits) must complete,
 778 sign, and submit an application to the Agency as described in this Section and in
 779 35 Ill. Adm. Code 704.161 (UIC). Any person that is currently authorized with
 780 UIC authorization by rule (Subpart C of 35 Ill. Adm. Code 704) must apply for a
 781 permit when required to do so by the Agency. The procedure for application,
 782 issuance, and administration of an emergency permit is found exclusively in 35
 783 Ill. Adm. Code 704.163 (UIC).
 784
- 785 b) Applying for a RCRA permit. The following information outlines how to obtain a
 786 permit and where to find requirements for specific permits:
 787
 - 788 1) If the facility is covered by RCRA permits by rule (35 Ill. Adm. Code
 789 703.141), the owner or operator needs not apply for a permit.
 790
 - 791 2) If the facility owner or operator currently has interim status pursuant to
 792 RCRA (Subpart C of 35 Ill. Adm. Code 703), it must apply for a permit
 793 when required by the Agency.
 794
 - 795 3) If the facility owner or operator is required to have a permit (including
 796 new applicants and permittees with expiring permits), it must complete,
 797 sign, and submit an application to the Agency, as described in this Section;
 798 in Sections 702.121 through 702.124; and in 35 Ill. Adm. Code 703.125,
 799 703.126, 703.150 through 703.157, 703.186, and 703.188.
 800
 - 801 4) If the facility owner or operator is seeking an emergency permit, the
 802 procedures for application, issuance, and administration are found
 803 exclusively in 35 Ill. Adm. Code 703.220.
 804
 - 805 5) If the facility owner or operator is seeking a research, development, and
 806 demonstration permit, the procedures for application, issuance, and
 807 administration are found exclusively in 35 Ill. Adm. Code 703.231.
 808
 - 809 6) If the facility owner or operator is seeking a RCRA standardized permit,
 810 the procedures for application and issuance are found in Subpart G of 35
 811 Ill. Adm. Code 705 and Subpart J of 35 Ill. Adm. Code 703.
 812

813 BOARD NOTE: Subsection (a) of this Section is derived from 40 CFR 144.31(a)
 814 (2017)(2010), and subsection (b) of this Section is derived from 40 CFR 270.10(a)
 815 (2017)(2010).

816
 817 (Source: Amended at 42 Ill. Reg. _____, effective _____)
 818

819 **Section 702.123 Information Requirements**

820
 821 An applicant for a RCRA or UIC Class I, III, or V permit must provide the following
 822 information to the Agency, using the application form provided by the Agency (additional
 823 information required of applicants is set forth in Subpart D of 35 Ill. Adm. Code 703 (RCRA)
 824 and 35 Ill. Adm. Code 704.161 (UIC)). An applicant for a Class VI injection well permit must
 825 follow the criteria provided in 35 Ill. Adm. Code 730.182.

- 826
- 827 a) The activities conducted by the applicant that require it to obtain a permit under
 828 RCRA or UIC.
 - 829
 - 830 b) The name, mailing address, and location of the facility for which the application
 831 is submitted.
 - 832
 - 833 c) Up to four SIC codes that best reflect the principal products or services provided
 834 by the facility.
 - 835
 - 836 d) The operator's name, address, telephone number, ownership status, and status as
 837 Federal, State, private, public, or other entity.
 - 838
 - 839 e) The name, address, and phone number of the owner of the facility. ~~This subsection~~
 840 ~~(e) corresponds with 40 CFR 144.31(e)(5) and 270.13(f), relating to facilities on~~
 841 ~~Indian lands. The Board has replaced the corresponding federal text with this~~
 842 ~~statement to maintain structural parity with the corresponding federal rules.~~
 - 843
 - 844 f) A listing of all permits or construction approvals received or applied for under
 845 any of the following programs:
 - 846
 - 847 1) The hazardous waste management program under RCRA, this Part, and 35
 848 Ill. Adm. Code 703;
 - 849
 - 850 2) The UIC program under SDWA, this Part, and 35 Ill. Adm. Code 704;
 - 851
 - 852 3) The National Pollutant Discharge Elimination System (NPDES) program
 853 under the federal CWA (33 USC 1251 et seq.) and 35 Ill. Adm. Code 309;
 - 854
 - 855 4) The Prevention of Significant Deterioration (PSD) program under the
 856 federal Clean Air Act (42 USC 7401 et seq.);
 - 857
 - 858 5) The nonattainment program under the federal Clean Air Act;
 - 859
 - 860 6) The National Emission Standards for Hazardous Pollutants (NESHAPs)
 861 preconstruction approval under the federal Clean Air Act;

- 862
863 7) Any ocean dumping permits under the federal Marine Protection Research
864 and Sanctuaries Act (33 UCS 1401 et seq.);
865
866 8) Any dredge or fill permits under Section 404 of CWA (33 USC 1344); and
867
868 9) Any other relevant environmental permits, including any State-issued
869 permits.
870
871 g) A topographic map (or other map if a topographic map is unavailable) extending
872 1609 meters (one mile) beyond the property boundaries of the source, depicting
873 the facility and each of its intake and discharge structures; each of its hazardous
874 waste treatment, storage, or disposal facilities; each well where fluids from the
875 facility are injected underground; and those wells, springs, other surface water
876 bodies, and drinking water wells listed in public records or which are otherwise
877 known to the applicant within 402 meters (one-quarter mile) of the facility
878 property boundary.
879
880 h) A brief description of the nature of the business.

881
882 BOARD NOTE: Derived from 40 CFR 144.31(e)(1) through (e)(8), 270.10(d), and 270.13(a)
883 through (f) and (k) through (m) (2017)(2011).

884
885 (Source: Amended at 42 Ill. Reg. _____, effective _____)
886

887 **Section 702.125 Continuation of Expiring Permits**
888

- 889 a) The conditions of an expired permit continue in force until the effective date of a
890 new permit (see 35 Ill. Adm. Code 705.201) if both of the following conditions
891 are fulfilled:
892
893 1) The permittee has submitted a timely application pursuant to 35 Ill. Adm.
894 Code 703.181 (RCRA) or 704.161 (UIC) that is a complete (pursuant to
895 Section 702.122) application for a new permit; and
896
897 2) The Agency, through no fault of the permittee, does not issue a new
898 permit with an effective date pursuant to 35 Ill. Adm. Code 705.201 on or
899 before the expiration date of the previous permit (for example, when
900 issuance is impracticable due to time or resource constraints).
901
902 b) Effect. Permits continued pursuant to this Section remain fully effective and
903 enforceable.
904

- 905 c) Enforcement. When the permittee is not in compliance with the conditions of the
906 expiring or expired permit, the Agency may choose to do any or all of the
907 following:
908
- 909 1) Initiate enforcement action based upon the permit that has been continued;
910
 - 911 2) Issue a notice of intent to deny the new permit pursuant to 35 Ill. Adm.
912 Code 705.141. If the permit is denied, the owner or operator would then
913 be required to cease the activities authorized by the continued permit or be
914 subject to enforcement action for operating without a permit;
915
 - 916 3) Issue a new permit pursuant to 35 Ill. Adm. Code 705 with appropriate
917 conditions; or
918
 - 919 4) Take other actions authorized by the Environmental Protection Act-[415
920 HCS-5], or regulations adopted thereunder.
921
- 922 d) This subsection (d) corresponds with 40 CFR 144.37(d) and 270.51(d), which
923 pertain to continuation of USEPA-issued permits until disposition of a permit
924 application filed with an authorized state. A corresponding provision is
925 unnecessary in the Illinois regulations. This statement maintains structural
926 consistency with the corresponding federal rules.
927
- 928 e) RCRA standardized permits.
929
- 930 1) The conditions of an owner's or operator's expired RCRA standardized
931 permit continue until the effective date of its new permit (see 35 Ill. Adm.
932 Code 705.201) if all of the following conditions are fulfilled:
933
 - 934 A) If the Agency is the permit-issuing authority;
935
 - 936 B) If the owner or operator has submitted a timely and complete
937 Notice of Intent pursuant to 35 Ill. Adm. Code 705.301(a)(2)
938 requesting coverage under a RCRA standardized permit; and
939
 - 940 C) If the Agency, through no fault of the owner or operator, does not
941 issue the permit before the previous permit expires (for example,
942 where it is impractical to make the permit effective by that date
943 because of time or resource constraints).
944 - 945 2) In some instances, the Agency may notify the owner or operator that it is
946 not eligible for a RCRA standardized permit (see 35 Ill. Adm. Code
947 705.302(c)). In such an instance, the conditions of the owner's or

948 operator's expired permit will continue if the owner or operator submits
949 the information specified in subsection (a)(1) ~~of this Section~~ (that is, a
950 complete application for a new permit) within 60 days after it receives an
951 Agency notification that the owner or operator is not eligible for a RCRA
952 standardized permit.

953
954 BOARD NOTE: Derived from 40 CFR 144.37 and 270.51 ~~(2017)(2005)~~, as amended at
955 70 Fed. Reg. 53420 (Sep. 8, 2005).

956
957 (Source: Amended at 42 Ill. Reg. _____, effective _____)
958

959 **Section 702.126 Signatories to Permit Applications and Reports**

- 960
- 961 a) Applications. A permit application must be signed as follows:
 - 962
 - 963 1) For a corporation: a permit application must be signed by a responsible
964 corporate officer. For the purpose of this Section, a responsible corporate
965 officer means either of the following persons:
 - 966
 - 967 A) A president, secretary, treasurer, or vice president of the
968 corporation in charge of a principal business function, or any other
969 person that performs similar policy or decision-making functions
970 for the corporation; or
 - 971
 - 972 B) The manager of one or more manufacturing, production, or
973 operating facilities employing more than 250 persons or having
974 gross annual sales or expenditures exceeding \$25 million (in
975 second-quarter 1980 dollars), if authority to sign documents has
976 been assigned or delegated to the manager in accordance with
977 corporate procedures;
 - 978

979 BOARD NOTE: The Board does not require specific assignments
980 or delegations of authority to responsible corporate officers
981 identified in subsection (a)(1)(A) ~~of this Section~~. The Agency will
982 presume that these responsible corporate officers have the requisite
983 authority to sign permit applications unless the corporation has
984 notified the Agency to the contrary. Corporate procedures
985 governing authority to sign permit applications may provide for
986 assignment or delegation to applicable corporate positions pursuant
987 to subsection (a)(1)(B) ~~of this Section~~, rather than to specific
988 individuals.

- 989
- 990 2) For a partnership or sole proprietorship: a permit application must be

- 991 signed by a general partner or the proprietor, respectively; or
992
993 3) For a municipality, State, federal, or other public agency: a permit
994 application must be signed by either a principal executive officer or
995 ranking elected official. For purposes of this Section, a principal
996 executive officer of a federal agency includes either of the following
997 persons:
998
999 A) The chief executive officer of the agency, or
1000
1001 B) A senior executive officer having responsibility for the overall
1002 operations of a principal geographic unit of the agency (e.g.,
1003 Regional Administrators of USEPA).
1004
1005 b) Reports. All reports required by permits or other information requested by the
1006 Agency must be signed by a person described in subsection (a) ~~of this Section~~, or
1007 by a duly authorized representative of that person. A person is a duly authorized
1008 representative only if each of the following conditions are fulfilled:
1009
1010 1) The authorization is made in writing by a person described in subsection
1011 (a) ~~of this Section~~;
1012
1013 2) The authorization specifies either an individual or a position having
1014 responsibility for the overall operation of the regulated facility or activity,
1015 such as the position of plant manager, operator of a well or a well field,
1016 superintendent, or position of equivalent responsibility. (A duly
1017 authorized representative may thus be either a named individual or any
1018 individual occupying a named position); and
1019
1020 3) The written authorization is submitted to the Agency.
1021
1022 c) Changes to authorization. If an authorization pursuant to subsection (b) ~~of this~~
1023 ~~Section~~ is no longer accurate because a different individual or position has
1024 responsibility for the overall operation of the facility, a new authorization
1025 satisfying the requirements of subsection (b) must be submitted to the Agency
1026 prior to or together with any reports, information, or applications to be signed by
1027 an authorized representative.
1028
1029 d) Certification.
1030
1031 1) Any person signing a document pursuant to subsection (a) or (b) ~~of this~~
1032 ~~Section~~ must make the following certification:
1033

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons that manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

- 2) Alternative owner certification. For remedial action plans (RAPs) pursuant to Subpart H of this Part, if the operator certifies according to subsection (d)(1) of this Section, then the owner may choose to make the following certification instead of the certification in subsection (d)(1) of this Section:

Based on my knowledge of the conditions of the property described in the RAP and my inquiry of the person or persons that manage the system referenced in the operator's certification, or those persons directly responsible for gathering the information, the information submitted is, upon information and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

BOARD NOTE: Derived from 40 CFR 144.32 and 270.11 (2017)(2005).

(Source: Amended at 42 Ill. Reg. _____, effective _____)

SUBPART C: PERMIT CONDITIONS

Section 702.152 Reporting Requirements

- a) Planned changes. The permittee must give notice to the Agency as soon as possible of any planned physical alterations or additions to the permitted facility.
- b) Anticipated noncompliance. The permittee must give advance notice to the Agency of any planned changes in the permitted facility or activity that may result in noncompliance with permit requirements. For RCRA, see also 35 Ill. Adm. Code 703.247.

- 1077 c) Transfers. This permit is not transferable to any person, except after notice to the
1078 Agency. The Agency may require modification of the permit to change the name
1079 of the permittee and incorporate such other requirements as may be necessary
1080 under the appropriate Act. (See Sections 702.182 and 702.183, in some cases
1081 modification is mandatory.)
- 1082
- 1083 d) Monitoring reports. Monitoring results must be reported at the intervals specified
1084 in the permit.
- 1085
- 1086 e) Compliance schedules. Reports of compliance or non-compliance with, or any
1087 progress reports on, interim and final requirements contained in any compliance
1088 schedule of the permit must be submitted no later than specified in Section
1089 702.162.
- 1090
- 1091 f) Twenty-four hour reporting as required in 35 Ill. Adm. Code 703.245 or
1092 704.181(d).
- 1093
- 1094 g) Other noncompliance. The permittee must report all instances of noncompliance
1095 not reported pursuant to subsections (d), (e), and (f) ~~of this Section~~ at the time
1096 monitoring reports are submitted. The reports must contain the information
1097 referenced in subsection (f) ~~of this Section~~.
- 1098
- 1099 h) Other information. Where the permittee becomes aware that it failed to submit
1100 any relevant facts in a permit application, or submitted incorrect information in a
1101 permit application or in any report to the Agency, it must promptly submit such
1102 facts or information.

1103
1104 BOARD NOTE: Derived from 40 CFR 144.51(l) and 270.30(l) (2017)(2005).

1105
1106 (Source: Amended at 42 Ill. Reg. _____, effective _____)

1107
1108 **Section 702.162 Schedules of Compliance**

1109
1110 The permit may, when appropriate, specify a schedule of compliance leading to compliance with
1111 the appropriate act and regulations.

- 1112
- 1113 a) Time for compliance. Any schedules of compliance pursuant to this Section must
1114 require compliance as soon as possible. For UIC, in addition, schedules of
1115 compliance must require compliance not later than three years after the effective
1116 date of the permit.
- 1117
- 1118 b) Interim dates. If a permit establishes a schedule of compliance that exceeds one
1119 year from the date of permit issuance, the schedule must set forth interim

requirements and the dates for their achievement.

- 1) The time between interim dates must not exceed one year.
- 2) If the time necessary for completion of any interim requirement (such as the construction of a control facility) is more than one year and is not readily divisible into stages for completion, the permit must specify interim dates for the submission of reports of progress toward compliance of the interim requirements and indicate a projected completion date.

c) Reporting. A RCRA permit must be written to require that no later than 14 days following such interim date and the final date of compliance, the permittee must notify the Agency in writing of its compliance or noncompliance with the interim or final requirements. A UIC permit must be written to require that if subsection (a) of this Section is applicable, progress reports be submitted no later than 30 days following each interim date and the final date of compliance.

d) The Agency may not permit a schedule of compliance involving violation of regulations adopted by the Board unless the permittee has been granted a variance. To avoid delay, an applicant seeking a schedule of compliance should file a variance petition pursuant to Subpart B of 35 Ill. Adm. Code 104 at the same time the permit application is filed.

BOARD NOTE: Derived from 40 CFR 144.53(a) and 270.33(a) (2017)(2005).

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 702.163 Alternative Schedules of Compliance

A RCRA or UIC permit applicant or permittee may cease conducting regulated activities (by receiving a terminal volume of hazardous waste and, for treatment or storage HWM facilities, by closing pursuant to applicable requirements; for disposal HWM facilities, by closing and conducting post-closure care pursuant to applicable requirements; or, for UIC wells, by plugging and abandonment), rather than continuing to operate and meet permit requirements as follows:

- a) If the permittee decides to cease conducting regulated activities at a given time within the term of a permit that has already been issued, either of the following must occur:
 - 1) The permit may be modified to contain a new or additional schedule leading to timely cessation of activities; or
 - 2) The permittee must cease conducting permitted activities before

1163 noncompliance with any interim or final compliance schedule requirement
1164 already specified in the permit.

1165
1166 b) If the decision to cease conducting regulated activities is made before issuance of
1167 a permit whose term will include the termination date, the permit must contain a
1168 schedule leading to termination that will ensure timely compliance with
1169 applicable requirements.

1170
1171 c) If the permittee is undecided whether to cease conducting regulated activities, the
1172 Agency may issue or modify a permit to contain two alternative schedules, as
1173 follows:

1174
1175 1) Both schedules must contain an identical interim deadline requiring a final
1176 decision on whether to cease conducting regulated activities no later than a
1177 date that ensures sufficient time to comply with applicable requirements in
1178 a timely manner if the decision is to continue conducting regulated
1179 activities;

1180
1181 2) One schedule must lead to timely compliance with applicable
1182 requirements;

1183
1184 3) The second schedule must lead to cessation of regulated activities by a
1185 date that will ensure timely compliance with applicable requirements.

1186
1187 4) Each permit containing two alternative schedules must include a
1188 requirement that, after the permittee has made a final decision pursuant to
1189 subsection (c)(1) of this Section, it must follow the schedule leading to
1190 compliance, if the decision is to continue conducting regulated activities,
1191 or follow the schedule leading to termination, if the decision is to cease
1192 conducting regulated activities.

1193
1194 d) The applicant's or permittee's decision to cease conducting regulated activities
1195 must be evidenced by a firm public commitment satisfactory to the Agency, such
1196 as a written resolution of the board of directors of a corporation.

1197
1198 BOARD NOTE: Derived from 40 CFR 144.53(b) and 270.33(b) (2017)(2005).

1199
1200 (Source: Amended at 42 Ill. Reg. _____, effective _____)

1201
1202 SUBPART D: ISSUED PERMITS

1203
1204 **Section 702.181 Effect of a Permit**

1205

1206 a) The existence of a RCRA or UIC permit does not constitute a defense to a
1207 violation of the Environmental Protection Act or this Subtitle G, except for
1208 prohibitions against development, modification, or operation without a permit. A
1209 permit may be modified or reissued during its term for cause, as set forth in
1210 Subpart G of 35 Ill. Adm. Code 703 (RCRA) or Subpart H of 35 Ill. Adm. Code
1211 704 (UIC) and Section 702.186, or a permit may be modified upon the request of
1212 the permittee, as provided by 35 Ill. Adm. Code 703.280 through 703.283.
1213

1214 BOARD NOTE: 40 CFR 270.4(a) differs from this subsection (a) in two
1215 significant aspects: (1) 40 CFR 270.4(a)(1) states that compliance with the permit
1216 is compliance with federal law; and (2) 40 CFR 270.4(a)(1)(i) through (a)(1)(iv)
1217 enumerate exceptions when compliance with the permit can violate federal law.
1218 The exceptions under which compliance with a permit can violate federal law are
1219 the following intervening events: (1) new or amended statutory requirements; (2)
1220 new or amended 40 CFR 268 land disposal restrictions; (3) the adoption of the 40
1221 CFR 264 leak detection requirements; and (4) the adoption of the air emissions
1222 limitations of subparts AA, BB, and CC of 40 CFR 265. By not codifying the
1223 federal exceptions, since they are not necessary in the Illinois program to
1224 accomplish the intended purpose, the Board does not intend to imply that
1225 compliance with a RCRA permit obviates immediate compliance with any of the
1226 events included in the federal exceptions.
1227

1228 b) The issuance of a permit does not convey property rights of any sort, nor does
1229 issuance convey any exclusive privilege.
1230

1231 c) The issuance of a permit does not authorize injury to persons or property or
1232 invasion of other private rights, nor does issuance authorize any infringement of
1233 State or local law or regulations, except as noted in subsection (a) of this Section.
1234

1235 BOARD NOTE: Derived from 40 CFR 144.35 and 40 CFR 270.4 (2017)(2010).

1236 (Source: Amended at 42 Ill. Reg. _____, effective _____)
1237
1238

1239 **Section 702.186 Revocation**

1240
1241 The Board will revoke a permit during its term in accordance with Title VIII of the
1242 Environmental Protection Act [415 ILCS 5/Title VIII] for the following causes:
1243

1244 a) The permittee's violation of the Environmental Protection Act [415 ILCS 5] or
1245 regulations adopted thereunder;

1246
1247 b) Noncompliance by the permittee with any condition of the permit;
1248

- 1249 c) The permittee's failure in the application or during the permit issuance process to
1250 disclose fully all relevant facts, or the permittee's misrepresentation of any
1251 relevant facts at any time; or
1252
- 1253 d) A determination that the permitted activity endangers human health or the
1254 environment and can only be regulated to acceptable levels by permit
1255 modification, reissuance, or revocation.
1256

1257 BOARD NOTE: Derived from 40 CFR 270.43 and 144.40 (2017)(2005).

1258
1259 (Source: Amended at 42 Ill. Reg. _____, effective _____)

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

PART 702
RCRA AND UIC PERMIT PROGRAMS

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702.187 Minor Modifications

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 R81-32 at 6 Ill. Reg. 12479, effective May 17, 1982; amended in R82-19 at 7 Ill. Reg. 14352, effective May 17, 1982; amended in R84-9 at 9 Ill. Reg. 11926, effective July 24, 1985; amended in R85-23 at 10 Ill. Reg. 13274, effective July 29, 1986; amended in R86-1 at 10 Ill. Reg. 14083, effective August 12, 1986; amended in R86-28 at 11 Ill. Reg. 6131, effective March 24, 1987; amended in R87-5 at 11 Ill. Reg. 19376, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2579, effective January 15, 1988; amended in R87-29 at 12 Ill. Reg. 6673, effective March 28, 1988; amended in R87-39 at 12 Ill. Reg. 13083, effective July 29, 1988; amended in R89-1 at 13 Ill. Reg. 18452, effective November 13, 1989; amended in R89-2 at 14 Ill. Reg. 3089, effective February 20, 1990; amended in R89-9 at 14 Ill. Reg. 6273, effective April 16, 1990; amended in R92-10 at 17 Ill. Reg. 5769, effective March 26, 1993; amended in R93-16 at 18 Ill. Reg. 6918, effective April 26, 1994; amended in R94-5 at 18 Ill. Reg. 18284, effective December 20, 1994; amended in R95-6 at 19 Ill. Reg. 9913, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11210, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 532, effective December 16, 1997; amended in R99-15 at 23 Ill. Reg. 9359, effective July 26, 1999; amended in R00-11/R01-1 at 24 Ill. Reg. 18585, effective December 7, 2000; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 438, effective December 20, 2006; amended in R11-2/R11-16 at 35 Ill. Reg. ~~35 Ill. Reg.~~ 17647, effective October 14, 2011; amended in R11-14 at 36 Ill. Reg. 1588, effective January 20, 2012; amended in R17-14/R17-15/R18-12 at 42 Ill. Reg. , effective .

SUBPART A: GENERAL PROVISIONS

Section 702.101 Purpose, Scope, and Applicability

a) Coverage.

1) The permit regulations of 35 Ill. Adm. Code 702 through 705 include provisions for the following two permit programs:

A) The RCRA (Resource Conservation and Recovery Act) permit program pursuant to Title V and Title X of the Environmental Protection Act-~~[415 ILCS 5/Title V and Title X]~~.

B) The UIC (Underground Injection Control) permit program pursuant to Title III and Title X of the Environmental Protection Act-~~[415 ILCS 5/Title III and Title X]~~.

2) The regulations of 35 Ill. Adm. Code 702 through 705 cover basic permitting requirements (35 Ill. Adm. Code 702 through 704) and procedures for processing of permit applications (35 Ill. Adm. Code 705) for the RCRA and UIC permit programs.

3) The regulations of 35 Ill. Adm. Code 702 through 705 are derived from 40 CFR 124, 144, and 270.

b) Structure.

1) The regulations of 35 Ill. Adm. Code 702 through 705 comprise the following four Parts:

A) This Part contains definitions applicable to 35 Ill. Adm. Code 702 through 705. It also contains basic permitting requirements for the RCRA and UIC programs.

B) The regulations of 35 Ill. Adm. Code 703 contain requirements specific to RCRA permits. In case of inconsistency between 35 Ill. Adm. Code 702 and 703, 35 Ill. Adm. Code 703 will control.

C) The regulations of 35 Ill. Adm. Code 704 contain requirements specific to UIC permits. In case of inconsistency between 35 Ill. Adm. Code 702 and 704, 35 Ill. Adm. Code 704 will control.

D) The regulations of 35 Ill. Adm. Code 705 establish procedures for issuance of RCRA and UIC permits by the Agency .

2) The structure and coverage of 35 Ill. Adm. Code 702 through 704 are indicated in the following table:

RCRA AND UIC	<u>Subpart of</u>
	Subpart of
35 Ill. Adm. Code 702 RCRA	
	Subpart of
	<u>Subpart of</u>
35 Ill. Adm. Code 703 UIC	
	Subpart of
35 Ill. Adm. Code 704 GeneralAAProhibitions-BBAuthorization by	
Rule-CCPermit ApplicationBDDSpecial Forms of-Permits-E-Permit_	
<u>PermitsPermit</u> ConditionsCFEIssued PermitsD-HPermit	

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 702.106 Adoption of Agency Criteria

a) The Agency may, in its sole discretion, adopt criteria that will give guidance to the public as to what it will approve in RCRA and UIC permit applications and as to what conditions it will impose in permit issuance. The statutory authority for the Agency adopting such criteria is the Agency's authority to issue permits pursuant to Sections 4 and 39 of the Act ~~[415 ILCS 5/4 and 39]~~, and the requirement of the Administrative Procedure Act [5 ILCS 100] that agencies codify as rules those policies or interpretations of general applicability that affect persons outside the Agency.

b) With respect to review of permit applications and establishment of permit conditions, the Agency must adopt as criteria any policies and interpretations of general applicability that affect persons outside the Agency.

c) Any criteria that the Agency adopts must include each of the following:

1) Clear references to related provisions of the Act and Board regulations;

2) A statement that the criteria are not Board regulations;

3) A statement that the criteria apply only to review of permit applications and establishment of conditions; and

4) Procedures to be followed if an applicant wishes to deviate from Agency criteria.

d) For purposes of permit issuance, proof of compliance with Agency-adopted criteria is prima facie proof of compliance with related provisions of the appropriate Act and Board regulations. However, persons other than the Agency may challenge Agency-adopted criteria as applied in the context of permit issuance.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 702.107 Permit Appeals and Review of Agency Determinations

Unless the contrary intention is indicated, all actions taken by the Agency pursuant to 35 Ill. Adm. Code 702 through 704, 721 through 728, 730, 733, 738, or 739 are to be done as part of an original permit application or a proceeding for modification of an issued permit. Such actions are subject to the procedural requirements of 35 Ill. Adm. Code 705.

a) Any final Agency action on an original permit application, a proceeding for modification of an issued permit, or any action for review of a final Agency determination required by these regulations, may be appealed to the Board pursuant to Title X of the Environmental Protection Act ~~[415 ILCS 5/Title X]~~ and 35 Ill. Adm. Code 105 and 705.212.

b) Other actions that are not required by these regulations, whether undertaken by the Agency gratuitously or pursuant to a statutory authorization, such as one taken to enforce a bond, insurance policy, or similar instrument of a contractual nature or one intended to guide a regulated person in seeking compliance with the regulations, may not be permit modifications reviewable by the Board. The affected person may seek review of an Agency determination that is not a permit determination in any court of competent jurisdiction.

(Source: Amended at 42 Ill. Reg. ~~—~~_____, effective _____)

Section 702.108 Variances and Adjusted Standards

a) The Agency has no authority to issue any permit that is inconsistent with Board regulations. If an applicant seeks a permit that would authorize actions that are inconsistent with Board regulations, including delayed compliance dates, the applicant should file for either of the following two forms of relief:

1) A petition for a variance pursuant to Title IX of the Environmental Protection Act (Act) ~~[415 ILCS 5/Title IX]~~ and Subtitle B of 35 Ill. Adm. Code 104; or

2) A petition for an adjusted standard pursuant to Section 28.2 of the Act ~~[415 ILCS 5/28.2]~~ and Subtitle D of 35 Ill. Adm. Code 104.

b) The Agency must file a recommendation within prescribed times following the filing of a petition for a variance or adjusted standard. The recommendation must include a draft of the language the Agency proposes to include in the permit if its recommendation is accepted.

c) If the Board grants a variance or adjusted standard, it will order the Agency to issue or modify the permit pursuant to the variance.

(Source: Amended at 42 Ill. Reg. ~~—~~_____, effective _____)

Section 702.109 Enforcement Actions

Any person may file a civil complaint with the Board alleging violation of the RCRA or UIC regulations, a permit requirement, or permit conditions, pursuant to Title VIII of the Act ~~[415 ILCS 5/Title VIII]~~ and 35 Ill. Adm. Code 103.

a) A formal complaint filed with the Board will initiate a civil enforcement action in which the complainant bears the burden of proving that the respondent committed the alleged violations.

b) The Board will forward any informal complaint to the Agency, and the Agency must investigate the alleged violations set forth in the complaint.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 702.110 Definitions

The following definitions apply to 35 Ill. Adm. Code 702, 703, 704, and 705. Terms not defined in this Section have the meaning given by the appropriate act and regulations, as such are defined in this Section. When a definition applies primarily to one or more programs, those programs appear in parentheses after the defined terms.

"Act" or "Environmental Protection Act" means the Environmental Protection Act [415 ILCS 5].

"Administrator" means the Administrator of the United States Environmental Protection Agency or an authorized representative.

"Agency" means the Illinois Environmental Protection Agency.

"Application" means the Agency forms for applying for a permit. For RCRA, application also includes the information required by the Agency pursuant to 35 Ill. Adm. Code 703.182 through 703.212 (contents of Part B of the RCRA application).

"Appropriate act and regulations" means the federal Resource Conservation and Recovery Act (42 USC 6901 et seq.) (RCRA), the federal Safe Drinking Water Act (42 USC 300f et seq.) (SDWA), or the Environmental Protection Act, whichever is applicable, and the applicable regulations promulgated under those statutes.

"Approved program or approved state" means a state or interstate program that has been approved or authorized by USEPA pursuant to 40 CFR 271 (RCRA) or section 1422 of the SDWA (42 USC 300h-1) (UIC).

"Aquifer" (RCRA and UIC) means a geologic formation, group of formations, or part of a formation that is capable of yielding a significant amount of water to a well or spring.

"Area of review" (UIC) means the area surrounding an injection well described according to the criteria set forth in 35 Ill. Adm. Code 730.106, or in the case of an area permit, the project area plus a circumscribing area the width of which is either 402 meters (one-quarter of a mile) or a number calculated according to the criteria set forth in 35 Ill. Adm. Code 730.106.

"Board" (RCRA and UIC) means the Illinois Pollution Control Board.

"Cesspool" (UIC) means a drywell that receives untreated sanitary waste containing human excreta and which sometimes has an open bottom or perforated sides.

"Closure" (RCRA) means the act of securing a Hazardous waste management facility pursuant to 35 Ill. Adm. Code 724.

"Component" (RCRA) means any constituent part of a unit or any group of constituent parts of a unit that are assembled to perform a specific function (e.g., a pump seal, pump, kiln liner, or kiln thermocouple).

"Contaminant" (UIC) means any physical, chemical, biological, or radiological substance or matter in water.

"Corrective action management unit" or "CAMU" (RCRA) means an area within a facility that is designated by the Agency pursuant to Subpart S of 35 Ill. Adm. Code 724 for the purpose of implementing corrective action requirements pursuant to 35 Ill. Adm. Code 724.201 and RCRA section 3008(h) (42 USC 6928(h)). A CAMU must only be used for the management of remediation wastes pursuant to implementing such corrective action requirements at the facility.

BOARD NOTE: USEPA must also designate a CAMU until it grants this authority to the Agency. See the note following 35 Ill. Adm. Code 724.652.

"CWA" (RCRA and UIC) means the Clean Water Act (33 USC 1251 et seq.), as amended.

~~"Date of approval by USEPA of the Illinois UIC program" (UIC) means March 3, 1984.~~

"Director" (RCRA and UIC) means the Director of the Illinois Environmental Protection Agency or the Director's designee.

"Disposal" (RCRA) means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any hazardous waste into or on any land or water so that such hazardous waste or any constituent of the waste may enter the environment or be emitted into the air or discharged into any waters, including groundwater.

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

"Draft permit" (RCRA and UIC) means a document prepared pursuant to 35 Ill. Adm. Code 705.141 indicating the Agency's tentative decision to issue, deny, modify, terminate, or reissue a permit. A notice of intent to deny a permit, as discussed in 35 Ill. Adm. Code 705.141, is a type

of draft permit. A denial of a request for modification, as discussed in 35 Ill. Adm. Code 705.128, is not a draft permit. A proposed permit is not a draft permit.

"Drywell" (UIC) means a well, other than an improved sinkhole or subsurface fluid distribution system, that is completed above the water table so that its bottom and sides are typically dry, except when receiving fluids.

"Drilling mud" (UIC) means a heavy suspension used in drilling an injection well, introduced down the drill pipe and through the drill bit.

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

It is used for neutralizing wastes that are hazardous wastes only because they exhibit the corrosivity characteristics defined in 35 Ill. Adm. Code 721.122, or 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 35 Ill. Adm. Code 720.110.

"Emergency permit" (RCRA and UIC) means a RCRA or UIC permit issued in accordance with 35 Ill. Adm. Code 703.221 or 704.163, respectively.

"Environmental Protection Agency" or "EPA" or "USEPA" (RCRA and UIC) means the United States Environmental Protection Agency.

"Exempted aquifer" (UIC) means an aquifer or its portion that meets the criteria in the definition of "underground source of drinking water" but which has been exempted according to the procedures in 35 Ill. Adm. Code 702.105, 704.104, and 704.123(b).

"Existing hazardous waste management (HWM) facility" or "existing facility" (RCRA) means a facility that was in operation or for which construction commenced on or before November 19, 1980. A facility has commenced construction if the following occurs:

The owner or operator has obtained the federal, State, and local approvals or permits necessary to begin physical construction; and

Either of the following has transpired:

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

The owner or operator has entered into contractual obligations for physical construction of the facility that cannot be canceled or modified without substantial loss and which are to be completed within a reasonable time.

"Existing injection well" (UIC) means an injection well that is not a new injection well.

"Facility mailing list" (RCRA) means the mailing list for a facility maintained by the Agency in accordance with 35 Ill. Adm. Code 705.163(a).

"Facility or activity" (RCRA and UIC) means any HWM facility, UIC injection well, or any other facility or activity (including land or appurtenances thereto) that is subject to regulations under the Illinois RCRA or UIC program.

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

~~"Final authorization" (RCRA) means January 31, 1986, the date of approval by USEPA of the Illinois Hazardous Waste Management Program that has met the requirements of section 3006(b) of RCRA (42 USC 6926(b)) and the applicable requirements of subpart A of 40 CFR 271.~~

"Fluid" (UIC) means any material or substance that flows or moves, whether in a semisolid, liquid, sludge, gas, or any other form or state.

"Formation" (UIC) means a body of rock characterized by a degree of lithologic homogeneity that is prevailingly, but not necessarily, tabular and is mappable on the earth's surface or traceable in the subsurface.

"Formation fluid" (UIC) means fluid present in a formation under natural conditions, as opposed to introduced fluids, such as drilling mud.

"Functionally equivalent component" (RCRA) means a component that performs the same function or measurement and which meets or exceeds the performance specifications of another component.

"Generator" (RCRA) means any person, by site location, whose act or process produces hazardous waste.

"Geologic sequestration" means the long-term containment of a gaseous, liquid, or supercritical carbon dioxide stream in a subsurface geologic formation. This term does not apply to carbon dioxide capture or transport.

"Groundwater" (RCRA and UIC) means a water below the land surface in a zone of saturation.

"Hazardous waste" (RCRA and UIC) means a hazardous waste as defined in 35 Ill. Adm. Code 721.103.

"Hazardous waste management facility" or "HWM facility" (RCRA) means all contiguous land and structures, other appurtenances, and improvements on

the land, used for treating, storing, or disposing of hazardous waste. A facility may consist of several treatment, storage, or disposal operational units (for example, one or more landfills, surface impoundments, or combinations of them).

"HWM facility" (RCRA) means hazardous waste management facility.

"Improved sinkhole" (UIC) means a naturally occurring karst depression or other natural crevice that is found in volcanic terrain and other geologic settings that have been modified by man for the purpose of directing and emplacing fluids into the subsurface.

"Injection well" (RCRA and UIC) means a well into which fluids are being injected.

"Injection zone" (UIC) means a geologic formation, group of formations, or part of a formation receiving fluids through a well.

"In operation" (RCRA) means a facility that is treating, storing, or disposing of hazardous waste.

~~"Interim authorization" (RCRA) means May 17, 1982, the date of approval by USEPA of the Illinois hazardous waste management program that has met the requirements of section 3006(g)(2) of RCRA (42 USC 6926(g)(2)) and applicable requirements of 40 CFR 271.~~

"Interstate agency" means an agency of two or more states established by or under an agreement or compact approved by the Congress, or any other agency of two or more states having substantial powers or duties pertaining to the control of pollution as determined and approved by the Administrator under the appropriate act and regulations.

"Major facility" means any RCRA or UIC facility or activity classified as such by the Regional Administrator or the Agency.

"Manifest" (RCRA and UIC) means the shipping document originated and signed by the generator that contains the information required by Subpart B of 35 Ill. Adm. Code 722.

"National Pollutant Discharge Elimination System" means the program for issuing, modifying, revoking and reissuing, terminating, monitoring, and enforcing permits and imposing and enforcing pretreatment requirements pursuant to Section 12(f) of the Environmental Protection Act and Subpart A of 35 Ill. Adm. Code 309 and 35 Ill. Adm. Code 310. The term includes an approved program.

"New HWM facility" (RCRA) means a hazardous waste management facility that began operation or for which construction commenced after November 19, 1980.

"New injection well" (UIC) means a well that began injection after March 3, 1984, the date of USEPA approval of the UIC program for the State of Illinois.

BOARD NOTE: See 40 CFR 147.700 (2017)~~(2011)~~ and 49 Fed. Reg. 3991 (Feb. 1, 1984).

"Off-site" (RCRA) means any site that is not on-site.

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

"Owner or operator" means the owner or operator of any facility or activity subject to regulation under the RCRA or UIC program.

"Permit" means an authorization, license, or equivalent control document issued to implement this Part and 35 Ill. Adm. Code 703, 704, and 705.

"Permit" includes RCRA permit by rule (35 Ill. Adm. Code 703.141), RCRA standardized permit (35 Ill. Adm. Code 703.238), UIC area permit (35 Ill. Adm. Code 704.162), and RCRA or UIC "Emergency Permit" (35 Ill. Adm. Code 703.221 and 704.163). "Permit" does not include RCRA interim status (35 Ill. Adm. Code 703.153 through 703.157), UIC authorization by rule (Subpart C of 35 Ill. Adm. Code 704), or any permit that has not yet been the subject of final Agency action, such as a draft permit or a proposed permit.

"Person" means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, political subdivision, state agency, or any other legal entity, or their legal representative, agency, or assigns.

"Physical construction" (RCRA) means excavation, movement of earth, erection of forms or structures, or similar activity to prepare an HWM facility to accept hazardous waste.

"Plugging" (UIC) means the act or process of stopping the flow of water, oil, or gas into or out of a formation through a borehole or well penetrating that formation.

"Point of injection" means the last accessible sampling point prior to waste fluids being released into the subsurface environment through a Class V injection well. For example, the point of injection of a Class V septic system might be the distribution box - the last accessible sampling point before the waste fluids drain into the underlying soils. For a dry well, it is likely to be the well bore itself.

"POTW" means publicly owned treatment works.

"Project" (UIC) means a group of wells in a single operation.

"Publicly owned treatment works" or "POTW" is as defined in 35 Ill. Adm. Code 310.

"Radioactive waste" (UIC) means any waste that contains radioactive material in concentrations that exceed those listed in table II, column 2 in appendix B to 10 CFR 20, incorporated by reference in 35 Ill. Adm. Code 720.111.

"RCRA" (RCRA) means the Resource Conservation and Recovery Act of 1976 (42 USC 6901 et seq.). For the purposes of regulation pursuant to 35 Ill. Adm. Code 700 through 705, 720 through 728, 733, 738, and 739, "RCRA" refers only to RCRA Subtitle C. This does not include the RCRA Subtitle D (municipal solid waste landfill) regulations, found in 35 Ill. Adm. Code 810 through 815, and the RCRA Subtitle I (underground storage tank) regulations found in 35 Ill. Adm. Code 731 and 732.

"RCRA permit" (RCRA) means a permit required pursuant to Section 21(f) of the Act ~~{415 ILCS 5/21(f)}~~.

"RCRA standardized permit" (RCRA) means a RCRA permit issued pursuant to Subpart J of 35 Ill. Adm. Code 703 and Subpart G of 35 Ill. Adm. Code 705 that authorizes management of hazardous waste. The RCRA standardized permit may have two parts: a uniform portion issued for all RCRA standardized permits and a supplemental portion issued at the discretion of the Agency.

"Regional Administrator" (RCRA and UIC) means the Regional Administrator of the USEPA Region in which the facility is located or the Regional Administrator's designee.

BOARD NOTE: Illinois is in USEPA Region 5.

"Remedial action plan" or "RAP" (RCRA) means a special form of RCRA permit that a facility owner or operator may obtain pursuant to Subpart H of 35 Ill. Adm. Code 703, instead of a RCRA permit issued pursuant to this Part and 35 Ill. Adm. Code 703, to authorize the treatment, storage, or disposal of hazardous remediation waste (as defined in 35 Ill. Adm. Code 720.110) at a remediation waste management site.

"Sanitary waste" (UIC) means liquid or solid wastes originating solely from humans and human activities, such as wastes collected from toilets, showers, wash basins, sinks used for cleaning domestic areas, sinks used for food preparation, clothes washing operations, and sinks or washing machines where food and beverage serving dishes, glasses, and utensils are cleaned. Sources of these wastes may include single or multiple residences, hotels and motels, restaurants, bunkhouses, schools, ranger stations, crew quarters, guard stations, campgrounds, picnic grounds, day-use recreation areas, other commercial facilities, and industrial facilities, provided the waste is not mixed with industrial waste.

"Schedule of compliance" (RCRA and UIC) means a schedule of remedial measures included in a permit, including an enforceable sequence of

interim requirements (for example, actions, operations, or milestone events) leading to compliance with the appropriate act and regulations.

"SDWA" (UIC) means the Safe Drinking Water Act (42 USC 300f et seq.).

"Septic system" (UIC) means a well, as defined in this Section, that is used to emplace sanitary waste below the surface and which is typically comprised of a septic tank and subsurface fluid distribution system or disposal system.

"Site" (RCRA and UIC) means the land or water area where any facility or activity is physically located or conducted, including adjacent land used in connection with the facility or activity.

"SIC code" (RCRA and UIC) means "Standard Industrial Classification code". This is the code 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 35 Ill. Adm. Code 720.111.

"State" (RCRA and UIC) means the State of Illinois.

"State Director" (RCRA and UIC) means the Director of the Illinois Environmental Protection Agency.

"State/USEPA agreement" (RCRA and UIC) means an agreement between the Regional Administrator and the State that coordinates USEPA and State activities, responsibilities, and programs, including those under the RCRA and SDWA.

"Storage" (RCRA) 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.

"Stratum" (plural "strata") (UIC) means a single sedimentary bed or layer, regardless of thickness, that consists of generally the same kind of rock material.

"Subsurface fluid distribution system" (UIC) means an assemblage of perforated pipes, drain tiles, or other similar mechanisms intended to distribute fluids below the surface of the ground.

"Total dissolved solids" (UIC) means the total dissolved (filterable) solids as determined by use of the method specified in 40 CFR 136.3 (Identification of Test Procedures; the method for filterable residue), incorporated by reference in 35 Ill. Adm. Code 720.111.

"Transfer facility" (RCRA) means any transportation related facility, including loading docks, parking areas, storage areas, and other similar areas where shipments of hazardous wastes are held during the normal course of transportation.

"Transferee" (UIC) means the owner or operator receiving ownership or operational control of the well.

"Transferor" (UIC) means the owner or operator transferring ownership or operational control of the well.

"Transporter" (RCRA) means a person engaged in the off-site transportation of "hazardous waste" by air, rail, highway, or water.

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

"UIC" (UIC) means the Underground Injection Control program.

"Underground injection" (UIC) means a well injection.

"Underground source of drinking water" or "USDW" (RCRA and UIC) means an aquifer or its portion that is not an exempted aquifer and of which either of the following is true:

It supplies any public water system; or

It contains a sufficient quantity of groundwater to supply a public water system; and

It currently supplies drinking water for human consumption; or

It contains less than 10,000 mg/l total dissolved solids.

"USDW" (RCRA and UIC) means an underground source of drinking water.

"Wastewater treatment unit" (RCRA) means a device of which the following is true:

It is part of a wastewater treatment facility that is subject to regulation pursuant to Subpart A of 35 Ill. Adm. Code 309 or 35 Ill. Adm. Code 310; and

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 35 Ill. Adm. Code 720.110.

"Well" (UIC) means a bored, drilled, or driven shaft, or a dug hole, whose depth is greater than the largest surface dimension; a dug hole whose depth is greater than the largest surface dimension; or an improved sinkhole; or, a subsurface fluid distribution system.

"Well injection" (UIC) means the subsurface emplacement of fluids through a well.

BOARD NOTE: Derived from 40 CFR 124.2, 144.3, and 270.2 (2017) ~~(2011)~~.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

SUBPART B: PERMIT APPLICATIONS

Section 702.120 Permit Application

- a) Applying for a UIC permit. Any person that is required to have a permit (including new applicants and permittees with expiring permits) must complete, sign, and submit an application to the Agency as described in this Section and in 35 Ill. Adm. Code 704.161 (UIC). Any person that is currently authorized with UIC authorization by rule (Subpart C of 35 Ill. Adm. Code 704) must apply for a permit when required to do so by the Agency. The procedure for application, issuance, and administration of an emergency permit is found exclusively in 35 Ill. Adm. Code 704.163 (UIC).
- b) Applying for a RCRA permit. The following information outlines how to obtain a permit and where to find requirements for specific permits:
 - 1) If the facility is covered by RCRA permits by rule (35 Ill. Adm. Code 703.141), the owner or operator needs not apply for a permit.
 - 2) If the facility owner or operator currently has interim status pursuant to RCRA (Subpart C of 35 Ill. Adm. Code 703), it must apply for a permit when required by the Agency.
 - 3) If the facility owner or operator is required to have a permit (including new applicants and permittees with expiring permits), it must complete, sign, and submit an application to the Agency, as described in this Section; in Sections 702.121 through 702.124; and in 35 Ill. Adm. Code 703.125, 703.126, 703.150 through 703.157, 703.186, and 703.188.
 - 4) If the facility owner or operator is seeking an emergency permit, the procedures for application, issuance, and administration are found exclusively in 35 Ill. Adm. Code 703.220.

- 3) The National Pollutant Discharge Elimination System (NPDES) program under the federal CWA (33 USC 1251 et seq.) and 35 Ill. Adm. Code 309;
 - 4) The Prevention of Significant Deterioration (PSD) program under the federal Clean Air Act (42 USC 7401 et seq.);
 - 5) The nonattainment program under the federal Clean Air Act;
 - 6) The National Emission Standards for Hazardous Pollutants (NESHAPs) preconstruction approval under the federal Clean Air Act;
 - 7) Any ocean dumping permits under the federal Marine Protection Research and Sanctuaries Act (33 UCS 1401 et seq.);
 - 8) Any dredge or fill permits under Section 404 of CWA (33 USC 1344); and
 - 9) Any other relevant environmental permits, including any State-issued permits.
- g) A topographic map (or other map if a topographic map is unavailable) extending 1609 meters (one mile) beyond the property boundaries of the source, depicting the facility and each of its intake and discharge structures; each of its hazardous waste treatment, storage, or disposal facilities; each well where fluids from the facility are injected underground; and those wells, springs, other surface water bodies, and drinking water wells listed in public records or which are otherwise known to the applicant within 402 meters (one-quarter mile) of the facility property boundary.
- h) A brief description of the nature of the business.

BOARD NOTE: Derived from 40 CFR 144.31(e)(1) through (e)(8), 270.10(d), and 270.13(a) through (f) and (k) through (m) (2017)-(2011).

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 702.125 Continuation of Expiring Permits

- a) The conditions of an expired permit continue in force until the effective date of a new permit (see 35 Ill. Adm. Code 705.201) if both of the following conditions are fulfilled:
- 1) The permittee has submitted a timely application pursuant to 35 Ill. Adm. Code 703.181 (RCRA) or 704.161 (UIC) that is a complete (pursuant to Section 702.122) application for a new permit; and
 - 2) The Agency, through no fault of the permittee, does not issue a new permit with an effective date pursuant to 35 Ill. Adm. Code 705.201

on or before the expiration date of the previous permit (for example, when issuance is impracticable due to time or resource constraints).

b) Effect. Permits continued pursuant to this Section remain fully effective and enforceable.

c) Enforcement. When the permittee is not in compliance with the conditions of the expiring or expired permit, the Agency may choose to do any or all of the following:

1) Initiate enforcement action based upon the permit that has been continued;

2) Issue a notice of intent to deny the new permit pursuant to 35 Ill. Adm. Code 705.141. If the permit is denied, the owner or operator would then be required to cease the activities authorized by the continued permit or be subject to enforcement action for operating without a permit;

3) Issue a new permit pursuant to 35 Ill. Adm. Code 705 with appropriate conditions; or

4) Take other actions authorized by the Environmental Protection Act-~~[415 ILCS 5]~~, or regulations adopted thereunder.

d) This subsection (d) corresponds with 40 CFR 144.37(d) and 270.51(d), which pertain to continuation of USEPA-issued permits until disposition of a permit application filed with an authorized state. A corresponding provision is unnecessary in the Illinois regulations. This statement maintains structural consistency with the corresponding federal rules.

e) RCRA standardized permits.

1) The conditions of an owner's or operator's expired RCRA standardized permit continue until the effective date of its new permit (see 35 Ill. Adm. Code 705.201) if all of the following conditions are fulfilled:

A) If the Agency is the permit-issuing authority;

B) If the owner or operator has submitted a timely and complete Notice of Intent pursuant to 35 Ill. Adm. Code 705.301(a)(2) requesting coverage under a RCRA standardized permit; and

C) If the Agency, through no fault of the owner or operator, does not issue the permit before the previous permit expires (for example, where it is impractical to make the permit effective by that date because of time or resource constraints).

2) In some instances, the Agency may notify the owner or operator that it is not eligible for a RCRA standardized permit (see 35 Ill. Adm.

B) A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of USEPA).

b) Reports. All reports required by permits or other information requested by the Agency must be signed by a person described in subsection (a) ~~of this Section~~, or by a duly authorized representative of that person. A person is a duly authorized representative only if each of the following conditions are fulfilled:

1) The authorization is made in writing by a person described in subsection (a) ~~of this Section~~;

2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, or position of equivalent responsibility. (A duly authorized representative may thus be either a named individual or any individual occupying a named position); and

3) The written authorization is submitted to the Agency.

c) Changes to authorization. If an authorization pursuant to subsection (b) ~~of this Section~~ is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of subsection (b) must be submitted to the Agency prior to or together with any reports, information, or applications to be signed by an authorized representative.

d) Certification.

1) Any person signing a document pursuant to subsection (a) or (b) ~~of this Section~~ must make the following certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons that manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

2) Alternative owner certification. For remedial action plans (RAPs) pursuant to Subpart H ~~of this Part~~, if the operator certifies according to subsection (d) (1) ~~of this Section~~, then the owner may choose to make the following certification instead of the certification in subsection (d) (1) ~~of this Section~~:

Based on my knowledge of the conditions of the property described in the RAP and my inquiry of the person or persons that manage the system referenced in the operator's certification, or those persons directly responsible for gathering the information, the information submitted is, upon information and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

BOARD NOTE: Derived from 40 CFR 144.32 and 270.11 (2017) ~~(2005)~~.

(Source: Amended at 42 Ill. Reg. ~~—~~ _____, effective _____)

SUBPART C: PERMIT CONDITIONS

Section 702.152 Reporting Requirements

- a) Planned changes. The permittee must give notice to the Agency as soon as possible of any planned physical alterations or additions to the permitted facility.
- b) Anticipated noncompliance. The permittee must give advance notice to the Agency of any planned changes in the permitted facility or activity that may result in noncompliance with permit requirements. For RCRA, see also 35 Ill. Adm. Code 703.247.
- c) Transfers. This permit is not transferable to any person, except after notice to the Agency. The Agency may require modification of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the appropriate Act. (See Sections 702.182 and 702.183, in some cases modification is mandatory.)
- d) Monitoring reports. Monitoring results must be reported at the intervals specified in the permit.
- e) Compliance schedules. Reports of compliance or non-compliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of the permit must be submitted no later than specified in Section 702.162.
- f) Twenty-four hour reporting as required in 35 Ill. Adm. Code 703.245 or 704.181(d).
- g) Other noncompliance. The permittee must report all instances of noncompliance not reported pursuant to subsections (d), (e), and (f) ~~of this Section~~ at the time monitoring reports are submitted. The reports must contain the information referenced in subsection (f) ~~of this Section~~.

Section 702.163 Alternative Schedules of Compliance

A RCRA or UIC permit applicant or permittee may cease conducting regulated activities (by receiving a terminal volume of hazardous waste and, for treatment or storage HWM facilities, by closing pursuant to applicable requirements; for disposal HWM facilities, by closing and conducting post-closure care pursuant to applicable requirements; or, for UIC wells, by plugging and abandonment), rather than continuing to operate and meet permit requirements as follows:

a) If the permittee decides to cease conducting regulated activities at a given time within the term of a permit that has already been issued, either of the following must occur:

1) The permit may be modified to contain a new or additional schedule leading to timely cessation of activities; or

2) The permittee must cease conducting permitted activities before noncompliance with any interim or final compliance schedule requirement already specified in the permit.

b) If the decision to cease conducting regulated activities is made before issuance of a permit whose term will include the termination date, the permit must contain a schedule leading to termination that will ensure timely compliance with applicable requirements.

c) If the permittee is undecided whether to cease conducting regulated activities, the Agency may issue or modify a permit to contain two alternative schedules, as follows:

1) Both schedules must contain an identical interim deadline requiring a final decision on whether to cease conducting regulated activities no later than a date that ensures sufficient time to comply with applicable requirements in a timely manner if the decision is to continue conducting regulated activities;

2) One schedule must lead to timely compliance with applicable requirements;

3) The second schedule must lead to cessation of regulated activities by a date that will ensure timely compliance with applicable requirements.

4) Each permit containing two alternative schedules must include a requirement that, after the permittee has made a final decision pursuant to subsection (c)(1) ~~of this Section~~, it must follow the schedule leading to compliance, if the decision is to continue conducting regulated activities, or follow the schedule leading to termination, if the decision is to cease conducting regulated activities.

The Board will revoke a permit during its term in accordance with Title VIII of the Environmental Protection Act ~~{415 ILCS 5/Title VIII}~~ for the following causes:

- a) The permittee's violation of the Environmental Protection Act ~~{415 ILCS 5}~~ or regulations adopted thereunder;
- b) Noncompliance by the permittee with any condition of the permit;
- c) The permittee's failure in the application or during the permit issuance process to disclose fully all relevant facts, or the permittee's misrepresentation of any relevant facts at any time; or
- d) A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by permit modification, reissuance, or revocation.

BOARD NOTE: Derived from 40 CFR 270.43 and 144.40 (2017) ~~-(2005)~~.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

~~ILLINOIS REGISTER~~

~~POLLUTION CONTROL BOARD~~

~~NOTICE OF PROPOSED AMENDMENTS~~

[JCAR350702-1809633r01](#)

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POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: RCRA Permit Program

2) Code Citation: 35 Ill. Adm. Code 703

<u>Section Numbers</u> :	<u>Proposed Actions</u> :
703.120	Amendment
703.123	Amendment
703.150	Amendment
703.151	Amendment
703.157	Amendment
703.161	Amendment
703.186	Amendment
703.189	Amendment
703.205	Amendment
703.208	Amendment
703.210	Amendment
703.211	Amendment
703.221	Amendment
703.223	Amendment
703.232	Amendment
703.270	Amendment
703.280	Amendment
703.282	Amendment
703.283	Amendment
703.320	Amendment
703.350	Amendment
703.352	Amendment
703.APPENDIX A	Amendment

4) Statutory Authority: 415 ILCS 5/7.2, 22.4, and 27

5) A Complete Description of the Subjects and Issues Involved: The amendments to Part 703 are a single segment of the consolidated docket R17-14/R17-15/R18-11/R18-31 rulemaking that also affects 35 Ill. Adm. Code 702, 704, 705, 720 through 728, 730, 733, 738, 739, and 810 through 812. Due to the extreme volume of the consolidated docket, each Part is covered by a notice in four separate issues of the *Illinois Register*. Included in this issue are 35 Ill. Adm. Code 702 through 705, 720, and 721. To save space, a more detailed description of the subjects and issues involved in the consolidated docket R17-14/R17-15/R18-11/R18-31 rulemaking in this issue of the *Illinois Register* only in the answer to question 5 in the Notice of Adopted Amendments for 35 Ill. Adm. Code 702.

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JUN 19 2018

STATE OF ILLINOIS
Pollution Control Board

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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 703 incorporate elements of the Generator Improvements Rule and the Hazardous Waste Import-Export Revisions. The Board makes several needed corrections in the text of the rules.

Tables appear in a document entitled "Identical-in-Substance Rulemaking Addendum (Proposed)" that the Board added to consolidated docket R17-14/R17-15/R18-11/R18-31. The tables list the deviations from the literal text of the federal amendments and the several necessary corrections and stylistic revisions not directly derived from USEPA actions. Persons interested in the details of those deviations from the literal text should refer to the Identical-in-Substance Rulemaking Addendum (Proposed) in consolidated docket R17-14/R17-15/R18-11/R18-31.

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) Does 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 805/3(b) (2016)].
- 12) Time, Place and Manner in which interested persons may comment on this rulemaking: The Board will accept written public comment on this proposal for a period of 45 days

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

after the date of this publication. Comments should reference consolidated docket R17-14/R17-15/R18-11/R18-31 and be addressed to:

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

Please direct inquiries to the following person and reference consolidated docket R17-14/R17-15/R18-11/R18-31:

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

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

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

13) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking may affect those small businesses, small municipalities, and not-for-profit corporations disposing of industrial wastewaters into the sewage collection system of a publicly owned treatment works. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b) (2016)].
- B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b) (2016)].

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist and registered professional engineer. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b) (2016)].
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2017 and January 2018.

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

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

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- 51 703.181 Contents of Part A
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- 57 703.187 Solid Waste Management Units
- 58 703.188 Other Information
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- 60 703.191 Public Participation: Pre-Application Public Notice and Meeting
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- 70 703.207 Landfills
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- 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

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90	703.232	Permits for Boilers and Industrial Furnaces Burning Hazardous Waste
91	703.234	Remedial Action Plans
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703.352 Information That Must Be Kept at the Facility
703.353 Modifying a RCRA Standardized Permit

703.APPENDIX A Classification of Permit Modifications

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

SOURCE: Adopted in R82-19 at 7 Ill. Reg. 14289, effective October 12, 1983; amended in
R83-24 at 8 Ill. Reg. 206, effective December 27, 1983; amended in R84-9 at 9 Ill. Reg. 11899,
effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1110, effective January 2, 1986;
amended in R85-23 at 10 Ill. Reg. 13284, effective July 28, 1986; amended in R86-1 at 10 Ill.
Reg. 14093, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20702, effective
December 2, 1986; amended in R86-28 at 11 Ill. Reg. 6121, effective March 24, 1987; amended
in R86-46 at 11 Ill. Reg. 13543, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg.
19383, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2584, effective January
15, 1988; amended in R87-39 at 12 Ill. Reg. 13069, effective July 29, 1988; amended in R88-16
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

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. 11271, effective August 9, 2016;
 184 amended in R17-14/R17-15/R18-12 at 42 Ill. Reg. _____, effective _____.

185
 186 **SUBPART B: PROHIBITIONS**

187
 188 **Section 703.120 Prohibitions in General**

- 189
 190 a) Violation of the provisions of this Subpart may result in an enforcement action
 191 and sanctions pursuant to Titles VIII and XII of the Environmental Protection Act
 192 [415 ILCS 5];
 193
 194 b) This Subpart B serves the following functions:
 195
 196 1) It prohibits the conduct of hazardous waste management operations
 197 without a RCRA permit (Sections 703.121 and 703.122);
 198
 199 2) It specifies exclusions from the permit requirement (Section 703.123);
 200
 201 3) It sets times for the filing of applications and reapplications (Sections
 202 703.125 and 703.126);
 203
 204 4) It prohibits violation of the conditions of RCRA permits (Section
 205 703.122);
 206
 207 c) ~~Subpart C of this Part~~ grants permits by rule, and sets the conditions for interim
 208 status, which allows operation of certain facilities prior to permit issuance.
 209 ~~Subpart C of this Part~~ contains prohibitions applicable during the interim status
 210 period;
 211
 212 d) The following definitions apply to this Subpart B:
 213
 214 1) 35 Ill. Adm. Code 702.110; and
 215

- 216 2) 35 Ill. Adm. Code 721, the definitions of "solid waste" and "hazardous
217 waste:".

218
219 (Source: Amended at 42 Ill. Reg. _____, effective _____)
220

221 **Section 703.123 Specific Exclusions and Exemptions from Permit Program**
222

223 The following persons are among those that are not required to obtain a RCRA permit:
224

- 225 a) A generator that accumulates hazardous waste on site in compliance with all of
226 ~~on-site for less than the~~ conditions for exemption~~time periods~~ provided in 35 Ill.
227 Adm. Code 722.114 through 722.117~~722.134~~;
228
229 b) A farmer that disposes of hazardous waste pesticides from the farmer's own use,
230 as provided in 35 Ill. Adm. Code 722.170;
231
232 c) A person that owns or operates a facility solely for the treatment, storage, or
233 disposal of hazardous waste excluded from regulations pursuant to this Part by 35
234 Ill. Adm. Code 721.104 or 722.114~~721.105~~ (VSQG~~small generator~~ exemption);
235
236 d) An owner or operator of a totally enclosed treatment facility, as defined in 35 Ill.
237 Adm. Code 720.110;
238
239 e) An owner or operator of an elementary neutralization unit or wastewater
240 treatment unit, as defined in 35 Ill. Adm. Code 720.110;
241
242 f) A transporter that stores manifested shipments of hazardous waste in containers
243 that meet the requirements of 35 Ill. Adm. Code 722.130 at a transfer facility for a
244 period of ten days or less;
245
246 g) A person that adds absorbent material to waste in a container (as defined in 35 Ill.
247 Adm. Code 720.110) or a person that adds waste to absorbent material in a
248 container, provided that these actions occur at the time waste is first placed in the
249 container; and 35 Ill. Adm. Code 724.117(b), 724.271, and 724.272 are complied
250 with; and
251
252 h) A universal waste handler or universal waste transporter (as defined in 35 Ill.
253 Adm. Code 720.110) that manages the wastes listed in subsections (h)(1) through
254 (h)(5) ~~of this Section~~. Such a handler or transporter is subject to regulation
255 pursuant to 35 Ill. Adm. Code 733.
256
257 1) Batteries, as described in 35 Ill. Adm. Code 733.102;
258

- 259 2) Pesticides, as described in 35 Ill. Adm. Code 733.103;
- 260
- 261 3) Mercury-containing equipment, as described in 35 Ill. Adm. Code
- 262 733.104; and
- 263
- 264 4) Lamps, as described in 35 Ill. Adm. Code 733.105.
- 265

266 BOARD NOTE: Derived from 40 CFR 270.1(c)(2) (20172005), as amended at 70 Fed. Reg.
267 59848 (Oct. 13, 2005).

268
269 (Source: Amended at 42 Ill. Reg. _____, effective _____)

270
271 **SUBPART C: AUTHORIZATION BY RULE AND INTERIM STATUS**

272
273 **Section 703.150 Application by Existing HWM Facilities and Interim Status Qualifications**

- 274
- 275 a) The owner or operator of an existing HWM facility or of an HWM facility in
- 276 existence on the effective date of statutory or regulatory amendments that render
- 277 the facility subject to the requirement to have a RCRA permit must submit Part A
- 278 of the permit application to the Agency no later than the following times,
- 279 whichever comes first:
- 280
- 281 1) Six months after the date of publication of regulations that first require the
- 282 owner or operator to comply with standards in 35 Ill. Adm. Code 725 or
- 283 726; or
- 284
- 285 2) Thirty days after the date the owner or operator first becomes subject to
- 286 the standards in 35 Ill. Adm. Code 725 or 726; ~~or~~
- 287
- 288 3) ~~For generators that generate greater than 100 kilograms but less than 1000~~
- 289 ~~kilograms of hazardous waste in a calendar month and treat, store or~~
- 290 ~~dispose of these wastes on-site, by March 24, 1987.~~
- 291
- 292 b) In granting a variance under subsection (c), ~~of this Section~~ the Board will consider
- 293 whether there has been substantial confusion as to whether the owner or operator
- 294 of such facilities were required to file a Part A application and whether such
- 295 confusion was attributable to ambiguities in 35 Ill. Adm. Code 720, 721, or 725.
- 296
- 297 c) The time for filing Part A of the permit application may be extended only by a
- 298 Board Order entered pursuant to a variance petition.
- 299
- 300 d) The owner or operator of an existing HWM facility may be required to submit
- 301 Part B of the permit application. The Agency will notify the owner or operator

302 that a Part B application is required, and set a date for receipt of the application,
 303 not less than six months after the date the notice is sent. The owner or operator
 304 may voluntarily submit a Part B application for all or part of the HWM facility at
 305 any time. Notwithstanding the above, any owner or operator of an existing HWM
 306 facility must submit a Part B permit application in accordance with the dates
 307 specified in Section 703.157. Any owner or operator of a land disposal facility in
 308 existence on the effective date of statutory or regulatory amendments that render
 309 the facility subject to the requirement to have a RCRA permit must submit a Part
 310 B application in accordance with the dates specified in Section 703.157.

- 311
- 312 e) Interim status may be terminated as provided in Section 703.157.
- 313

314 BOARD NOTE: Derived from 40 CFR 270.10(e)(20172002).

315 (Source: Amended at 42 Ill. Reg. _____, effective _____)

316

317

318 **Section 703.151 Application by New HWM Facilities**

- 319
- 320 a) Except as provided in subsection (c) of this Section, no person may begin physical
 321 construction of a new HWM facility without having submitted Part A and Part B
 322 of the permit application and having received a finally effective RCRA permit;
 323
- 324 b) An application for a permit for a new HWM facility (including both Part A and
 325 Part B) may be filed at any time after promulgation of standards in 35 Ill. Adm.
 326 Code 724 applicable to any TSD unit in the facility; Except as provided in
 327 subsection (c) of this Section, all applications must be submitted to the Agency at
 328 least 180 days before physical construction is expected to commence;
 329
- 330 c) Notwithstanding subsection (a) of this Section, a person may construct a facility
 331 for the incineration of polychlorinated biphenyls pursuant to an approval issued
 332 by the Administrator of USEPA under Section (6)(e) of the federal Toxic
 333 Substances Control Act (42 USC 9601 et seq.) and any person owning or
 334 operating such a facility may, at any time after construction or operation of such
 335 facility has begun, file an application for a RCRA permit to incinerate hazardous
 336 waste authorizing such facility to incinerate waste identified or listed under 35 Ill.
 337 Adm. Code 721.
 338
- 339 d) Such persons may continue physical construction of the HWM facility after the
 340 effective date of the standards applicable to it if the person submits Part B of the
 341 permit application on or before the effective date of such standards (or on some
 342 later date specified by the Agency). Such person must not operate the HWM
 343 facility without having received a finally effective RCRA permit.
 344

345 BOARD NOTE: Derived from 40 CFR 270.10(f) (~~20172002~~).

346
347 (Source: Amended at 42 Ill. Reg. _____, effective _____)

348
349 **Section 703.157 Grounds for Termination of Interim Status**

350
351 Interim status terminates when either of the following occurs:

- 352
- 353 a) Final administrative disposition is made of a permit application, except an
354 application for a remedial action plan (RAP) under Subpart H of this Part; or
355
 - 356 b) The owner or operator fails to furnish a requested Part B application on time, or to
357 furnish the full information required by the Part B application, in which case the
358 Agency must notify the owner and operator of the termination of interim status
359 following the procedures for a notice of intent to deny a permit pursuant to 35 Ill.
360 Adm. Code 705.
361
 - 362 c) Corresponding 40 CFR 270.10(e)(1)(iii) required a RCRA Part B permit
363 application before a date long past. This statement maintains structural
364 consistency with the federal rules. For an owner or operator of a land disposal
365 facility that has been granted interim status prior to November 8, 1984, on
366 November 8, 1985, unless the following conditions are fulfilled:
367
 - 368 1) ~~The owner or operator submits a Part B application for a permit for such~~
369 ~~facility prior to that date; and~~
 - 370
 - 371 2) ~~The owner or operator certifies that such facility is in compliance with all~~
372 ~~applicable groundwater monitoring and financial responsibility~~
373 ~~requirements.~~
374
 - 375 d) For an owner or operator of a land disposal facility that is in existence on the
376 effective date of statutory or regulatory amendments under the federal Resource
377 Conservation and Recovery Act (42 USC 6901 et seq.) that render the facility
378 subject to the requirement to have a RCRA permit and which is granted interim
379 status, twelve months after the date on which the facility first becomes subject to
380 such permit requirement, unless the owner or operator of such facility does as
381 follows:
382
 - 383 1) It submits a Part B application for a RCRA permit for such facility before
384 the date 12 months after the date on which the facility first becomes
385 subject to such permit requirement; and
386
 - 387 2) It certifies that such facility is in compliance with all applicable

groundwater monitoring and financial responsibility requirements.

- e) For an owner or operator of any land disposal unit that is granted authority to operate under Section 703.155(a)(1), (a)(2), or (a)(3), on the day 12 months after the effective date of such requirement, unless the owner or operator certifies that such unit is in compliance with all applicable groundwater monitoring and financial responsibility requirements (Subparts F and H of 35 Ill. Adm. Code 725).
- f) ~~For an owner and operator of each incinerator facility that achieved interim status prior to November 8, 1984, on November 8, 1989, unless the owner or operator of the facility submits a Part B application for a RCRA permit for an incinerator facility by November 8, 1986.~~
- g) ~~For an owner and operator of any facility (other than a land disposal or an incinerator facility) that achieved interim status prior to November 8, 1984, on November 8, 1992, unless the owner or operator of the facility submits a Part B application for a RCRA permit for the facility by November 8, 1988.~~

BOARD NOTE: Derived from 40 CFR 270.10(e)(5)-(2002) and 270.73 (20172001).

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 703.161 Enforceable Document for Post-Closure Care

- a) An owner or operator may obtain an enforceable document containing alternative requirements for post-closure care that imposes the requirements of 35 Ill. Adm. Code 725.221. "Enforceable document containing alternative requirements" or "other enforceable document," as used in this Part and in 35 Ill. Adm. Code 724 and 725, means an order of the Board, an Agency-approved plan, or an order of a court of competent jurisdiction that meets the requirements of subsection (b) of this Section. An "enforceable document containing alternative requirements" or "other enforceable document," may also mean an order of USEPA (such as pursuant to section 3008(h) of RCRA, 42 USC 6928(h), or under section 106 of the federal Comprehensive Environmental Response, Compensation and Liability Act, 42 USC 9606).

BOARD NOTE: Derived from 40 CFR 270.1(c)(7) (20172002).

- b) Any alternative requirements issued under this Section or established to satisfy the requirements of 35 Ill. Adm. Code 724.190(f), 724.210(c), 724.240(d), 725.190(f), 725.210(c), or 725.240(d) must be embodied in a document that is enforceable and subject to appropriate compliance orders and civil penalties under

431 Titles VIII and XII of the Act ~~[415 ILCS 5]~~.

432 BOARD NOTE: Derived from 40 CFR 271.16(e) (20172002).

433 (Source: Amended at 42 Ill. Reg. _____, effective _____)

434
435
436
437 SUBPART D: APPLICATIONS

438
439 **Section 703.186 Exposure Information**

440
441 a) Any Part B permit application submitted by an owner or operator of a facility that stores, treats,
442 or disposes of hazardous waste in a surface impoundment or a landfill must be accompanied by
443 information, reasonably ascertainable by the owner or operator, on the potential for the public to
444 be exposed to hazardous wastes or hazardous constituents through releases related to the unit. At
445 a minimum, such information must address the following:

446
447 ~~a1)~~ Reasonably foreseeable potential releases from both normal operations and
448 accidents at the unit, including releases associated with transportation to or from
449 the unit;

450
451 ~~b2)~~ The potential pathways of human exposure to hazardous wastes or constituents
452 resulting from the releases described under subsection (a)(1) ~~of this Section~~; and

453
454 ~~c3)~~ The potential magnitude and nature of the human exposure resulting from such
455 releases.

456
457 ~~b)~~ ~~By August 8, 1985, an owner or operator of a landfill or a surface impoundment~~
458 ~~that had already submitted a Part B application must have submitted the exposure~~
459 ~~information required in subsection (a) of this Section.~~

460
461 BOARD NOTE: Derived from 40 CFR 270.10(j) (20172002).

462 (Source: Amended at 42 Ill. Reg. _____, effective _____)

463
464
465 **Section 703.189 Additional Information Required to Assure Compliance with MACT**
466 **Standards**

467
468 If the Agency determines, based on one or more of the factors listed in subsection (a) ~~of this~~
469 ~~Section~~ that compliance with the standards of subpart EEE of 40 CFR 63, incorporated by
470 reference in 35 Ill. Adm. Code 720.111, alone may not adequately protect human health and the
471 environment, the Agency must require the additional information or assessments necessary to
472 determine whether additional controls are necessary to ensure adequate protection of human
473 health and the environment. This includes information necessary to evaluate the potential risk to

474 human health or the environment resulting from both direct and indirect exposure pathways. The
 475 Agency may also require a permittee or applicant to provide information necessary to determine
 476 whether such an assessment should be required.

477
 478 a) The Agency ~~must~~ shall base the evaluation of whether compliance with the
 479 standards of subpart EEE of 40 CFR 63, incorporated by reference in 35 Ill. Adm.
 480 Code 720.111, alone adequately protects human health and the environment on
 481 factors relevant to the potential risk from a hazardous waste combustion unit,
 482 including, as appropriate, any of the following factors:

- 483
- 484 1) Particular site-specific considerations such as proximity to receptors (such
 485 as schools, hospitals, nursing homes, day care centers, parks, community
 486 activity centers, or other potentially sensitive receptors), unique dispersion
 487 patterns, etc.;
- 488
- 489 2) The identities and quantities of emissions of persistent, bioaccumulative or
 490 toxic pollutants considering enforceable controls in place to limit those
 491 pollutants;
- 492
- 493 3) The identities and quantities of non-dioxin products of incomplete
 494 combustion most likely to be emitted and to pose significant risk based on
 495 known toxicities (confirmation of which should be made through
 496 emissions testing);
- 497
- 498 4) The identities and quantities of other off-site sources of pollutants in
 499 proximity of the facility that significantly influence interpretation of a
 500 facility-specific risk assessment;
- 501
- 502 5) The presence of significant ecological considerations, such as the
 503 proximity of a particularly sensitive ecological area;
- 504
- 505 6) The volume and types of wastes, for example wastes containing highly
 506 toxic constituents;
- 507
- 508 7) Other on-site sources of hazardous air pollutants that significantly
 509 influence interpretation of the risk posed by the operation of the source in
 510 question;
- 511
- 512 8) Adequacy of any previously conducted risk assessment, given any
 513 subsequent changes in conditions likely to affect risk; and
- 514
- 515 9) Such other factors as may be appropriate.
- 516

517 b) This subsection (b) corresponds with 40 CFR 270.10(l)(b), which USEPA has
518 marked "Reserved.". This statement maintains structural consistency with the
519 corresponding federal rules.
520

521 BOARD NOTE: Derived from 40 CFR 270.10(l)(2017), as added at 70 Fed. Reg. 59402 (Oct.
522 12, 2005).

523
524 (Source: Amended at 42 Ill. Reg. _____, effective _____)
525

526 **Section 703.205 Incinerators that Burn Hazardous Waste**
527

528 For a facility that incinerates hazardous waste, except as 35 Ill. Adm. Code 724.440 and
529 subsection (e) of this Section provide otherwise, the applicant must fulfill the requirements of
530 subsection (a), (b), or (c) of this Section in completing the Part B application.
531

532 a) When seeking exemption pursuant to 35 Ill. Adm. Code 724.440(b) or (c)
533 (ignitable, corrosive, or reactive wastes only), the applicant must fulfill the
534 following requirements:
535

536 1) Documentation that the waste is listed as a hazardous waste in Subpart D
537 of 35 Ill. Adm. Code 721 solely because it is ignitable (Hazard Code I),
538 corrosive (Hazard Code C), or both;

539
540 2) Documentation that the waste is listed as a hazardous waste in Subpart D
541 of 35 Ill. Adm. Code 721 solely because it is reactive (Hazard Code R) for
542 characteristics other than those listed in 35 Ill. Adm. Code 721.123(a)(4)
543 and (a)(5) and will not be burned when other hazardous wastes are present
544 in the combustion zone;

545
546 3) Documentation that the waste is a hazardous waste solely because it
547 possesses the characteristic of ignitability or corrosivity, or both, as
548 determined by the tests for characteristics of hazardous wastes pursuant to
549 Subpart C of 35 Ill. Adm. Code 721; or

550
551 4) Documentation that the waste is a hazardous waste solely because it
552 possesses the reactivity characteristics listed in 35 Ill. Adm. Code 721.123
553 (a)(1) through (a)(3) or (a)(6) through (a)(8), and that it will not be burned
554 when other hazardous wastes are present in the combustion zone.
555

556 b) Submit a trial burn plan or the results of a trial burn, including all required
557 determinations, in accordance with Section 703.222 through 703.224.
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559 c) In lieu of a trial burn, the applicant may submit the following information:

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- 1) An analysis of each waste or mixture of wastes to be burned including the following:
 - A) Heat value of the waste in the form and composition in which it will be burned;
 - B) Viscosity (if applicable) or description of physical form of the waste;
 - C) An identification of any hazardous organic constituents listed in Appendix H to 35 Ill. Adm. Code 721 that are present in the waste to be burned, except that the applicant need not analyze for constituents listed in Appendix H to 35 Ill. Adm. Code 721 that would reasonably not be expected to be found in the waste. The constituents excluded from analysis must be identified and the basis for their exclusion stated. The waste analysis must rely on appropriate analytical methods;
 - D) An approximate quantification of the hazardous constituents identified in the waste, within the precision produced by the appropriate analytical methods; and
 - E) A quantification of those hazardous constituents in the waste that may be designated as POHCs based on data submitted from other trial or operational burns that demonstrate compliance with the performance standard in 35 Ill. Adm. Code 724.443;

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

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

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

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

- 2) A detailed engineering description of the incinerator, including the following:
 - A) Manufacturer's name and model number of incinerator;
 - B) Type of incinerator;
 - C) Linear dimension of incinerator unit including cross sectional area of combustion chamber;
 - D) Description of auxiliary fuel system (type/feed);
 - E) Capacity of prime mover;
 - F) Description of automatic waste feed cutoff systems;
 - G) Stack gas monitoring and pollution control monitoring system;
 - H) Nozzle and burner design;
 - I) Construction materials; and
 - J) Location and description of temperature, pressure and flow indicating devices and control devices;
- 3) A description and analysis of the waste to be burned compared with the waste for which data from operational or trial burns are provided to support the contention that a trial burn is not needed. The data should include those items listed in subsection (c)(1) of this Section. This analysis should specify the POHCs that the applicant has identified in the waste for which a permit is sought, and any differences from the POHCs in the waste for which burn data are provided;
- 4) The design and operating conditions of the incinerator unit to be used, compared with that for which comparative burn data are available;
- 5) A description of the results submitted from any previously conducted trial burns, including the following:

- 646 A) Sampling and analysis techniques used to calculate performance
647 standards in 35 Ill. Adm. Code 724.443;
648
649 B) Methods and results of monitoring temperatures, waste feed rates,
650 carbon monoxide, and an appropriate indicator of combustion gas
651 velocity (including a statement concerning the precision and
652 accuracy of this measurement); and
653
654 C) The certification and results required by subsection (b) ~~of this~~
655 ~~Section~~;
656
657 6) The expected incinerator operation information to demonstrate compliance
658 with 35 Ill. Adm. Code 724.443 and 724.445, including the following:
659
660 A) Expected carbon monoxide (CO) level in the stack exhaust gas;
661
662 B) Waste feed rate;
663
664 C) Combustion zone temperature;
665
666 D) Indication of combustion gas velocity;
667
668 E) Expected stack gas volume, flow rate, and temperature;
669
670 F) Computed residence time for waste in the combustion zone;
671
672 G) Expected hydrochloric acid removal efficiency;
673
674 H) Expected fugitive emissions and their control procedures; and
675
676 I) Proposed waste feed cut-off limits based on the identified
677 significant operating parameters;
678
679 7) The Agency may, pursuant to 35 Ill. Adm. Code 705.122, request such
680 additional information as may be necessary for the Agency to determine
681 whether the incinerator meets the requirements of Subpart O of 35 Ill.
682 Adm. Code 724 and what conditions are required by that Subpart and
683 Section 39(d) of the Environmental Protection Act ~~[415 ILCS 5/39(d)]~~;
684 and
685
686 8) Waste analysis data, including that submitted in subsection (c)(1) ~~of this~~
687 ~~Section~~, sufficient to allow the Agency to specify as permit Principal
688 Organic Hazardous Constituents (permit POHCs) those constituents for

which destruction and removal efficiencies will be required.

- 689
690
691 d) The Agency must approve a permit application without a trial burn if it finds the
692 following:
693
694 1) The wastes are sufficiently similar; and
695
696 2) The incinerator units are sufficiently similar, and the data from other trial
697 burns are adequate to specify (pursuant to 35 Ill. Adm. Code 724.445)
698 operating conditions that will ensure that the performance standards in 35
699 Ill. Adm. Code 724.443 will be met by the incinerator.
700
701 e) When the owner or operator of a hazardous waste incineration unit becomes
702 subject to RCRA permit requirements after October 12, 2005, or when the owner
703 or operator of an existing hazardous waste incineration unit demonstrates
704 compliance with the air emission standards and limitations of the federal National
705 Emission Standards for Hazardous Air Pollutants (NESHAPs) in subpart EEE of
706 40 CFR 63 (National Emission Standards for Hazardous Air Pollutants from
707 Hazardous Waste Combustors), incorporated by reference in 35 Ill. Adm. Code
708 720.111(b) (i.e., by conducting a comprehensive performance test and submitting
709 a Notification of Compliance pursuant to 40 CFR 63.1207(j) and 63.1210(d)
710 documenting compliance with all applicable requirements of subpart EEE of 40
711 CFR 63), this Section does not apply, except those provisions that the Agency
712 determines are necessary to ensure compliance with 35 Ill. Adm. Code 724.445(a)
713 and (c) if the owner or operator elects to comply with Section 703.320(a)(1)(A) to
714 minimize emissions of toxic compounds from startup, shutdown, and malfunction
715 events. Nevertheless, the Agency may apply the provisions of this Section, on a
716 case-by-case basis, for purposes of information collection in accordance with
717 Sections 703.188, 703.189, and 703.241(a)(2) and (a)(3).

718
719 BOARD NOTE: Operating conditions used to determine effective treatment of
720 hazardous waste remain effective after the owner or operator demonstrates
721 compliance with the standards of subpart EEE of 40 CFR 63.
722

723 BOARD NOTE: Derived from 40 CFR 270.19 (20172005), as amended at 70 Fed. Reg. 59402
724 (Oct. 12, 2005).

725
726 (Source: Amended at 42 Ill. Reg. _____, effective _____)
727

728 **Section 703.208 Boilers and Industrial Furnaces Burning Hazardous Waste**
729

730 When the owner or operator of a cement or lightweight aggregate kiln, lightweight aggregate
731 kiln, solid fuel boiler, liquid fuel boiler, or hydrochloric acid production furnace becomes subject

732 to RCRA permit requirements after October 12, 2005, or when the owner or operator of an
 733 existing cement kiln, lightweight aggregate kiln, solid fuel boiler, liquid fuel boiler, or
 734 hydrochloric acid production furnace demonstrates compliance with the air emission standards
 735 and limitations of the federal National Emission Standards for Hazardous Air Pollutants
 736 (NESHAPs) in subpart EEE of 40 CFR 63 (National Emission Standards for Hazardous Air
 737 Pollutants from Hazardous Waste Combustors), incorporated by reference in 35 Ill. Adm. Code
 738 720.111(b) (i.e., by conducting a comprehensive performance test and submitting a Notification
 739 of Compliance pursuant to 40 CFR 63.1207(j) and 63.1210(d) documenting compliance with all
 740 applicable requirements of subpart EEE of 40 CFR 63), this Section does not apply. This
 741 Section applies, however, if the Agency determines certain provisions are necessary to ensure
 742 compliance with 35 Ill. Adm. Code 726.202(e)(1) and (e)(2)(C) if the owner or operator elects to
 743 comply with Section 703.320(a)(1)(A) to minimize emissions of toxic compounds from startup,
 744 shutdown, and malfunction events; or if the facility is an area source and the owner or operator
 745 elects to comply with the Sections 726.205, 726.206, and 726.207 standards and associated
 746 requirements for particulate matter, hydrogen chloride and chlorine gas, and non-mercury
 747 metals; or if the Agency determines that certain provisions apply, on a case-by-case basis, for
 748 purposes of information collection in accordance with Sections 703.188, 703.189,
 749 and 703.241(a)(2) and (a)(3).

- 750
- 751 a) Trial burns.
- 752
- 753 1) General. Except as provided below, an owner or operator that is subject to
- 754 the standards to control organic emissions provided by 35 Ill. Adm. Code
- 755 726.204, standards to control particulate matter provided by 35 Ill. Adm.
- 756 Code 726.205, standards to control metals emissions provided by 35 Ill.
- 757 Adm. Code 726.206, or standards to control hydrogen chloride (HCl) or
- 758 chlorine gas emissions provided by 35 Ill. Adm. Code 726.207 must
- 759 conduct a trial burn to demonstrate conformance with those standards and
- 760 must submit a trial burn plan or the results of a trial burn, including all
- 761 required determinations, in accordance with Section 703.232.
- 762
- 763 A) Pursuant to subsections (a)(2) through (a)(5) of this Section and 35
- 764 Ill. Adm. Code 726.204 through 726.207, the Agency may waive a
- 765 trial burn to demonstrate conformance with a particular emission
- 766 standard; and
- 767
- 768 B) The owner or operator may submit data in lieu of a trial burn, as
- 769 prescribed in subsection (a)(6) of this Section.
- 770
- 771 2) Waiver of trial burn of DRE (destruction removal efficiency).
- 772
- 773 A) Boilers operated under special operating requirements. When
- 774 seeking to be permitted pursuant to 35 Ill. Adm. Code

775 726.204(a)(4) and 726.210, which automatically waive the DRE
776 trial burn, the owner or operator of a boiler must submit
777 documentation that the boiler operates under the special operating
778 requirements provided by 35 Ill. Adm. Code 726.210.
779

780 B) Boilers and industrial furnaces burning low risk waste. When
781 seeking to be permitted under the provisions for low risk waste
782 provided by 35 Ill. Adm. Code 726.204(a)(5) and 726.209(a),
783 which waive the DRE trial burn, the owner or operator must
784 submit the following:
785

- 786 i) Documentation that the device is operated in conformance
787 with 35 Ill. Adm. Code 726.209(a)(1).
788
- 789 ii) Results of analyses of each waste to be burned,
790 documenting the concentrations of nonmetal compounds
791 listed in Appendix H to 35 Ill. Adm. Code 721, except for
792 those constituents that would reasonably not be expected to
793 be in the waste. The constituents excluded from analysis
794 must be identified and the basis for their exclusion
795 explained. The analysis must rely on appropriate analytical
796 methods.
797

798 BOARD NOTE: The federal regulations do not themselves define
799 the phrase "appropriate analytical methods," but USEPA did
800 include a definition in its preamble discussion accompanying the
801 rule. The Board directs attention to the following segment (at 70
802 Fed. Reg. 34538, 34541 (June 14, 2005)) for the purposes of
803 subsections (b)(1)(C) and (b)(1)(D) of this Section:
804

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

- 808
- 809 1. Appropriate methods are reliable and accepted as
810 such in the scientific community.
 - 811 2. Appropriate methods generate effective data.

812 USEPA went on to further elaborate these two concepts and
813 to specify other documents that might provide guidance.
814

- 815
- 816 iii) Documentation of hazardous waste firing rates and
817

- 818 calculations of reasonable, worst-case emission rates of
 819 each constituent identified in subsection (a)(2)(B)(ii) ~~of this~~
 820 ~~Section~~ using procedures provided by 35 Ill. Adm. Code
 821 726.209(a)(2)(B).
 822
- 823 iv) Results of emissions dispersion modeling for emissions
 824 identified in subsection (a)(2)(B)(iii) ~~of this Section~~ using
 825 modeling procedures prescribed by 35 Ill. Adm. Code
 826 726.206(h). The Agency must review the emission
 827 modeling conducted by the applicant to determine
 828 conformance with these procedures. The Agency must
 829 either approve the modeling or determine that alternate or
 830 supplementary modeling is appropriate.
 831
- 832 v) Documentation that the maximum annual average ground
 833 level concentration of each constituent identified in
 834 subsection (a)(2)(B)(ii) ~~of this Section~~ quantified in
 835 conformance with subsection (a)(2)(B)(iv) ~~of this Section~~
 836 does not exceed the allowable ambient level established in
 837 Appendix D or E to 35 Ill. Adm. Code 726. The acceptable
 838 ambient concentration for emitted constituents for which a
 839 specific reference air concentration has not been
 840 established in Appendix D to 35 Ill. Adm. Code 726 or
 841 risk-specific doses has not been established in Appendix E
 842 to 35 Ill. Adm. Code 726 is 0.1 micrograms per cubic
 843 meter, as noted in the footnote to Appendix D to 35 Ill.
 844 Adm. Code 726.
 845
- 846 3) Waiver of trial burn for metals. When seeking to be permitted under the
 847 Tier I (or adjusted Tier I) metals feed rate screening limits provided by 35
 848 Ill. Adm. Code 726.206(b) and (e) that control metals emissions without
 849 requiring a trial burn, the owner or operator must submit the following:
 850
- 851 A) Documentation of the feed rate of hazardous waste, other fuels,
 852 and industrial furnace feed stocks;
 853
- 854 B) Documentation of the concentration of each metal controlled by 35
 855 Ill. Adm. Code 726.206(b) or (c) in the hazardous waste, other
 856 fuels and industrial furnace feedstocks, and calculations of the total
 857 feed rate of each metal;
 858
- 859 C) Documentation of how the applicant will ensure that the Tier I feed
 860 rate screening limits provided by 35 Ill. Adm. Code 726.206(b) or

- 861 (e) will not be exceeded during the averaging period provided by
 862 that subsection;
 863
- 864 D) Documentation to support the determination of the TESH (terrain-
 865 adjusted effective stack height), good engineering practice stack
 866 height, terrain type, and land use, as provided by 35 Ill. Adm. Code
 867 726.206(b)(3) through (b)(5);
 868
- 869 E) Documentation of compliance with the provisions of 35 Ill. Adm.
 870 Code 726.206(b)(6), if applicable, for facilities with multiple
 871 stacks;
 872
- 873 F) Documentation that the facility does not fail the criteria provided
 874 by 35 Ill. Adm. Code 726.206(b)(7) for eligibility to comply with
 875 the screening limits; and
 876
- 877 G) Proposed sampling and metals analysis plan for the hazardous
 878 waste, other fuels, and industrial furnace feed stocks.
 879
- 880 4) Waiver of trial burn for PM (particulate matter). When seeking to be
 881 permitted under the low risk waste provisions of 35 Ill. Adm. Code
 882 726.209(b), which waives the particulate standard (and trial burn to
 883 demonstrate conformance with the particulate standard), applicants must
 884 submit documentation supporting conformance with subsections (a)(2)(B)
 885 and (a)(3) of this Section.
 886
- 887 5) Waiver of trial burn for HCl and chlorine gas. When seeking to be
 888 permitted under the Tier I (or adjusted Tier I) feed rate screening limits for
 889 total chlorine and chloride provided by 35 Ill. Adm. Code 726.207(b)(1)
 890 and (e) that control emissions of HCl and chlorine gas without requiring a
 891 trial burn, the owner or operator must submit the following:
 892
- 893 A) Documentation of the feed rate of hazardous waste, other fuels,
 894 and industrial furnace feed stocks;
 895
- 896 B) Documentation of the levels of total chlorine and chloride in the
 897 hazardous waste, other fuels and industrial furnace feedstocks, and
 898 calculations of the total feed rate of total chlorine and chloride;
 899
- 900 C) Documentation of how the applicant will ensure that the Tier I (or
 901 adjusted Tier I) feed rate screening limits provided by 35 Ill. Adm.
 902 Code 726.207(b)(1) or (e) will not be exceeded during the
 903 averaging period provided by that subsection;

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- D) Documentation to support the determination of the TESH, good engineering practice stack height, terrain type and land use as provided by 35 Ill. Adm. Code 726.207(b)(3);
 - E) Documentation of compliance with the provisions of 35 Ill. Adm. Code 726.207(b)(4), if applicable, for facilities with multiple stacks;
 - F) Documentation that the facility does not fail the criteria provided by 35 Ill. Adm. Code 726.207(b)(3) for eligibility to comply with the screening limits; and
 - G) Proposed sampling and analysis plan for total chlorine and chloride for the hazardous waste, other fuels, and industrial furnace feedstocks.
- 6) Data in lieu of trial burn. The owner or operator may seek an exemption from the trial burn requirements to demonstrate conformance with Section 703.232 and 35 Ill. Adm. Code 726.204 through 726.207 by providing the information required by Section 703.232 from previous compliance testing of the device in conformance with 35 Ill. Adm. Code 726.203 or from compliance testing or trial or operational burns of similar boilers or industrial furnaces burning similar hazardous wastes under similar conditions. If data from a similar device is used to support a trial burn waiver, the design and operating information required by Section 703.232 must be provided for both the similar device and the device to which the data is to be applied, and a comparison of the design and operating information must be provided. The Agency must approve a permit application without a trial burn if the Agency finds that the hazardous wastes are sufficiently similar, the devices are sufficiently similar, the operating conditions are sufficiently similar, and the data from other compliance tests, trial burns, or operational burns are adequate to specify (pursuant to 35 Ill. Adm. Code 726.102) operating conditions that will ensure conformance with 35 Ill. Adm. Code 726.102(c). In addition, the following information must be submitted:
- A) For a waiver from any trial burn, the following:
 - i) A description and analysis of the hazardous waste to be burned compared with the hazardous waste for which data from compliance testing or operational or trial burns are provided to support the contention that a trial burn is not

- 947 needed;
- 948
- 949 ii) The design and operating conditions of the boiler or
- 950 industrial furnace to be used, compared with that for which
- 951 comparative burn data are available; and
- 952
- 953 iii) Such supplemental information as the Agency finds
- 954 necessary to achieve the purposes of this subsection (a).
- 955
- 956 B) For a waiver of the DRE trial burn, the basis for selection of
- 957 POHCs (principal organic hazardous constituents) used in the other
- 958 trial or operational burns that demonstrate compliance with the
- 959 DRE performance standard in 35 Ill. Adm. Code 726.204(a). This
- 960 analysis should specify the constituents in Appendix H to 35 Ill.
- 961 Adm. Code 721 that the applicant has identified in the hazardous
- 962 waste for which a permit is sought and any differences from the
- 963 POHCs in the hazardous waste for which burn data are provided.
- 964
- 965 b) Alternative HC limit for industrial furnaces with organic matter in raw materials.
- 966 An owner or operator of industrial furnaces requesting an alternative HC limit
- 967 pursuant to 35 Ill. Adm. Code 726.204(f) must submit the following information
- 968 at a minimum:
- 969
- 970 1) Documentation that the furnace is designed and operated to minimize HC
- 971 emissions from fuels and raw materials;
- 972
- 973 2) Documentation of the proposed baseline flue gas HC (and CO)
- 974 concentration, including data on HC (and CO) levels during tests when the
- 975 facility produced normal products under normal operating conditions from
- 976 normal raw materials while burning normal fuels and when not burning
- 977 hazardous waste;
- 978
- 979 3) Test burn protocol to confirm the baseline HC (and CO) level including
- 980 information on the type and flow rate of all feedstreams, point of
- 981 introduction of all feedstreams, total organic carbon content (or other
- 982 appropriate measure of organic content) of all nonfuel feedstreams, and
- 983 operating conditions that affect combustion of fuels and destruction of
- 984 hydrocarbon emissions from nonfuel sources;
- 985
- 986 4) Trial burn plan to do the following:
- 987
- 988 A) To demonstrate when burning hazardous waste that flue gas HC
- 989 (and CO) concentrations do not exceed the baseline HC (and CO)

- 990 level; and
991
992 B) To identify, in conformance with Section 703.232(d), the types and
993 concentrations of organic compounds listed in Appendix H to 35
994 Ill. Adm. Code 721 that are emitted when burning hazardous
995 waste;
996
997 5) Implementation plan to monitor over time changes in the operation of the
998 facility that could reduce the baseline HC level and procedures to
999 periodically confirm the baseline HC level; and
1000
1001 6) Such other information as the Agency finds necessary to achieve the
1002 purposes of this subsection (b).
1003
1004 c) Alternative metals implementation approach. When seeking to be permitted
1005 under an alternative metals implementation approach pursuant to 35 Ill. Adm.
1006 Code 726.206(f), the owner or operator must submit documentation specifying
1007 how the approach ensures compliance with the metals emissions standards of 35
1008 Ill. Adm. Code 726.106(c) or (d) and how the approach can be effectively
1009 implemented and monitored. Further, the owner or operator must provide such
1010 other information that the Agency finds necessary to achieve the purposes of this
1011 subsection (c).
1012
1013 d) Automatic waste feed cutoff system. An owner or operator must submit
1014 information describing the automatic waste feed cutoff system, including any pre-
1015 alarm systems that may be used.
1016
1017 e) Direct transfer. An owner or operator that uses direct transfer operations to feed
1018 hazardous waste from transport vehicles (containers, as defined in 35 Ill. Adm.
1019 Code 726.211) directly to the boiler or industrial furnace must submit information
1020 supporting conformance with the standards for direct transfer provided by 35 Ill.
1021 Adm. Code 726.211.
1022
1023 f) Residues. An owner or operator that claims that its residues are excluded from
1024 regulation pursuant to 35 Ill. Adm. Code 726.212 must submit information
1025 adequate to demonstrate conformance with those provisions.
1026

1027 BOARD NOTE: Derived from 40 CFR 270.22 (20172005), as amended at 70 Fed. Reg. 59402
1028 (~~Oct. 12, 2005~~).

1029
1030 (Source: Amended at 42 Ill. Reg. _____, effective _____)
1031

1032 **Section 703.210 Process Vents**

1033
 1034 Except as otherwise provided in 35 Ill. Adm. Code 724.101, the owner or operator of a facility
 1035 that has process vents to which Subpart AA of 35 Ill. Adm. Code 724 applies must provide the
 1036 following additional information:

- 1037
- 1038 a) For facilities that cannot install a closed-vent system and control device to comply
 1039 with Subpart AA of 35 Ill. Adm. Code 724 on the effective date on which the
 1040 facility becomes subject to that Subpart or Subpart AA of 35 Ill. Adm. Code 725,
 1041 an implementation schedule, as specified in 35 Ill. Adm. Code 724.933(a)(2).
 1042
 - 1043 b) Documentation of compliance with the process vent standards in 35 Ill. Adm.
 1044 Code 724.932, including the following:
 1045
 - 1046 1) Information and data identifying all affected process vents, annual
 1047 throughput and operating hours of each affected unit, estimated emission
 1048 rates for the affected vent and for the overall facility (i.e., the total
 1049 emissions for all affected vents at the facility), and the approximate
 1050 location within the facility of each affected unit (e.g., identify the
 1051 hazardous waste management units on a facility plot plan);
 1052
 - 1053 2) Information and data supporting estimates of vent emissions and emission
 1054 reduction achieved by add-on control devices based on engineering
 1055 calculations or source tests. For the purpose of determining compliance,
 1056 estimates of vent emissions and emission reductions must be made using
 1057 operating parameter values (e.g., temperatures, flow rates, or
 1058 concentrations) that represent the conditions that exist when the waste
 1059 management unit is operating at the highest load or capacity level
 1060 reasonably expected to occur; and
 1061
 - 1062 3) Information and data used to determine whether or not a process vent is
 1063 subject to 35 Ill. Adm. Code 724.932.
 1064
 - 1065 c) Where an owner or operator applies for permission to use a control device other
 1066 than a thermal vapor incinerator, catalytic vapor incinerator, flare, boiler, process
 1067 heater, condenser, or carbon adsorption system to comply with 35 Ill. Adm. Code
 1068 724.932, and chooses to use test data to determine the organic removal efficiency
 1069 or the total organic compound concentration achieved by the control device, a
 1070 performance test plan as specified in 35 Ill. Adm. Code 724.935(b)(3).
 1071
 - 1072 d) Documentation of compliance with 35 Ill. Adm. Code 724.933, including the
 1073 following:
 1074
 - 1075 1) A list of all information references and sources used in preparing the

- 1076 documentation.
1077
1078 2) Records, including the dates of each compliance test required by 35 Ill.
1079 Adm. Code 724.933(k).
1080
1081 3) A design analysis, specifications, drawings, schematics, piping, and
1082 instrumentation diagrams based on the appropriate sections of "APTI
1083 Course 415: Control of Gaseous Emissions," USEPA publication number
1084 EPA-450/2-81-005, incorporated by reference in 35 Ill. Adm. Code
1085 720.111(a), or other engineering texts approved by the Agency that
1086 present basic control device information. The design analysis must
1087 address the vent stream characteristics and control device parameters as
1088 specified in 35 Ill. Adm. Code 724.935(b)(4)(C).
1089
1090 4) A statement signed and dated by the owner or operator certifying that the
1091 operating parameters used in the design analysis reasonably represent the
1092 conditions that exist when the hazardous waste management unit is or
1093 would be operating at the highest load or capacity level reasonably
1094 expected to occur.
1095
1096 5) A statement signed and dated by the owner or operator certifying that the
1097 control device is designed to operate at an efficiency of 95 weight percent
1098 or greater, unless the total organic emission limits of 35 Ill. Adm. Code
1099 724.932(a) for affected process vents at the facility can be attained by a
1100 control device involving vapor recovery at an efficiency less than 95
1101 weight percent.
1102

1103 BOARD NOTE: Derived from 40 CFR 270.24 (~~2017~~2005), as amended at 70 Fed. Reg. 59402
1104 (~~Oct. 12, 2005~~).

1105
1106 (Source: Amended at 42 Ill. Reg. _____, effective _____)
1107

1108 **Section 703.211 Equipment**
1109

1110 Except as otherwise provided in 35 Ill. Adm. Code 724.101, the owner or operator of a facility
1111 that has equipment to which Subpart BB of 35 Ill. Adm. Code 724 applies must provide the
1112 following additional information:
1113

- 1114 a) For each piece of equipment to which Subpart BB of 35 Ill. Adm. Code 724
1115 applies, the following:
1116
1117 1) Equipment identification number and hazardous waste management unit
1118 identification;

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- 2) Approximate locations within the facility (e.g., identify the hazardous waste management unit on a facility plot plan);
 - 3) Type of equipment (e.g., a pump or pipeline valve);
 - 4) Percent by weight total organics in the hazardous wastestream at the equipment;
 - 5) Hazardous waste state at the equipment (e.g., gas/vapor or liquid); and
 - 6) Method of compliance with the standard (e.g., "monthly leak detection and repair" or "equipped with dual mechanical seals").
- 1133 b) For facilities that cannot install a closed-vent system and control device to comply
 1134 with Subpart BB of 35 Ill. Adm. Code 724 on the effective date that facility
 1135 becomes subject to this Subpart or Subpart BB of 35 Ill. Adm. Code 724, an
 1136 implementation schedule as specified in 35 Ill. Adm. Code 724.933(a)(2).
 1137
- 1138 c) Where an owner or operator applies for permission to use a control device other
 1139 than a thermal vapor incinerator, catalytic vapor incinerator, flare, boiler, process
 1140 heater, condenser, or carbon adsorption system and chooses to use test data to
 1141 determine the organic removal efficiency or the total organic compound
 1142 concentration achieved by the control device, a performance test plan as specified
 1143 in 35 Ill. Adm. Code 724.935(b)(3).
 1144
- 1145 d) Documentation that demonstrates compliance with the equipment standards in 35
 1146 Ill. Adm. Code 724.952 or 724.959. This documentation must contain the records
 1147 required pursuant to 35 Ill. Adm. Code 724.964. The Agency must request
 1148 further documentation if necessary to demonstrate compliance. Documentation to
 1149 demonstrate compliance with 35 Ill. Adm. Code 724.960 must include the
 1150 following information:
 1151
- 1) A list of all information references and sources used in preparing the
 1152 documentation;
 1153
 - 2) Records, including the dates of each compliance test required by 35 Ill.
 1154 Adm. Code 724.933(j);
 1155
 - 3) A design analysis, specifications, drawings, schematics, and piping and
 1156 instrumentation diagrams based on the appropriate sections of "APTI
 1157 Course 415: Control of Gaseous Emissions," USEPA publication number
 1158 EPA-450/2-81-005, incorporated by reference in 35 Ill. Adm.
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1162 Code 720.111(a), or other engineering texts approved by the Agency that
 1163 present basic control device information. The design analysis must
 1164 address the vent stream characteristics and control device parameters, as
 1165 specified in 35 Ill. Adm. Code 724.935(b)(4)(C);
 1166

1167 4) A statement signed and dated by the owner or operator certifying that the
 1168 operating parameters used in the design analysis reasonably represent the
 1169 conditions that exist when the hazardous waste management unit is or
 1170 would be operating at the highest load or capacity level reasonably
 1171 expected to occur; and
 1172

1173 5) A statement signed and dated by the owner or operator certifying that the
 1174 control device is designed to operate at an efficiency of 95 weight percent
 1175 or greater.
 1176

1177 BOARD NOTE: Derived from 40 CFR 270.25 (~~20172005~~), as amended at 70 Fed. Reg. 59402
 1178 (~~Oct. 12, 2005~~).

1179
 1180 (Source: Amended at 42 Ill. Reg. _____, effective _____)
 1181

1182 **SUBPART E: SPECIAL FORMS OF PERMITS**
 1183

1184 **Section 703.221 Alternative Compliance with the Federal NESHAPS**
 1185

1186 When an owner or operator of a hazardous waste incineration unit becomes subject to RCRA
 1187 permit requirements after ~~October 12, 2005~~, or when an owner or operator of an existing
 1188 hazardous waste incineration unit demonstrates compliance with the air emission standards and
 1189 limitations of the federal National Emission Standards for Hazardous Air Pollutants (NESHAPs)
 1190 in subpart EEE of 40 CFR 63 (National Emission Standards for Hazardous Air Pollutants from
 1191 Hazardous Waste Combustors), incorporated by reference in 35 Ill. Adm. Code 720.111(b) (i.e.,
 1192 by conducting a comprehensive performance test and submitting a Notification of Compliance
 1193 pursuant to 40 CFR 63.1207(j) and 63.1210(d) documenting compliance with all applicable
 1194 requirements of subpart EEE of 40 CFR 63), Sections 703.221 through 703.225 do not apply,
 1195 except those provisions that the Agency determines are necessary to ensure compliance with 35
 1196 Ill. Adm. Code 724.445(a) and (c) if the owner or operator elects to comply with Section
 1197 703.320(a)(1)(A) to minimize emissions of toxic compounds from startup, shutdown, and
 1198 malfunction events. Nevertheless, the Agency may apply the provisions of Sections 703.221
 1199 through 703.225, on a case-by-case basis, for purposes of information collection in accordance
 1200 with Sections 703.188, 703.189, and 703.241(a)(2) and (a)(3).
 1201

1202 BOARD NOTE: Derived from 40 CFR 270.62 preamble (~~20172005~~), as amended at 70 Fed.
 1203 Reg. 59402 (~~Oct. 12, 2005~~).
 1204

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 703.223 Incinerator Conditions During Trial Burn

For the purposes of determining feasibility of compliance with the performance standards of 35 Ill. Adm. Code 724.443 and of determining adequate operating conditions under 35 Ill. Adm. Code 724.445, the Agency must establish conditions in the permit to a new hazardous waste incinerator to be effective during the trial burn.

- a) Applicants must propose a trial burn plan, prepared under subsection (b) ~~of this Section~~ with Part B of the permit application;
- b) The trial burn plan must include the following information:
 - 1) An analysis of each waste or mixture of wastes to be burned that includes the following:
 - A) Heat value of the waste in the form and composition in which it will be burned;
 - B) Viscosity (if applicable), or description of physical form of the waste;
 - C) An identification of any hazardous organic constituents listed in Appendix H to 35 Ill. Adm. Code 721, that are present in the waste to be burned, except that the applicant need not analyze for constituents listed in Appendix H to 35 Ill. Adm. Code 721 that would reasonably not be expected to be found in the waste. The constituents excluded from analysis must be identified, and the basis for their exclusion stated. The waste analysis must rely on appropriate analytical methods; and
 - D) An approximate quantification of the hazardous constituents identified in the waste, within the precision produced by the appropriate analytical methods;

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

1248 [T]wo primary considerations in selecting an appropriate method,
1249 which together serve as our general definition of an appropriate
1250 method [are the following]...:

- 1251
- 1252 1. Appropriate methods are reliable and accepted as such in
1253 the scientific community.
 - 1254
 - 1255 2. Appropriate methods generate effective data.
 - 1256

1257 USEPA went on to further elaborate these two concepts and to specify
1258 other documents that might provide guidance.

1259

1260 2) A detailed engineering description of the incinerator for which the permit
1261 is sought including the following:

- 1262
- 1263 A) Manufacturer's name and model number of incinerator (if
1264 available);
 - 1265
 - 1266 B) Type of incinerator;
 - 1267
 - 1268 C) Linear dimensions of the incinerator unit including the cross
1269 sectional area of combustion chamber;
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 - 1271 D) Description of the auxiliary fuel system (type/feed);
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 - 1273 E) Capacity of prime mover;
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 - 1275 F) Description of automatic waste feed cut-off systems;
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 - 1277 G) Stack gas monitoring and pollution control equipment;
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 - 1279 H) Nozzle and burner design;
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 - 1281 I) Construction materials;
 - 1282
 - 1283 J) Location and description of temperature-, pressure-, and flow-
1284 indicating and control devices;
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1286 3) A detailed description of sampling and monitoring procedures, including
1287 sampling and monitoring locations in the system, the equipment to be
1288 used, sampling and monitoring frequency, and planned analytical
1289 procedures for sample analysis;

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- 4) A detailed test schedule for each waste for which the trial burn is planned including dates, duration, quantity of waste to be burned, and other factors relevant to the Agency's decision under subsection (e) ~~of this Section~~;
 - 5) A detailed test protocol, including, for each waste identified, the ranges of temperature, waste feed rate, combustion gas velocity, use of auxiliary fuel, and any other relevant parameters that will be varied to affect the destruction and removal efficiency of the incinerator;
 - 6) A description of, and planned operating conditions for, any emission control equipment that will be used;
 - 7) Procedures for rapidly stopping waste feed, shutting down the incinerator, and controlling emissions in the event of an equipment malfunction;
 - 8) Such other information as the Agency reasonably finds necessary to determine whether to approve the trial burn plan in light of the purposes of this subsection (b) and the criteria in subsection (e) ~~of this Section~~. Such information must be requested by the Agency pursuant to 35 Ill. Adm. Code 705.123;
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- c) The Agency, in reviewing the trial burn plan, must evaluate the sufficiency of the information provided and must require the applicant, pursuant to 35 Ill. Adm. Code 705.123, to supplement this information, if necessary, to achieve the purposes of this Section;
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- d) Based on the waste analysis data in the trial burn plan, the Agency must specify as trial Principal Organic Hazardous Constituents (POHCs), those constituents for which destruction and removal efficiencies must be calculated during the trial burn. These trial POHCs must be specified by the Agency based on its estimate of the difficulty of incineration of the constituents identified in the waste analysis, their concentration or mass in the waste feed, and, for wastes listed in Subpart D of 35 Ill. Adm. Code 721, the hazardous waste organic constituent of constituents identified in Appendix G or H to 35 Ill. Adm. Code 721 as the basis for listing;
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- e) The Agency must approve a trial burn plan if it finds the following:
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- 1) That the trial burn is likely to determine whether the incinerator performance standard required by 35 Ill. Adm. Code 724.443 can be met;
 - 2) That the trial burn itself will not present an imminent hazard to human health or the environment;

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- 3) That the trial burn will help the Agency to determine operating requirements to be specified under 35 Ill. Adm. Code 724.445; and
 - 4) That the information sought in subsections (e)(1) and (e)(3) ~~of this Section~~ cannot reasonably be developed through other means;
- f) The Agency must send a notice to all persons on the facility mailing list, as set forth in 35 Ill. Adm. Code 705.161(a), and to the appropriate units of State and local government, as set forth in 35 Ill. Adm. Code 705.163(a)(5), announcing the scheduled commencement and completion dates for the trial burn. The applicant may not commence the trial burn until after the Agency has issued such notice.
- 1) This notice must be mailed within a reasonable time period before the scheduled trial burn. An additional notice is not required if the trial burn is delayed due to circumstances beyond the control of the facility or the Agency.
 - 2) This notice must contain the following:
 - A) The name and telephone number of the applicant's contact person;
 - B) The name and telephone number of the Agency regional office appropriate for the facility;
 - C) The location where the approved trial burn plan and any supporting documents can be reviewed and copied; and
 - D) An expected time period for commencement and completion of the trial burn;
- g) During each approved trial burn (or as soon after the burn as is practicable), the applicant must make the following determinations:
- 1) A quantitative analysis of the trial POHCs, in the waste feed to the incinerator;
 - 2) A quantitative analysis of the exhaust gas for the concentration and mass emissions of the trial POHCs, molecular oxygen, and hydrogen chloride (HCl);
 - 3) A quantitative analysis of the scrubber water (if any), ash residues, and other residues, for the purpose of estimating the fate of the trial POHCs;

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- 4) A computation of destruction and removal efficiency (DRE), in accordance with the DRE formula specified in 35 Ill. Adm. Code 724.443(a);
 - 5) If the HCl (hydrogen chloride) emission rate exceeds 1.8 kilograms (4 pounds) of HCl per hour (~~4 pounds per hour~~), a computation of HCl removal efficiency, in accordance with 35 Ill. Adm. Code 724.443(b);
 - 6) A computation of particulate emissions, in accordance with 35 Ill. Adm. Code 724.443(c);
 - 7) An identification of sources of fugitive emissions and their means of control;
 - 8) A measurement of average, maximum and minimum temperatures, and combustion gas velocity;
 - 9) A continuous measurement of carbon monoxide (CO) in the exhaust gas;
 - 10) Such other information as the Agency specifies as necessary to ensure that the trial burn will determine compliance with the performance standards in 35 Ill. Adm. Code 724.443 and to establish the operating conditions required by 35 Ill. Adm. Code 724.445 as necessary to meet that performance standard;
- h) The applicant must submit to the Agency a certification that the trial burn has been carried out in accordance with the approved trial burn plan, and must submit the results of all the determinations required in subsection (g) ~~of this Section~~. This submission must be made within 90 days after completion of the trial burn, or later, if approved by the Agency;
 - i) All data collected during any trial burn must be submitted to the Agency following the completion of the trial burn;
 - j) All submissions required by this Section must be certified on behalf of the applicant by the signature of a person authorized to sign a permit application or a report under 35 Ill. Adm. Code 702.126;
 - k) Based on the results of the trial burn, the Agency must set the operating requirements in the final permit according to 35 Ill. Adm. Code 724.445. The permit modification must proceed as a minor modification according to Section 703.280.

1420 BOARD NOTE: Derived from 40 CFR 270.62(b) (20172005).

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1422 (Source: Amended at 42 Ill. Reg. _____, effective _____)

1423

1424 **Section 703.232 Permits for Boilers and Industrial Furnaces Burning Hazardous Waste**

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1426 When the owner or operator of a cement kiln, lightweight aggregate kiln, solid fuel boiler, liquid
 1427 fuel boiler, or hydrochloric acid production furnace becomes subject to RCRA permit
 1428 requirements after October 12, 2005 or when an owner or operator of an existing cement kiln,
 1429 lightweight aggregate kiln, solid fuel boiler, liquid fuel boiler, or hydrochloric acid production
 1430 furnace demonstrates compliance with the air emission standards and limitations of the federal
 1431 National Emission Standards for Hazardous Air Pollutants (NESHAPs) in subpart EEE of 40
 1432 CFR 63 (National Emission Standards for Hazardous Air Pollutants from Hazardous Waste
 1433 Combustors), incorporated by reference in 35 Ill. Adm. Code 720.111(b) (i.e., by conducting a
 1434 comprehensive performance test and submitting a Notification of Compliance pursuant to 40
 1435 CFR 63.1207(j) and 63.1210(d) documenting compliance with all applicable requirements of
 1436 subpart EEE of 40 CFR 63), this Section does not apply. This Section does apply, however, if
 1437 the Agency determines certain provisions are necessary to ensure compliance with 35 Ill. Adm.
 1438 Code 726.202(e)(1) and (e)(2)(C) if the owner or operator elects to comply with Section
 1439 703.320(a)(1)(A) to minimize emissions of toxic compounds from startup, shutdown, and
 1440 malfunction events; or if the facility is an area source and the owner or operator elects to comply
 1441 with the Sections 726.205, 726.206, and 726.207 standards and associated requirements for
 1442 particulate matter, hydrogen chloride and chlorine gas, and non-mercury metals; or if the Agency
 1443 determines certain provisions apply, on a case-by-case basis, for purposes of information
 1444 collection in accordance with Sections 703.188, 703.189, and 703.241(a)(2) and (a)(3).

1445

1446 a) General. The owner or operator of a new boiler or industrial furnace (one not
 1447 operating under the interim status standards of 35 Ill. Adm. Code 726.203) is
 1448 subject to subsections (b) through (f) of this Section. A boiler or industrial
 1449 furnace operating under the interim status standards of 35 Ill. Adm. Code 726.203
 1450 is subject to subsection (g) of this Section.

1451

1452 b) Permit operating periods for a new boiler or industrial furnace. A permit for a
 1453 new boiler or industrial furnace must specify appropriate conditions for the
 1454 following operating periods:

1455

1456 1) Pretrial burn period. For the period beginning with initial introduction of
 1457 hazardous waste and ending with initiation of the trial burn, and only for
 1458 the minimum time required to bring the boiler or industrial furnace to a
 1459 point of operation readiness to conduct a trial burn, not to exceed 720
 1460 hours operating time when burning hazardous waste, the Agency must
 1461 establish permit conditions in the pretrial burn period, including but not
 1462 limited to allowable hazardous waste feed rates and operating conditions.

1463 The Agency must extend the duration of this operational period once, for
1464 up to 720 additional hours, at the request of the applicant when good cause
1465 is shown. The permit must be modified to reflect the extension according
1466 to Sections 703.280 through 703.283.
1467

1468 A) Applicants must submit a statement, with Part B of the permit
1469 application, that suggests the conditions necessary to operate in
1470 compliance with the standards of 35 Ill. Adm. Code 726.204
1471 through 726.207 during this period. This statement should include,
1472 at a minimum, restrictions on the applicable operating
1473 requirements identified in 35 Ill. Adm. Code 726.202(e).
1474

1475 B) The Agency must review this statement and any other relevant
1476 information submitted with Part B of the permit application and
1477 specify requirements for this period sufficient to meet the
1478 performance standards of 35 Ill. Adm. Code 726.204 through
1479 726.207 based on the Agency's engineering judgment.
1480

1481 2) Trial burn period. For the duration of the trial burn, the Agency must
1482 establish conditions in the permit for the purposes of determining
1483 feasibility of compliance with the performance standards of 35 Ill. Adm.
1484 Code 726.204 through 726.207 and determining adequate operating
1485 conditions pursuant to 35 Ill. Adm. Code 726.202(e). Applicants must
1486 propose a trial burn plan, prepared pursuant to subsection (c) of this
1487 Section, to be submitted with Part B of the permit application.
1488

1489 3) Post-trial burn period.
1490

1491 A) For the period immediately following completion of the trial burn,
1492 and only for the minimum period sufficient to allow sample
1493 analysis, data computation and submission of the trial burn results
1494 by the applicant, and review of the trial burn results and
1495 modification of the facility permit by the Agency to reflect the trial
1496 burn results, the Agency must establish the operating requirements
1497 most likely to ensure compliance with the performance standards
1498 of 35 Ill. Adm. Code 726.204 through 726.207 based on the
1499 Agency's engineering judgment.
1500

1501 B) Applicants must submit a statement, with Part B of the application,
1502 that identifies the conditions necessary to operate during this
1503 period in compliance with the performance standards of 35 Ill.
1504 Adm. Code 726.204 through 726.207. This statement should
1505 include, at a minimum, restrictions on the operating requirements

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provided by 35 Ill. Adm. Code 726.202(e).

C) The Agency must review this statement and any other relevant information submitted with Part B of the permit application and specify requirements of this period sufficient to meet the performance standards of 35 Ill. Adm. Code 726.204 through 726.207 based on the Agency's engineering judgment.

4) Final permit period. For the final period of operation the Agency must develop operating requirements in conformance with 35 Ill. Adm. Code 726.202(e) that reflect conditions in the trial burn plan and are likely to ensure compliance with the performance standards of 35 Ill. Adm. Code 726.204 through 726.207. Based on the trial burn results, the Agency must make any necessary modifications to the operating requirements to ensure compliance with the performance standards. The permit modification must proceed according to Sections 703.280 through 703.283.

c) Requirements for trial burn plans. The trial burn plan must include the following information. The Agency, in reviewing the trial burn plan, must evaluate the sufficiency of the information provided and may require the applicant to supplement this information, if necessary, to achieve the purposes of this subsection (c).

1) An analysis of each feed stream, including hazardous waste, other fuels, and industrial furnace feed stocks, as fired, that includes the following:

A) Heating value, levels of antimony, arsenic, barium, beryllium, cadmium, chromium, lead, mercury, silver, thallium, total chlorine and chloride, and ash; and

B) Viscosity or description of the physical form of the feed stream.

2) An analysis of each hazardous waste, as fired, including the following:

A) An identification of any hazardous organic constituents listed in Appendix H to 35 Ill. Adm. Code 721 that are present in the feed stream, except that the applicant need not analyze for constituents listed in Appendix H that would reasonably not be expected to be found in the hazardous waste. The constituents excluded from analysis must be identified and the basis for this exclusion explained. The analysis must be conducted in accordance with appropriate analytical methods;

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- 1550
- 1551 B) An approximate quantification of the hazardous constituents
- 1552 identified in the hazardous waste, within the precision produced by
- 1553 the appropriate analytical methods; and
- 1554
- 1555 C) A description of blending procedures, if applicable, prior to firing
- 1556 the hazardous waste, including a detailed analysis of the hazardous
- 1557 waste prior to blending, an analysis of the material with which the
- 1558 hazardous waste is blended, and blending ratios.

1559 BOARD NOTE: The federal regulations do not themselves define the
1560 phrase "appropriate analytical methods," but USEPA did include a
1561 definition in its preamble discussion accompanying the rule. The Board
1562 directs attention to the following segment (at 70 Fed. Reg. 34538, 34541
1563 (June 14, 2005)) for the purposes of subsections (b)(1)(C) and (b)(1)(D) of
1564 this Section:

1565

1566 [T]wo primary considerations in selecting an appropriate method,
1567 which together serve as our general definition of an appropriate
1568 method [are the following]...:

- 1569
- 1570 1. Appropriate methods are reliable and accepted as such in
- 1571 the scientific community.
- 1572
- 1573 2. Appropriate methods generate effective data.
- 1574

1575 USEPA went on to further elaborate these two concepts and to specify
1576 other documents that might provide guidance.

- 1577
- 1578 3) A detailed engineering description of the boiler or industrial furnace,
- 1579 including the following:
- 1580
- 1581 A) Manufacturer's name and model number of the boiler or industrial
- 1582 furnace;
- 1583
- 1584 B) Type of boiler or industrial furnace;
- 1585
- 1586 C) Maximum design capacity in appropriate units;
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- 1588 D) Description of the feed system for the hazardous waste and, as
- 1589 appropriate, other fuels and industrial furnace feedstocks;
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- 1591 E) Capacity of hazardous waste feed system;

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- F) Description of automatic hazardous waste feed cutoff systems;
 - G) Description of any pollution control system; and
 - H) Description of stack gas monitoring and any pollution control monitoring systems.
- 4) A detailed description of sampling and monitoring procedures, including sampling and monitoring locations in the system, the equipment to be used, sampling and monitoring frequency, and sample analysis.
 - 5) A detailed test schedule for each hazardous waste for which the trial burn is planned, including dates, duration, quantity of hazardous waste to be burned, and other factors relevant to the Agency's decision pursuant to subsection (b)(2) of this Section.
 - 6) A detailed test protocol, including, for each hazardous waste identified, the ranges of hazardous waste feed rate, and, as appropriate, the feed rates of other fuels and industrial furnace feedstocks, and any other relevant parameters that may affect the ability of the boiler or industrial furnace to meet the performance standards in 35 Ill. Adm. Code 726.204 through 726.207.
 - 7) A description of and planned operating conditions for any emission control equipment that will be used.
 - 8) Procedures for rapidly stopping the hazardous waste feed and controlling emissions in the event of an equipment malfunction.
 - 9) Such other information as the Agency finds necessary to determine whether to approve the trial burn plan in light of the purposes of this subsection (c) and the criteria in subsection (b)(2) of this Section.
- d) Trial burn procedures.
 - 1) A trial burn must be conducted to demonstrate conformance with the standards of 35 Ill. Adm. Code 726.104 through 726.107.
 - 2) The Agency must approve a trial burn plan if the Agency finds as follows:
 - A) That the trial burn is likely to determine whether the boiler or industrial furnace can meet the performance standards of 35 Ill.

- 1635 Adm. Code 726.104 through 726.107;
1636
1637 B) That the trial burn itself will not present an imminent hazard to
1638 human health and the environment;
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1640 C) That the trial burn will help the Agency to determine operating
1641 requirements to be specified pursuant to 35 Ill. Adm. Code
1642 726.102(e); and
1643
1644 D) That the information sought in the trial burn cannot reasonably be
1645 developed through other means.
1646
1647 3) The Agency must send a notice to all persons on the facility mailing list,
1648 as set forth in 35 Ill. Adm. Code 705.161(a), and to the appropriate units
1649 of State and local government, as set forth in 35 Ill. Adm. Code
1650 705.163(a)(5), announcing the scheduled commencement and completion
1651 dates for the trial burn. The applicant may not commence the trial burn
1652 until after the Agency has issued such notice.
1653
1654 A) This notice must be mailed within a reasonable time period before
1655 the trial burn. An additional notice is not required if the trial burn
1656 is delayed due to circumstances beyond the control of the facility
1657 or the Agency.
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1659 B) This notice must contain the following:
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1661 i) The name and telephone number of applicant's contact
1662 person;
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1664 ii) The name and telephone number of the Agency regional
1665 office appropriate for the facility;
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1667 iii) The location where the approved trial burn plan and any
1668 supporting documents can be reviewed and copied; and
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1670 iv) An expected time period for commencement and
1671 completion of the trial burn.
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1673 4) The applicant must submit to the Agency a certification that the trial burn
1674 has been carried out in accordance with the approved trial burn plan, and
1675 submit the results of all the determinations required in subsection (c) of
1676 this Section. The Agency must, in the trial burn plan, require that the
1677 submission be made within 90 days after completion of the trial burn, or

- 1678 later if the Agency determines that a later date is acceptable.
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 1680 5) All data collected during any trial burn must be submitted to the Agency
 1681 following completion of the trial burn.
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 1683 6) All submissions required by this subsection (d) must be certified on behalf
 1684 of the applicant by the signature of a person authorized to sign a permit
 1685 application or a report pursuant to 35 Ill. Adm. Code 702.126.
 1686
 1687 e) Special procedures for DRE trial burns. When a DRE trial burn is required
 1688 pursuant to 35 Ill. Adm. Code 726.104, the Agency must specify (based on the
 1689 hazardous waste analysis data and other information in the trial burn plan) as trial
 1690 Principal Organic Hazardous Constituents (POHCs) those compounds for which
 1691 destruction and removal efficiencies must be calculated during the trial burn.
 1692 These trial POHCs will be specified by the Agency based on information
 1693 including the Agency's estimate of the difficulty of destroying the constituents
 1694 identified in the hazardous waste analysis, their concentrations or mass in the
 1695 hazardous waste feed, and, for hazardous waste containing or derived from wastes
 1696 listed in Subpart D of 35 Ill. Adm. Code 721, the hazardous waste organic
 1697 constituents identified in Appendix G to 35 Ill. Adm. Code 721 as the basis for
 1698 listing.
 1699
 1700 f) Determinations based on trial burn. During each approved trial burn (or as soon
 1701 after the burn as is practicable), the applicant must make the following
 1702 determinations:
 1703
 1704 1) A quantitative analysis of the levels of antimony, arsenic, barium,
 1705 beryllium, cadmium, chromium, lead, mercury, thallium, silver, and
 1706 chlorine/chloride in the feed streams (hazardous waste, other fuels, and
 1707 industrial furnace feedstocks);
 1708
 1709 2) When a DRE trial burn is required pursuant to 35 Ill. Adm. Code
 1710 726.204(a), the following determinations:
 1711
 1712 A) A quantitative analysis of the trial POHCs in the hazardous waste
 1713 feed;
 1714
 1715 B) A quantitative analysis of the stack gas for the concentration and
 1716 mass emissions of the trial POHCs; and
 1717
 1718 C) A computation of destruction and removal efficiency (DRE), in
 1719 accordance with the DRE formula specified in 35 Ill. Adm. Code
 1720 726.204(a);

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- 3) When a trial burn for chlorinated dioxins and furans is required pursuant to 35 Ill. Adm. Code 726.204(e), a quantitative analysis of the stack gas for the concentration and mass emission rate of the 2,3,7,8-chlorinated tetra- through octa-congeners of chlorinated dibenzo-p-dioxins and furans, and a computation showing conformance with the emission standard;
 - 4) When a trial burn for PM, metals, or HCl and chlorine gas is required pursuant to 35 Ill. Adm. Code 726.205, 726.206(c) or (d), or 726.207(b)(2) or (c), a quantitative analysis of the stack gas for the concentrations and mass emissions of PM, metals, or HCl and chlorine gas, and computations showing conformance with the applicable emission performance standards;
 - 5) When a trial burn for DRE, metals, and HCl and chlorine gas is required pursuant to 35 Ill. Adm. Code 726.204(a), 726.206(c) or (d), or 726.207(b)(2) or (c), a quantitative analysis of the scrubber water (if any), ash residues, other residues, and products for the purpose of estimating the fate of the trial POHCs, metals, and chlorine and chloride;
 - 6) An identification of sources of fugitive emissions and their means of control;
 - 7) A continuous measurement of carbon monoxide (CO), oxygen, and, where required, hydrocarbons (HC) in the stack gas; and
 - 8) Such other information as the Agency specifies as necessary to ensure that the trial burn will determine compliance with the performance standards 35 Ill. Adm. Code 726.204 through 726.207 and to establish the operating conditions required by 35 Ill. Adm. Code 726.204 through 726.207 and of determining adequate operating conditions pursuant to 35 Ill. Adm. Code 726.203, and to establish the operating conditions required by 35 Ill. Adm. Code 726.202(e) as necessary to meet those performance standards.
- g) Interim status boilers and industrial furnaces. For the purpose of determining feasibility of compliance with the performance standards of 35 Ill. Adm. Code 726.204 through 726.207 and of determining adequate operating conditions pursuant to 35 Ill. Adm. Code 726.203, an applicant that owns or operates an existing boiler or industrial furnace that is operated under the interim status standards of 35 Ill. Adm. Code 726.203 must either prepare and submit a trial burn plan and perform a trial burn in accordance with this Section or submit other information as specified in Section 703.208(a)(6). The Agency must announce its intention to approve of the trial burn plan in accordance with the timing and

1764 distribution requirements of subsection (d)(3) ~~of this Section~~. The contents of the
 1765 notice must include all of the following information: the name and telephone
 1766 number of a contact person at the facility; the name and telephone number of the
 1767 Agency regional office appropriate for the facility; the location where the trial
 1768 burn plan and any supporting documents can be reviewed and copied; and a
 1769 schedule of the activities that are required prior to permit issuance, including the
 1770 anticipated time schedule for Agency approval of the plan, and the time periods
 1771 during which the trial burn would be conducted. Applicants that submit a trial
 1772 burn plan and receive approval before submission of the Part B permit application
 1773 must complete the trial burn and submit the results specified in subsection (f) ~~of~~
 1774 ~~this Section~~ with the Part B permit application. If completion of this process
 1775 conflicts with the date set for submission of the Part B application, the applicant
 1776 must contact the Agency to establish a later date for submission of the Part B
 1777 application or the trial burn results. If the applicant submits a trial burn plan with
 1778 Part B of the permit application, the trial burn must be conducted and the results
 1779 submitted within a time period prior to permit issuance to be specified by the
 1780 Agency.

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 1782 BOARD NOTE: Derived from 40 CFR 270.66 (2017-2005), as amended at 70 Fed. Reg. 59402
 1783 (Oct. 12, 2005).

1784
 1785 (Source: Amended at 42 Ill. Reg. _____, effective _____)

1786
 1787 **SUBPART G: CHANGES TO PERMITS**

1788
 1789 **Section 703.270 Modification or Reissuance**

1790
 1791 When the Agency receives any information (for example, inspects the facility, receives
 1792 information submitted by the permittee, as required in the permit (see 35 Ill. Adm. Code 702.140
 1793 through 702.152 and Section 703.241 et seq.), receives a request for reissuance pursuant to 35 Ill.
 1794 Adm. Code 705.128, or conducts a review of the permit file) it may determine whether or not
 1795 one or more of the causes, listed in Sections 703.271 or 703.272, for modification, reissuance, or
 1796 both, exist. If cause exists, the Agency must modify or reissue the permit accordingly, subject to
 1797 the limitations of Section 703.273, and may request an updated application if necessary. When a
 1798 permit is modified, only the conditions subject to modification are reopened. If a permit is
 1799 reissued, the entire permit is reopened and subject to revision and the permit is reissued for a new
 1800 term. (See 35 Ill. Adm. Code 705.128(c)(2).) If cause does not exist pursuant to Section 703.271
 1801 or 703.272, the Agency must not modify or reissue the permit, except on the request of the
 1802 permittee. If a permit modification is requested by the permittee, the Agency must approve or
 1803 deny the request according to the procedures of Section 703.280 through 703.283 or Section
 1804 703.353 and Subpart G of 35 Ill. Adm. Code 705. Otherwise, a draft permit must be prepared
 1805 and other procedures in 35 Ill. Adm. Code 705 must be followed.
 1806

1807 BOARD NOTE: Derived from the preamble to 40 CFR 270.41 (~~20172005~~), as amended at 70
 1808 Fed. Reg. 53420 (Sep. 8, 2005). The Board has chosen to use "reissue" where the corresponding
 1809 federal provisions use "revoke and reissue.". This was because permit revocation is a remedy in
 1810 the context of an enforcement action that is reserved to the Board. See 415 ILCS 5/33(b) (2004);
 1811 35 Ill. Adm. Code 702.186 (2004). The Board intends that a reissued permit completely
 1812 supercede the earlier version of that permit.

1813
 1814 (Source: Amended at 42 Ill. Reg. _____, effective _____)
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1816 **Section 703.280 Permit Modification at the Request of the Permittee**
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- 1818 a) Class 1 modifications. See Section 703.281.
- 1819
- 1820 b) Class 2 modifications. See Section 703.282.
- 1821
- 1822 c) Class 3 modifications. See Section 703.283.
- 1823
- 1824 d) Other modifications.
- 1825
- 1826 1) In the case of modifications not explicitly listed in Appendix A ~~of this~~
 1827 ~~Part~~, the permittee may submit a Class 3 modification request to the
 1828 Agency, or the permittee may request a determination by the Agency that
 1829 the modification be reviewed and approved as a Class 1 or Class 2
 1830 modification. If the permittee requests that the modification be classified
 1831 as a Class 1 or 2 modification, the permittee must provide the Agency with
 1832 the necessary information to support the requested classification.
- 1833
- 1834 2) The Agency must make the determination described in subsection (d)(1)
 1835 ~~of this Section~~ as promptly as practicable. In determining the appropriate
 1836 class for a specific modification, the Agency must consider the similarity
 1837 of the modification to other modifications codified in Appendix A ~~of this~~
 1838 ~~Part~~ and the following criteria:
- 1839
- 1840 A) Class 1 modifications apply to minor changes that keep the permit
 1841 current with routine changes to the facility or its operation. These
 1842 changes do not substantially alter the permit conditions or reduce
 1843 the capacity of the facility to adequately protect human health or
 1844 the environment. In the case of Class 1 modifications, the Agency
 1845 may require prior approval.
- 1846
- 1847 B) Class 2 modifications apply to changes that are necessary to enable
 1848 a permittee to respond, in a timely manner, to any of the following:
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- i) Common variations in the types and quantities of the wastes managed under the facility permit;
 - ii) Technological advances; and
 - iii) Changes necessary to comply with new regulations, where these changes can be implemented without substantially changing design specifications or management practices in the permit.
- 1860 C) Class 3 modifications substantially alter the facility or its
1861 operation.
1862
- 1863 e) Temporary authorizations.
1864
- 1) Upon request of the permittee, the Agency must, without prior public notice and comment, grant the permittee a temporary authorization in accordance with this subsection (e). Temporary authorizations have a term of not more than 180 days.
 - 2) Procedures.
 - 1872 A) The permittee may request a temporary authorization for the
1873 following:
 - 1875 i) Any Class 2 modification meeting the criteria in subsection
1876 (e)(3)(B) ~~of this Section~~; and
 - 1877 ii) Any Class 3 modification that meets the criteria in
1878 subsection (e)(3)(B)(i) ~~of this Section~~ or that meets the
1879 criteria in subsections (e)(3)(B)(iii) through (e)(3)(B)(v) ~~of~~
1880 ~~this Section~~ and provides improved management or
1881 treatment of a hazardous waste already listed in the facility
1882 permit.
 - 1885 B) The temporary authorization request must include the following:
 - 1887 i) A description of the activities to be conducted under the
1888 temporary authorization;
 - 1889 ii) An explanation of why the temporary authorization is
1890 necessary; and
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- iii) Sufficient information to ensure compliance with 35 Ill. Adm. Code 724 standards.
 - C) The permittee must send a notice about the temporary authorization request to all persons on the facility mailing list maintained by the Agency and to appropriate units of State and local governments, as specified in 35 Ill. Adm. Code 705.163(a)(5). This notification must be made within seven days after submission of the authorization request.
 - 3) The Agency must approve or deny the temporary authorization as quickly as practical. To issue a temporary authorization, the Agency must find as follows:
 - A) That the authorized activities are in compliance with the standards of 35 Ill. Adm. Code 724.
 - B) That the temporary authorization is necessary to achieve one of the following objectives before action is likely to be taken on a modification request:
 - i) To facilitate timely implementation of closure or corrective action activities;
 - ii) To allow treatment or storage in tanks, containers, or containment buildings, in accordance with 35 Ill. Adm. Code 728;
 - iii) To prevent disruption of ongoing waste management activities;
 - iv) To enable the permittee to respond to sudden changes in the types or quantities of the wastes managed under the facility permit; or
 - v) To facilitate other changes to adequately protect human health and the environment.
 - 4) A temporary authorization must be reissued for one additional term of up to 180 days, provided that the permittee has requested a Class 2 or 3 permit modification for the activity covered in the temporary authorization, and either of the following is true:

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

- 1979 requirements;
- 1980
- 1981 C) The permittee is in compliance with the applicable standards of 35
- 1982 Ill. Adm. Code 725 and 726;
- 1983
- 1984 D) The permittee also submits a complete class 2 or 3 modification
- 1985 request within 180 days after the effective date of the rule listing or
- 1986 identifying the waste, or subjecting the unit to management
- 1987 standards pursuant to 35 Ill. Adm. Code 724, 725, or 726; and
- 1988
- 1989 E) In the case of land disposal units, the permittee certifies that such
- 1990 unit is in compliance with all applicable requirements of 35 Ill.
- 1991 Adm. Code 725 for groundwater monitoring and financial
- 1992 responsibility requirements on the date 12 months after the
- 1993 effective date of the rule identifying or listing the waste as
- 1994 hazardous, or regulating the unit as a hazardous waste management
- 1995 unit. If the owner or operator fails to certify compliance with all
- 1996 these requirements, the owner or operator loses authority to operate
- 1997 pursuant to this Section.
- 1998
- 1999 2) New wastes or units added to a facility's permit pursuant to this subsection
- 2000 (g) do not constitute expansions for the purpose of the 25 percent capacity
- 2001 expansion limit for Class 2 modifications.
- 2002
- 2003 h) Military hazardous waste munitions treatment and disposal. The permittee is
- 2004 authorized to continue to accept waste military munitions notwithstanding any
- 2005 permit conditions barring the permittee from accepting off-site wastes, if each of
- 2006 the following is true:
- 2007
- 2008 1) The facility was in existence as a hazardous waste facility and the facility
- 2009 was already permitted to handle the waste military munitions on the date
- 2010 when the waste military munitions became subject to hazardous waste
- 2011 regulatory requirements;
- 2012
- 2013 2) On or before the date when the waste military munitions become subject
- 2014 to hazardous waste regulatory requirements, the permittee submits a Class
- 2015 1 modification request to remove or amend the permit provision restricting
- 2016 the receipt of off-site waste munitions; and
- 2017
- 2018 3) The permittee submits a complete Class 2 modification request within 180
- 2019 days after the date when the waste military munitions became subject to
- 2020 hazardous waste regulatory requirements.
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- i) Permit modification list. The Agency must maintain a list of all approved permit modifications and must publish a notice once a year in a State-wide newspaper that an updated list is available for review.
 - j) Combustion facility changes to meet federal 40 CFR 63 MACT standards. The following procedures apply to hazardous waste combustion facility permit modifications requested pursuant to Appendix A, paragraph L(9) of this Part.
 - 1) A facility owner or operator must have complied with the federal notification of intent to comply (NIC) requirements of 40 CFR 63.1210 that was in effect prior to October 11, 2000, (see subpart EEE of 40 CFR 63 (2000), incorporated by reference in 35 Ill. Adm. Code 720.111(b)) in order to request a permit modification pursuant to this Section for the purpose of technology changes needed to meet the standards of 40 CFR 63.1203, 63.1204, and 63.1205, incorporated by reference in 35 Ill. Adm. Code 720.111(b).
 - 2) If the Agency does not act to either approve or deny the request within 90 days of receiving it, the request must be deemed approved. The Agency may, at its discretion, extend this 90-day deadline one time for up to 30 days by notifying the facility owner or operator in writing before the 90 days has expired. A facility owner or operator must comply with the NIC requirements of 40 CFR 63.1210(b) and 63.1212(a) before a permit modification can be requested under this Section for the purpose of technology changes needed to meet the 40 CFR 63.1215, 63.1216, 63.1217, 63.1218, 63.1219, 63.1220, and 63.1221 standards as added on October 12, 2005, incorporated by reference in 35 Ill. Adm. Code 720.111(b).
 - k) Waiver of RCRA permit conditions in support of transition to the federal 40 CFR 63 MACT standards.
 - 1) The facility owner or operator may request to have specific RCRA operating and emissions limits waived by submitting a Class 1 permit modification request under Appendix A of this Part, paragraph L.10. The owner or operator must provide the information described in subsections (k)(1)(A) through (k)(1)(C) of this Section, with Agency review subject to the conditions of subsection (k)(1)(D) of this Section:
 - A) It must identify the specific RCRA permit operating and emissions limits that the owner or operator is requesting to waive;

- 2064 B) It must provide an explanation of why the changes are necessary in
2065 order to minimize or eliminate conflicts between the RCRA permit
2066 and MACT compliance; and
2067
2068 C) It must discuss how the revised provisions will be sufficiently
2069 protective.
2070
2071 D) The Agency must approve or deny the request within 30 days after
2072 receipt of the request. The Agency may, at its discretion, extend
2073 this 30-day deadline one time for up to 30 days by notifying the
2074 facility owner or operator in writing.
2075
2076 2) To request this modification in conjunction with MACT performance
2077 testing, where permit limits may only be waived during actual test events
2078 and pretesting, as defined under 40 CFR 63.1207(h)(2)(i) and (h)(2)(ii),
2079 incorporated by reference in 35 Ill. Adm. Code 720.111(b), for an
2080 aggregate time not to exceed 720 hours of operation (renewable at the
2081 discretion of the Agency) the owner or operator must fulfill the conditions
2082 of subsection (k)(2)(A) of this Section, subject to the conditions of
2083 subsection (k)(2)(B) of this Section:
2084
2085 A) It must submit its modification request to the Agency at the same
2086 time it submits its test plans to the Agency.
2087
2088 B) The Agency may elect to approve or deny the request contingent
2089 upon approval of the test plans.
2090
2091 1) This subsection (1) corresponds with 40 CFR 270.42(1), which became obsolete
2092 when USEPA removed and marked reserved at 81 Fed. Reg. 85732 (November
2093 28, 2016) terminated the Performance Track Program at 74 Fed. Reg. 22741 (May
2094 14, 2009). USEPA has recognized that program-related rules are no longer
2095 effective at 75 Fed. Reg. 12989, 92, note 1 (Mar. 18, 2010). This statement
2096 maintains structural consistency with the corresponding federal requirements.
2097

2098 BOARD NOTE: Derived from 40 CFR 270.42(d) through (k) (20172012).

2099 (Source: Amended at 42 Ill. Reg. _____, effective _____)

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2102 **Section 703.282 Class 2 Modifications**
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- 2104 a) For Class 2 modifications, listed in Appendix A, the permittee must submit a
2105 modification request to the Agency that does the following:
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- 1) Describes the exact change to be made to the permit conditions and supporting documents referenced by the permit;
 - 2) Identifies that the modification is a Class 2 modification;
 - 3) Explains why the modification is needed; and
 - 4) Provides the applicable information required by Section 703.181 through 703.185, 703.201 through 703.207, 703.221 through 703.225, and 703.230.
- b) The permittee must send a notice of the modification request to all persons on the facility mailing list maintained by the Agency and to the appropriate units of State and local government as specified in 35 Ill. Adm. Code 705.163(a)(5) and must, to the extent practicable, publish this notice in a newspaper of general circulation published in the County in which the facility is located. If no such newspaper exists, the permittee must publish the notice in a newspaper of general circulation in the vicinity of the facility. This notice must be mailed and published within seven days before or after the date of submission of the modification request, and the permittee must provide to the Agency evidence of the mailing and publication. The notice must include:
- 1) Announcement of a 60-day comment period, in accordance with subsection (e) ~~of this Section~~, and the name and address of an Agency contact to whom comments must be sent;
 - 2) Announcement of the date, time and place for a public meeting held in accordance with subsection (d) ~~of this Section~~;
 - 3) Name and telephone number of the permittee's contact person;
 - 4) Name and telephone number of an Agency contact person;
 - 5) Locations where copies of the modification request and any supporting documents can be viewed and copied; and
 - 6) The following statement: "The permittee's compliance history during the life of the permit being modified is available from the Agency contact person:".
- c) The permittee must place a copy of the permit modification request and supporting documents in a location accessible to the public in the vicinity of the permitted facility.

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- d) The permittee must hold a public meeting no earlier than 15 days after the publication of the notice required in subsection (b) ~~of this Section~~ and no later than 15 days before the close of the 60-day comment period. The meeting must be held in the County in which the permitted facility is located unless it is impracticable to do so, in which case the hearing must be held in the vicinity of the facility.
 - e) The public must be provided 60 days to comment on the modification request. The comment period begins on the date that the permittee publishes the notice in the local newspaper. Comments must be submitted to the Agency contact identified in the public notice.
 - f) Agency decision.
 - 1) No later than 90 days after receipt of the notification request, the Agency must:
 - A) Approve the modification request, with or without changes, and modify the permit accordingly;
 - B) Deny the request;
 - C) Determine that the modification request must follow the procedures in Section 703.283 for Class 3 modifications for either of the following reasons:
 - i) There is significant public concern about the proposed modification; or
 - ii) The complex nature of the change requires the more extensive procedures of Class 3;
 - D) Approve the request, with or without changes, as a temporary authorization having a term of up to 180 days; or
 - E) Notify the permittee that the Agency will decide on the request within the next 30 days.
 - 2) If the Agency notifies the permittee of a 30-day extension for a decision, the Agency must, no later than 120 days after receipt of the modification request, do the following:

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- A) Approve the modification request, with or without changes, and modify the permit accordingly;
 - B) Deny the request;
 - C) Determine that the modification request must follow the procedures in Section 703.283 for Class 3 modifications for the following reasons:
 - i) There is significant public concern about the proposed modification; or
 - ii) The complex nature of the change requires the more extensive procedures of Class 3; or
 - D) Approve the request, with or without changes, as a temporary authorization having a term of up to 180 days.
- 3) If the Agency fails to make one of the decisions specified in subsection (f)(2) ~~of this Section~~ by the 120th day after receipt of the modification request, the permittee is automatically authorized to conduct the activities described in the modification request for up to 180 days, without formal Agency action. The authorized activities must be conducted as described in the permit modification request and must be in compliance with all appropriate standards of 35 Ill. Adm. Code 725. If the Agency approves, with or without changes, or denies the modification request during the term of the temporary or automatic authorization provided for in subsections (f)(1), (f)(2), or (f)(3) ~~of this Section~~, such action cancels the temporary or automatic authorization.
- 4) Notification by permittee.
- A) In the case of an automatic authorization under subsection (f)(3) ~~of this Section~~, or a temporary authorization under subsection (f)(1)(D) or (f)(2)(D) ~~of this Section~~, if the Agency has not made a final approval or denial of the modification request by the date 50 days prior to the end of the temporary or automatic authorization, the permittee must, within seven days after that time, send a notification to persons on the facility mailing list, and make a reasonable effort to notify other persons who submitted written comments on the modification request, that informs them as follows:

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- i) That the permittee has been authorized temporarily to conduct the activities described in the permit modification request; and
 - ii) That, unless the Agency acts to give final approval or denial of the request by the end of the authorization period, the permittee will receive authorization to conduct such activities for the life of the permit.
- B) If the owner or operator fails to notify the public by the date specified in subsection (f)(4)(A) ~~of this Section~~, the effective date of the permanent authorization will be deferred until 50 days after the owner or operator notifies the public.
- 5) Except as provided in subsection (f)(7) ~~of this Section~~, if the Agency does not finally approve or deny a modification request before the end of the automatic or temporary authorization period or reclassify the modification as a Class 3 modification, the permittee is authorized to conduct the activities described in the permit modification request for the life of the permit unless modified later under Section 703.270 or Section 703.280. The activities authorized under this subsection must be conducted as described in the permit modification request and must be in compliance with all appropriate standards of 35 Ill. Adm. Code 725.
- 6) In making a decision to approve or deny a modification request, including a decision to issue a temporary authorization or to reclassify a modification as a Class 3, the Agency must consider all written comments submitted to the Agency during the public comment period and must respond in writing to all significant comments in the Agency's decision.
- 7) With the written consent of the permittee, the Agency may extend indefinitely or for a specified period the time periods for final approval or denial of a modification request or for reclassifying a modification as a Class 3.
- g) The Agency must deny or change the terms of a Class 2 permit modification request under subsections (f)(1) through (f)(3) ~~of this Section~~ for the following reasons:
- 1) The modification request is incomplete;
 - 2) The requested modification does not comply with the appropriate requirements of 35 Ill. Adm. Code 724 or other applicable requirements;

2279 or

2280
2281 3) The conditions of the modification fail to protect human health and the
2282 environment.

2283
2284 h) The permittee may perform any construction associated with a Class 2 permit
2285 modification request beginning 60 days after the submission of the request unless
2286 the Agency establishes a later date for commencing construction and informs the
2287 permittee in writing before day 60.
2288

2289 BOARD NOTE: Derived from 40 CFR 270.42(b) (20172002).

2290
2291 (Source: Amended at 42 Ill. Reg. _____, effective _____)
2292

2293 **Section 703.283 Class 3 Modifications**

2294
2295 a) For Class 3 modifications, listed in Appendix A, the permittee must submit a
2296 modification request to the Agency that does the following:

- 2297
2298 1) Describes the exact change to be made to the permit conditions and
2299 supporting documents referenced by the permit;
2300
2301 2) Identifies that the modification is a Class 3 modification;
2302
2303 3) Explains why the modification is needed; and
2304
2305 4) Provides the applicable information required by Section 703.181 through
2306 703.187, 703.201 through 703.209, 703.221 through 703.225, 703.230,
2307 and 703.232.
2308

2309 b) The permittee must send a notice of the modification request to all persons on the
2310 facility mailing list maintained by the Agency and to the appropriate units of State
2311 and local government, as specified in 35 Ill. Adm. Code 705.163(a)(5), and must
2312 publish this notice in a newspaper of general circulation in the county in which
2313 the facility is located. This notice must be mailed and published within seven days
2314 before or after the date of submission of the modification request, and the
2315 permittee must provide to the Agency evidence of the mailing and publication.
2316 The notice must include the following:

- 2317
2318 1) Announcement of a 60-day comment period, in accordance with
2319 subsection (e) of this Section, and the name and address of an Agency
2320 contact to whom comments must be sent;
2321

- 2322 2) Announcement of the date, time, and place for a public meeting held in
2323 accordance with subsection (d) ~~of this Section~~;
- 2324
- 2325 3) Name and telephone number of the permittee's contact person;
- 2326
- 2327 4) Name and telephone number of an Agency contact person;
- 2328
- 2329 5) Locations where copies of the modification request and any supporting
2330 documents can be viewed and copied; and
- 2331
- 2332 6) The following statement: "The permittee's compliance history during the
2333 life of the permit being modified is available from the Agency contact
2334 person."
2335
- 2336 c) The permittee must place a copy of the permit modification request and
2337 supporting documents in a location accessible to the public in the vicinity of the
2338 permitted facility.
- 2339
- 2340 d) The permittee must hold a public meeting no earlier than 15 days after the
2341 publication of the notice required in subsection (b) ~~of this Section~~ and no later
2342 than 15 days before the close of the 60-day comment period. The meeting must be
2343 held to the extent practicable in the vicinity of the permitted facility.
- 2344
- 2345 e) The public must be provided 60 days to comment on the modification request.
2346 The comment period will begin on the date the permittee publishes the notice in
2347 the local newspaper. Comments must be submitted to the Agency contact
2348 identified in the public notice.
- 2349
- 2350 f) After the conclusion of the 60-day comment period, the Agency must grant or
2351 deny the permit modification request, according to the permit modification
2352 procedures of 35 Ill. Adm. Code 705. In addition, the Agency must consider and
2353 respond to all significant written comments received during the 60-day comment
2354 period.
- 2355

2356 BOARD NOTE: Derived from 40 CFR 270.42(c) (20172002).

2357 (Source: Amended at 42 Ill. Reg. _____, effective _____)

2358
2359
2360 SUBPART I: INTEGRATION WITH MAXIMUM ACHIEVABLE
2361 CONTROL TECHNOLOGY (MACT) STANDARDS
2362

2363 **Section 703.320 Options for Incinerators and Cement and Lightweight Aggregate Kilns to**
2364 **Minimize Emissions from Startup, Shutdown, and Malfunction Events**

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- a) Facilities with existing permits.
 - 1) Revisions to permit conditions after documenting compliance with MACT. The owner or operator of a RCRA-permitted incinerator, cement kiln, lightweight aggregate kiln, solid fuel boiler, liquid fuel boiler, or hydrochloric acid production furnace, when requesting removal of permit conditions that are no longer applicable according to 35 Ill. Adm. Code 724.440(b) and 726.200(b), may request that the Agency address permit conditions that minimize emissions from startup, shutdown, and malfunction events under any of the following options:
 - A) Retain relevant permit conditions. Under this option, the Agency must do the following:
 - i) Retain permit conditions that address releases during startup, shutdown, and malfunction events, including releases from emergency safety vents, as these events are defined in the facility's startup, shutdown, and malfunction plan required pursuant to 40 CFR 63.1206(c)(2) (When and How Must You Comply with the Standards and Operating Requirements?), incorporated by reference in 35 Ill. Adm. Code 720.111(b); and
 - ii) Limit applicability of those permit conditions only to when the facility is operating under its startup, shutdown, and malfunction plan.
 - B) Revise relevant permit conditions. Under this option, the following must occur:
 - i) The Agency must identify a subset of relevant existing permit requirements, or develop alternative permit requirements, that ensure emissions of toxic compounds are minimized from startup, shutdown, and malfunction events, including releases from emergency safety vents, based on review of information including the source's startup, shutdown, and malfunction plan, design, and operating history;
 - ii) The Agency must retain or add these permit requirements to the permit to apply only when the facility is operating under its startup, shutdown, and malfunction plan; and

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iii) The owner or operator must comply with subsection (a)(3) of this Section.

BOARD NOTE: The Board found it necessary to deviate from the structure of corresponding 40 CFR 270.235(a)(1)(ii) in this subsection (a)(1)(B) in order to comport with Illinois Administrative Code codification requirements. The substance of 40 CFR 270.235(a)(1)(ii)(A), (a)(1)(ii)(A)(1), and (a)(1)(ii)(A)(2) appear as subsections (a)(1)(B), (a)(1)(B)(i), and (a)(1)(B)(ii). The substance of 40 CFR 270.235(a)(1)(ii)(B) has been codified as subsection (a)(3) of this Section. The Board added subsection (a)(1)(B) of this Section to direct attention to subsection (a)(3).

C) Remove permit conditions. Under this option the following are required:

- i) The owner or operator must document that the startup, shutdown, and malfunction plan required pursuant to 40 CFR 63.1206(c)(2) has been approved pursuant to 40 CFR 63.1206(c)(2)(ii)(B); and
- ii) The Agency must remove permit conditions that are no longer applicable according to 35 Ill. Adm. Code 724.440(b) and 726.200(b).

2) Addressing permit conditions upon permit reissuance. The owner or operator of an incinerator, cement kiln, lightweight aggregate kiln, solid fuel boiler, liquid fuel boiler, or hydrochloric acid production furnace that has conducted a comprehensive performance test and submitted to the Agency a Notification of Compliance documenting compliance with the standards of subpart EEE of 40 CFR 63 (National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors), incorporated by reference in 35 Ill. Adm. Code 720.111(b), may request in the application to reissue the permit for the combustion unit that the Agency control emissions from startup, shutdown, and malfunction events under any of the following options:

A) RCRA option A. Under this option, the Agency must do the following:

- i) Include, in the permit, conditions that ensure compliance with 35 Ill. Adm. Code 724.445(a) and (c) or 726.202(e)(1)

2451 and (e)(2)(C) to minimize emissions of toxic compounds
2452 from startup, shutdown, and malfunction events, including
2453 releases from emergency safety vents; and
2454

2455 ii) Specify that these permit requirements apply only when the
2456 facility is operating under its startup, shutdown, and
2457 malfunction plan; or
2458

2459 BOARD NOTE: The Board found it necessary to deviate from the
2460 structure of corresponding 40 CFR 270.235(a)(2)(i) in this
2461 subsection (a)(2)(A) in order to comport with Illinois
2462 Administrative Code codification requirements. The substance of
2463 40 CFR 270.235(a)(2)(i)(A), (a)(2)(i)(A)(I), and (a)(2)(i)(A)(2)
2464 appear as subsections (a)(2)(A), (a)(2)(A)(i), and (a)(2)(A)(ii).
2465

2466 B) RCRA option B. Under this option, the following must occur:
2467

2468 i) The Agency must include, in the permit, conditions that
2469 ensure emissions of toxic compounds are minimized from
2470 startup, shutdown, and malfunction events, including
2471 releases from emergency safety vents, based on review of
2472 information including the source's startup, shutdown, and
2473 malfunction plan, design, and operating history;
2474

2475 ii) The Agency must specify that these permit requirements
2476 apply only when the facility is operating under its startup,
2477 shutdown, and malfunction plan; and
2478

2479 iii) The owner or operator must comply with subsection (a)(3)
2480 ~~of this Section~~; and
2481

2482 BOARD NOTE: The Board found it necessary to deviate from the
2483 structure of corresponding 40 CFR 270.235(a)(2)(ii) in this
2484 subsection (a)(2)(B) in order to comport with Illinois
2485 Administrative Code codification requirements. The substance of
2486 40 CFR 270.235(a)(2)(ii)(A), (a)(2)(ii)(A)(I), and (a)(2)(ii)(A)(2)
2487 appear as subsections (a)(2)(B), (a)(2)(B)(i), and (a)(2)(B)(ii). The
2488 substance of 40 CFR 270.235(a)(2)(ii)(B) has been codified as
2489 subsection (a)(3) ~~of this Section~~. The Board added subsection
2490 (a)(2)(B)(iii) ~~of this Section~~ to direct attention to subsection (a)(3).
2491

2492 C) CAA option. Under this option the following are required:
2493

- 2494 i) The owner or operator must document that the startup,
2495 shutdown, and malfunction plan required pursuant to 40
2496 CFR 63.1206(c)(2) has been approved pursuant to 40 CFR
2497 63.1206(c)(2)(ii)(B); and
- 2498
- 2499 ii) The Agency must omit from the permit conditions that are
2500 not applicable pursuant to 35 Ill. Adm. Code 724.440(b)
2501 and 726.200(b).
- 2502

2503 3) Changes that may significantly increase emissions.

2504

- 2505 A) The owner or operator must notify the Agency in writing of
2506 changes to the startup, shutdown, and malfunction plan or changes
2507 to the design of the source that may significantly increase
2508 emissions of toxic compounds from startup, shutdown, or
2509 malfunction events, including releases from emergency safety
2510 vents. The owner or operator must notify the Agency of such
2511 changes within five days of making such changes. The owner or
2512 operator must identify in the notification recommended revisions
2513 to permit conditions necessary as a result of the changes to ensure
2514 that emissions of toxic compounds are minimized during these
2515 events.

2516

- 2517 B) The Agency may revise permit conditions as a result of these
2518 changes to ensure that emissions of toxic compounds are
2519 minimized during startup, shutdown, or malfunction events,
2520 including releases from emergency safety vents in either of the
2521 following ways:

2522

- 2523 i) Upon permit renewal; or

2524

- 2525 ii) If warranted, by modifying the permit pursuant to Section
2526 703.270 or 703.280 through 703.283.

2527

2528 BOARD NOTE: The substance of 40 CFR 270.235(a)(1)(ii)(B)
2529 and (a)(2)(ii)(B) has been codified as this subsection (a)(3).

2530

- 2531 b) Interim status facilities.

2532

- 2533 1) Interim status operations. In compliance with 35 Ill. Adm. Code 725.440
2534 and 726.200(b), the owner or operator of an incinerator, cement kiln,
2535 lightweight aggregate kiln, solid fuel boiler, liquid fuel boiler, or
2536 hydrochloric acid production furnace that is operating under the interim

2537 status standards of 35 Ill. Adm. Code 725 or 726 may control emissions of
 2538 toxic compounds during startup, shutdown, and malfunction events under
 2539 either of the following options after conducting a comprehensive
 2540 performance test and submitting to the Agency a Notification of
 2541 Compliance documenting compliance with the standards of subpart EEE
 2542 of 40 CFR 63:

2543
 2544 A) RCRA option. Under this option, the owner or operator must
 2545 continue to comply with the interim status emission standards and
 2546 operating requirements of 35 Ill. Adm. Code 725 or 726 relevant to
 2547 control of emissions from startup, shutdown, and malfunction
 2548 events. Those standards and requirements apply only during
 2549 startup, shutdown, and malfunction events; or

2550
 2551 B) CAA option. Under this option, the owner or operator is exempt
 2552 from the interim status standards of 35 Ill. Adm. Code 725 or 726
 2553 relevant to control of emissions of toxic compounds during startup,
 2554 shutdown, and malfunction events upon submission of written
 2555 notification and documentation to the Agency that the startup,
 2556 shutdown, and malfunction plan required pursuant to 40 CFR
 2557 63.1206(c)(2) has been approved pursuant to 40 CFR
 2558 63.1206(c)(2)(ii)(B).

2559
 2560 2) Operations under a subsequent RCRA permit. When an owner or operator
 2561 of an incinerator, cement kiln, lightweight aggregate kiln, solid fuel boiler,
 2562 liquid fuel boiler, or hydrochloric acid production furnace that is operating
 2563 under the interim status standards of 35 Ill. Adm. Code 725 or 726 submits
 2564 a RCRA permit application, the owner or operator may request that the
 2565 Agency control emissions from startup, shutdown, and malfunction events
 2566 under any of the options provided by subsection (a)(2)(A), (a)(2)(B), or
 2567 (a)(2)(C) of this Section.

2568
 2569 c) New units. A hazardous waste incinerator, cement kiln, lightweight aggregate
 2570 kiln, solid fuel boiler, liquid fuel boiler, or hydrochloric acid production furnace
 2571 unit that becomes subject to RCRA permit requirements after October 12, 2005
 2572 must control emissions of toxic compounds during startup, shutdown, and
 2573 malfunction events under either of the following options:

2574
 2575 1) It may comply with the requirements specified in 40 CFR 63.1206(c)(2),
 2576 incorporated by reference in 35 Ill. Adm. Code 720.111(b); or

2577
 2578 2) It may request to include in the RCRA permit, conditions that ensure
 2579 emissions of toxic compounds are minimized from startup, shutdown, and

2580 malfunction events, including releases from emergency safety vents, based
2581 on review of information, including the source's startup, shutdown, and
2582 malfunction plan and design. The Agency must specify that these permit
2583 conditions apply only when the facility is operating under its startup,
2584 shutdown, and malfunction plan.
2585

2586 BOARD NOTE: Derived from 40 CFR 270.235 (20172005), as amended at 70 Fed. Reg.
2587 59402 (Oct. 12, 2005). Operating conditions used to determine effective treatment of
2588 hazardous waste remain effective after the owner or operator demonstrates compliance
2589 with the standards of subpart EEE of 40 CFR 63.
2590

2591 (Source: Amended at 42 Ill. Reg. _____, effective _____)
2592

2593 SUBPART J: RCRA STANDARDIZED PERMITS
2594 FOR STORAGE AND TREATMENT UNITS
2595

2596 **Section 703.350 General Information About RCRA Standardized Permits**
2597

- 2598 a) RCRA standardized permit. A RCRA standardized permit (RCRA) is a special
2599 type of permit that authorizes the owner or operator of a facility to manage
2600 hazardous waste. A RCRA standardized permit is issued pursuant to Subpart G of
2601 35 Ill. Adm. Code 705 and this Subpart J.
2602

2603 BOARD NOTE: Subsection (a) of this Section is derived from 40 CFR 270.250
2604 (20172007).
2605

- 2606 b) Eligibility for a RCRA standardized permit.
2607

- 2608 1) The facility owner or operator may be eligible for a RCRA standardized
2609 permit if the following conditions are fulfilled:
2610

2611 A) The facility generates hazardous waste and then stores or non-
2612 thermally treats the hazardous waste on-site in containers, tanks, or
2613 containment buildings; or
2614

2615 B) The facility receives hazardous waste generated off-site by a
2616 generator under the same ownership as the receiving facility, and
2617 the facility stores or non-thermally treats the hazardous waste in
2618 containers, tanks, or containment buildings.
2619

2620 C) The Agency must inform the facility owner or operator of its
2621 eligibility for a RCRA standardized permit when the Agency
2622 makes a decision on its permit application.

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- 2) This subsection (b)(2) corresponds with 40 CFR 270.255(b), which USEPA has marked "Reserved." This statement maintains structural consistency with the corresponding federal rules.

BOARD NOTE: Subsection (b) of this Section is derived from 40 CFR 270.255 (20172007).

- c) Permit requirements applicable to a RCRA standardized permit. The following provisions of this Part and 35 Ill. Adm. Code 702 apply to a RCRA standardized permit:
- 1) General Information: All provisions derived from subpart A of 40 CFR 270 apply: Sections 703.110, 703.121 through 703.124, 703.158 through 703.160, and 703.161(a) and 35 Ill. Adm. Code 702.104, 702.110, 702.181, and 720.111.
 - 2) Permit Application: All provisions derived from 40 CFR 270.10, 270.11, 270.12, 270.13, and 270.29 in subpart B of 40 CFR 270 apply: Sections 703.125, 703.126, 703.150 through 703.152, 703.157, 703.181, 703.186, 703.188, and 703.240 and 35 Ill. Adm. Code 702.103, 702.120 through 702.124, and 702.126.
 - 3) Permit Conditions: All provisions derived from subpart C of 40 CFR 270 apply: Sections 703.241 through 703.248 and 35 Ill. Adm. Code 702.140 through 702.152, 702.160, and 702.162 through 702.164.
 - 4) Changes to Permit: All provisions derived from 40 CFR 270.40, 270.41, and 270.43 in subpart D of 40 CFR 270 apply: Sections 703.260 and 703.270 through 703.273 and 35 Ill. Adm. Code 702.186.
 - 5) Expiration and Continuation of Permits: All provisions derived from subpart E of 40 CFR 270 apply: 35 Ill. Adm. Code 702.125 and 702.161.
 - 6) Special Forms of Permits: The provision derived from 40 CFR 270.67 in subpart F of 40 CFR 270 apply: Section 703.238.
 - 7) Interim Status: All provisions derived from subpart G of 40 CFR 270 apply: Sections 703.153 through 703.157.
 - 8) Remedial Action Plans: No provisions derived from subpart H of 40 CFR 270 apply: no provisions of Subpart H of 35 Ill. Adm. Code 703 apply.

- 2666 9) RCRA Standardized Permits: All provisions derived from subpart J of 40
2667 CFR 270 apply: this Subpart J.
2668

2669 BOARD NOTE: Subsection (c) of this Section is derived from 40 CFR 270.260
2670 (20172007).
2671

2672 (Source: Amended at 42 Ill. Reg. _____, effective _____)
2673

2674 **Section 703.352 Information That Must Be Kept at the Facility**
2675

- 2676 a) General types of information to be maintained at the facility. The facility owner
2677 or operator must keep the following information at its facility:
2678
- 2679 1) A general description of the facility;
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 - 2681 2) Results of chemical and physical analyses of the hazardous waste and
2682 hazardous debris handled at the facility. At a minimum, these results of
2683 analyses must contain all the information that the owner or operator must
2684 know to treat or store the wastes properly pursuant to 35 Ill. Adm. Code
2685 727;
2686
 - 2687 3) A copy of the waste analysis plan required by 35 Ill. Adm. Code
2688 727.110(d)(2);
2689
 - 2690 4) A description of the security procedures and equipment required by 35 Ill.
2691 Adm. Code 727.110(e);
2692
 - 2693 5) A copy of the general inspection schedule required by 35 Ill. Adm. Code
2694 727.110(f)(2). The owner or operator must include in the inspection
2695 schedule applicable requirements of 35 Ill. Adm. Code 724.933, 724.952,
2696 724.953, 724.958, 724.988, 727.270(e), and 727.290(d) and (f);
2697
 - 2698 6) A justification of any modification of the preparedness and prevention
2699 requirements of 35 Ill. Adm. Code 727.130(a) through (f);
2700
 - 2701 7) A copy of the contingency plan required by 35 Ill. Adm. Code 727.150;
2702
 - 2703 8) A description of procedures, structures, or equipment used at the facility to
2704 accomplish each of the following:
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 - 2706 A) Prevent hazards in unloading operations (for example, use ramps,
2707 special forklifts);
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- B) Prevent runoff from hazardous waste handling areas to other areas of the facility or environment, or to prevent flooding (for example, with berms, dikes, trenches, etc.);
 - C) Prevent contamination of water supplies;
 - D) Mitigate effects of equipment failure and power outages;
 - E) Prevent undue exposure of personnel to hazardous waste (for example, requiring protective clothing); and
 - F) Prevent releases to atmosphere;
- 9) A description of precautions to prevent accidental ignition or reaction of ignitable, reactive, or incompatible wastes as required by 35 Ill. Adm. Code 727.110(h);
 - 10) The traffic pattern, estimated volume (number, types of vehicles) and control (for example, show turns across traffic lanes, and stacking lanes; describe access road surfacing and load bearing capacity; show traffic control signals, etc.);
 - 11) This subsection (a)(11) corresponds with 40 CFR 270.290(k), which USEPA has marked "Reserved-". This statement maintains structural consistency with the corresponding federal rules;
 - 12) An outline of both the introductory and continuing training programs that the owner or operator will use to prepare employees to operate or maintain its facility safely as required by 35 Ill. Adm. Code 727.110(g). A brief description of how training will be designed to meet actual job tasks pursuant to 35 Ill. Adm. Code 727.110(g)(1)(B) requirements;
 - 13) A copy of the closure plan required by 35 Ill. Adm. Code 727.210(c). Include, where applicable, as part of the plans, specific requirements in 35 Ill. Adm. Code 727.270(g), 727.290(l), and 727.900(i);
 - 14) This subsection (a)(14) corresponds with 40 CFR 270.290(n), which USEPA has marked "Reserved-". This statement maintains structural consistency with the corresponding federal rules;
 - 15) The most recent closure cost estimate for the facility prepared pursuant to 35 Ill. Adm. Code 727.240(c) and a copy of the documentation required to demonstrate financial assurance pursuant to 35 Ill. Adm. Code 727.240(d).

- 2752 For a new facility, the owner or operator may gather the required
 2753 documentation 60 days before the initial receipt of hazardous wastes;
 2754
- 2755 16) This subsection (a)(16) corresponds with 40 CFR 270.290(p), which
 2756 USEPA has marked "Reserved." This statement maintains structural
 2757 consistency with the corresponding federal rules;
 2758
- 2759 17) Where applicable, a copy of the insurance policy or other documentation
 2760 that complies with the liability requirements of 35 Ill. Adm. Code
 2761 727.240(h). For a new facility, documentation showing the amount of
 2762 insurance meeting the specification of 35 Ill. Adm. Code 727.240(h)(1)
 2763 that the owner or operator plans to have in effect before initial receipt of
 2764 hazardous waste for treatment or storage;
 2765
- 2766 18) Where appropriate, proof of coverage by a State financial mechanism, as
 2767 required by 35 Ill. Adm. Code 727.240(j) or 727.240(k);
 2768
- 2769 19) A topographic map showing a distance of 1,000 feet around the facility at
 2770 a scale of 2.5 centimeters (1 inch) equal to not more than 61.0 meters (200
 2771 feet). The map must show elevation contours. The contour interval must
 2772 show the pattern of surface water flow in the vicinity of and from each
 2773 operational unit of the facility. For example, contours with an interval of
 2774 1.5 meters (5 feet), if relief is greater than 6.1 meters (20 feet), or an
 2775 interval of 0.6 meters (2 feet), if relief is less than 6.1 meters (20 feet). If
 2776 the facility is in a mountainous area, the owner or operator should use
 2777 large contour intervals to adequately show topographic profiles of the
 2778 facility. The map must clearly show each of the following:
 2779
- 2780 A) The map scale and date;
 - 2781
 - 2782 B) Any 100-year flood plain area;
 - 2783
 - 2784 C) All surface waters including intermittent streams;
 - 2785
 - 2786 D) The surrounding land uses (residential, commercial, agricultural,
 2787 recreational, etc.);
 - 2788
 - 2789 E) A wind rose (i.e., prevailing windspeed and direction);
 - 2790
 - 2791 F) The orientation of the map (north arrow);
 - 2792
 - 2793 G) Legal boundaries of the facility site;
 - 2794

- 2795 H) Facility access control (fences, gates);
- 2796
- 2797 I) All injection and withdrawal wells both on-site and off-site;
- 2798
- 2799 J) All buildings; treatment, storage, or disposal operations; and other
- 2800 structures (recreation areas, runoff control systems, access and
- 2801 internal roads, storm, sanitary, and process sewerage systems,
- 2802 loading and unloading areas, fire control facilities, etc.);
- 2803
- 2804 K) Barriers for drainage or flood control; and
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- 2806 L) The location of operational units within the facility where
- 2807 hazardous waste is (or will be) treated or stored (including
- 2808 equipment cleanup areas).
- 2809

2810 BOARD NOTE: Subsection (a) of this Section is derived from 40 CFR 270.290
2811 (20172007).

- 2812
- 2813 b) Container information to be maintained at the facility. If the facility owner or
- 2814 operator stores or treats hazardous waste in containers, it must keep the following
- 2815 information at its facility:
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- 2817 1) A description of the containment system to demonstrate compliance with
- 2818 the container storage area provisions of 35 Ill. Adm. Code 727.270(d).
- 2819 This description must show the following information:
- 2820
- 2821 A) The basic design parameters, dimensions, and materials of
- 2822 construction;
- 2823
- 2824 B) How the design promotes drainage or how containers are kept from
- 2825 contact with standing liquids in the containment system;
- 2826
- 2827 C) The capacity of the containment system relative to the number and
- 2828 volume of containers to be stored;
- 2829
- 2830 D) The provisions for preventing or managing run-on; and
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- 2832 E) How accumulated liquids can be analyzed and removed to prevent
- 2833 overflow;
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- 2835 2) For storage areas that store containers holding wastes that do not contain
- 2836 free liquids, a demonstration of compliance with 35 Ill. Adm. Code
- 2837 727.270(d)(3), including the following:

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- A) Test procedures and results or other documentation or information to show that the wastes do not contain free liquids; and
- B) A description of how the storage area is designed or operated to drain and remove liquids or how containers are kept from contact with standing liquids;
- 3) Sketches, drawings, or data demonstrating compliance with 35 Ill. Adm. Code 727.270(e) (location of buffer zone (15m or 50ft) and containers holding ignitable or reactive wastes) and 35 Ill. Adm. Code 727.270(f)(3) (location of incompatible wastes in relation to each other), where applicable;
- 4) Where incompatible wastes are stored or otherwise managed in containers, a description of the procedures used to ensure compliance with 35 Ill. Adm. Code 727.270(f)(1) and (f)(2), and 35 Ill. Adm. Code 727.110(h)(2) and (h)(3); and
- 5) Information on air emission control equipment as required by Section 703.352(e).

BOARD NOTE: Subsection (b) of this Section is derived from 40 CFR 270.300 (20172007).

- c) Tank information to be maintained at the facility. If the facility owner or operator uses tanks to store or treat hazardous waste, it must keep the following information at its facility:
 - 1) A written assessment that is reviewed and certified by an independent, qualified, registered professional engineer on the structural integrity and suitability for handling hazardous waste of each tank system, as required pursuant to 35 Ill. Adm. Code 727.290(b) and (c);
 - 2) The dimensions and capacity of each tank;
 - 3) A description of feed systems, safety cutoff, bypass systems, and pressure controls (e.g., vents);
 - 4) A diagram of piping, instrumentation, and process flow for each tank system;

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- 5) A description of materials and equipment used to provide external corrosion protection, as required pursuant to 35 Ill. Adm. Code 727.290(b);
 - 6) For new tank systems, a detailed description of how the tank systems will be installed in compliance with 35 Ill. Adm. Code 727.290(c) and (e);
 - 7) Detailed plans and description of how the secondary containment system for each tank system is or will be designed, constructed, and operated to meet the requirements of 35 Ill. Adm. Code 727.290(f) and (g);
 - 8) This subsection (c)(8) corresponds with 40 CFR 270.305(h), which USEPA has marked "Reserved:". This statement maintains structural consistency with the corresponding federal rules;
 - 9) A description of controls and practices to prevent spills and overflows, as required pursuant to 35 Ill. Adm. Code 727.290(i);
 - 10) For tank systems in which ignitable, reactive, or incompatible wastes are to be stored or treated, a description of how operating procedures and tank system and facility design will achieve compliance with 35 Ill. Adm. Code 727.290(m) and (n); and
 - 11) Information on air emission control equipment, as required by Section 703.352(e).
- BOARD NOTE: Subsection (c) of this Section is derived from 40 CFR 270.305 (20172007).
- d) Equipment information to be maintained at the facility. If the facility has equipment to which Subpart BB of 35 Ill. Adm. Code 724 applies, the facility owner or operator must keep the following information at its facility:
 - 1) For each piece of equipment to which Subpart BB of 35 Ill. Adm. Code 724 applies, the following:
 - A) The equipment identification number and hazardous waste management unit identification;
 - B) The approximate locations within the facility (e.g., identify the hazardous waste management unit on a facility plot plan);
 - C) The type of equipment (e.g., a pump or a pipeline valve);

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- D) The percent by weight of total organics in the hazardous waste stream at the equipment;
 - E) The phase of the hazardous waste at the equipment (e.g., gas or vapor or liquid); and
 - F) The method of compliance with the standard (e.g., monthly leak detection and repair, or equipped with dual mechanical seals);
- 2) For a facility that cannot install a closed-vent system and control device to comply with Subpart BB of 35 Ill. Adm. Code 724 on the effective date that the facility becomes subject to the Subpart BB provisions, an implementation schedule as specified in 35 Ill. Adm. Code 724.933(a)(2);
- 3) Documentation that demonstrates compliance with the equipment standards in 35 Ill. Adm. Code 724.952 and 724.959. This documentation must contain the records required pursuant to 35 Ill. Adm. Code 724.964; and
- 4) Documentation to demonstrate compliance with 35 Ill. Adm. Code 724.960, which must include the following information:
- A) A list of all information references and sources used in preparing the documentation;
 - B) Records, including the dates, of each compliance test required by 35 Ill. Adm. Code 724.933(j);
 - C) A design analysis, specifications, drawings, schematics, and piping and instrumentation diagrams based on the appropriate sections of "APTI Course 415: Control of Gaseous Emissions," USEPA publication number EPA-450/2-81-005, incorporated by reference in 35 Ill. Adm. Code 720.111(a) or other engineering texts acceptable to the Agency that present basic control device design information. The design analysis must address the vent stream characteristics and control device operation parameters, as specified in 35 Ill. Adm. Code 724.935(b)(4)(iii);
 - D) A statement signed and dated by the facility owner or operator that certifies that the operating parameters used in the design analysis reasonably represent the conditions that exist when the hazardous

2965 waste management unit is operating at the highest load or capacity
2966 level reasonable expected to occur; and
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2968 E) A statement signed and dated by the facility owner or operator that
2969 certifies that the control device is designed to operate at an
2970 efficiency of 95 weight percent or greater.
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2972 BOARD NOTE: Subsection (d) of this Section is derived from 40 CFR 270.310
2973 (20172007).
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2975 e) Air emissions control information to be maintained at the facility. If the facility
2976 owner or operator has air emission control equipment subject to Subpart CC of 35
2977 Ill. Adm. Code 724, it must keep the following information at its facility:
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- 2979 1) Documentation for each floating roof cover installed on a tank subject to
2980 35 Ill. Adm. Code 724.984(d)(1) or (d)(2) that includes information that
2981 the owner or operator prepared or the cover manufacturer or vendor
2982 provided describing the cover design, and the owner's or operator's
2983 certification that the cover meets applicable design specifications listed in
2984 35 Ill. Adm. Code 724.984(e)(1) or (f)(1);
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- 2986 2) Identification of each container area subject to Subpart CC of 35 Ill. Adm.
2987 Code 724 and the owner's or operator's certification that the requirements
2988 of this Subpart J are met;
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- 2990 3) Documentation for each enclosure used to control air pollutant emissions
2991 from tanks or containers pursuant to requirements of 35 Ill. Adm. Code
2992 724.984(d)(5) or 724.986(e)(1)(B). The owner or operator must include
2993 records for the most recent set of calculations and measurements that it
2994 performed to verify that the enclosure meets the criteria of a permanent
2995 total enclosure as specified in appendix B to 40 CFR 52.741 (Procedure T
2996 – Criteria for and Verification of a Permanent or Temporary Total
2997 Enclosure), incorporated by reference in 35 Ill. Adm. Code 720.111(b);
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- 2999 4) This subsection (e)(4) corresponds with 40 CFR 270.315(d), which
3000 USEPA has marked "Reserved-". This statement maintains structural
3001 consistency with the corresponding federal rules;
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- 3003 5) Documentation for each closed-vent system and control device installed
3004 pursuant to 35 Ill. Adm. Code 724.987 that includes design and
3005 performance information, as specified in Section 703.210(c) and (d); and
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- 3007 6) An emission monitoring plan for both Method 21 in appendix A to 40
3008 CFR 60 (Determination of Volatile Organic Compound Leaks),
3009 incorporated by reference in 35 Ill. Adm. Code 720.111(b), and control
3010 device monitoring methods. This plan must include the following
3011 information: monitoring points, monitoring methods for control devices,
3012 monitoring frequency, procedures for documenting exceedances, and
3013 procedures for mitigating noncompliances.

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3015 BOARD NOTE: Subsection (e) ~~of this Section~~ is derived from 40 CFR 270.315
3016 (20172007).

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3018 (Source: Amended at 42 Ill. Reg. _____, effective _____)
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3020 **Section 703.APPENDIX A Classification of Permit Modifications**

3021

Class Modifications

A. General Permit Provisions

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

B. General Facility Standards

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

other persons or agencies identified in the plan.

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

7. CQA plan:

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

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

C. Groundwater Protection

1. Changes to wells:

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

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

D. Closure

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

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

E. Post-Closure

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

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

F. Containers

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

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

4. Storage or treatment of different wastes in containers:

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

G. Tanks

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

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

to meet some or all of the applicable treatment standards, with prior approval of the Agency. This modification may also involve the addition of new USEPA hazardous waste numberseodes. It is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027, and F028).

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

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

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

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

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

H. Surface Impoundments

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

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

- 1* 6. Modifications of unconstructed units to comply with 35 Ill. Adm. Code 724.321(c), 724.322, 724.323, and 724.326(d).

- 7. Changes in response action plan:
 - 3 a. Increase in action leakage rate.
 - 3 b. Change in a specific response reducing its frequency or effectiveness.
 - 2 c. Other changes.

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

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

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

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

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

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

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

J. Landfills and Unenclosed Waste Piles

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

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

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

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

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

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

8. Changes in response action plan:

- 3 a. Increase in action leakage rate.

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

- 2 c. Other changes.

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

K. Land Treatment

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

- 2 2. Modification of runoff control system.

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

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

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

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

L. Incinerators, Boilers and Industrial Furnaces

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

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

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

- 2 4. Modification of an incinerator, boiler, or industrial furnace unit in a manner that will not likely affect the capability of the unit to meet the regulatory performance standards but which will change the operating conditions or monitoring requirements specified in the permit. The Agency may require a new trial burn to demonstrate compliance with the regulatory performance standards.

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

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

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

6. Burning different wastes:

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

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

7. Shakedown and trial burn:

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

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

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

M. Containment Buildings

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

N. Corrective Action

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

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

Ø. ~~Burden Reduction~~

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

Note: * indicates modifications requiring prior Agency approval.

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BOARD NOTE: Derived from appendix I to 40 CFR 270.42 (20172012).

(Source: Amended at 42 Ill. Reg. _____, effective _____)

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

PART 703
RCRA PERMIT PROGRAM

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703.APPENDIX A Classification of Permit Modifications

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

SOURCE: Adopted in R82-19 at 7 Ill. Reg. 14289, effective October 12, 1983; amended in R83-24 at 8 Ill. Reg. 206, effective December 27, 1983; amended in R84-9 at 9 Ill. Reg. 11899, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1110, effective January 2, 1986; amended in R85-23 at 10 Ill. Reg. 13284, effective July 28, 1986; amended in R86-1 at 10 Ill. Reg. 14093, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20702, effective December 2, 1986; amended in R86-28 at 11 Ill. Reg. 6121, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13543, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19383, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2584, effective January 15, 1988; amended in R87-39 at 12 Ill. Reg. 13069, effective July 29, 1988; amended in R88-16 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. 11271, effective August 9, 2016; amended in R17-14/R17-15/R18-12 at 42 Ill. Reg. _____, effective _____.

SUBPART B: PROHIBITIONS

Section 703.120 Prohibitions in General

a) Violation of the provisions of this Subpart may result in an enforcement action and sanctions pursuant to Titles VIII and XII of the Environmental Protection Act ~~[415 ILCS 5]~~;

b) This Subpart B serves the following functions:

1) It prohibits the conduct of hazardous waste management operations without a RCRA permit (Sections 703.121 and 703.122);

2) It specifies exclusions from the permit requirement (Section 703.123);

3) It sets times for the filing of applications and reapplications (Sections 703.125 and 703.126);

4) It prohibits violation of the conditions of RCRA permits (Section 703.122);

c) Subpart C ~~of this Part~~ grants permits by rule, and sets the conditions for interim status, which allows operation of certain facilities prior to permit issuance. Subpart C ~~of this Part~~ contains prohibitions applicable during the interim status period;

d) The following definitions apply to this Subpart B:

1) 35 Ill. Adm. Code 702.110; and

2) 35 Ill. Adm. Code 721, the definitions of "solid waste" and "hazardous waste-".

(Source: Amended at 42 Ill. Reg. ~~—~~, effective ~~_____~~)

Section 703.123 Specific Exclusions and Exemptions from Permit Program

The following persons are among those that are not required to obtain a RCRA permit:

a) A generator that accumulates hazardous waste on site in compliance with all of ~~on-site for less than~~ the conditions for exemption ~~time periods~~ provided in 35 Ill. Adm. Code ~~722.134~~ 722.114 through 722.117;

b) A farmer that disposes of hazardous waste pesticides from the farmer's own use, as provided in 35 Ill. Adm. Code 722.170;

c) A person that owns or operates a facility solely for the treatment, storage, or disposal of hazardous waste excluded from regulations pursuant to this Part by 35 Ill. Adm. Code 721.104 or 722.114 ~~721.105~~ (VSQG ~~small generator~~ exemption);

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

e) An owner or operator of an elementary neutralization unit or wastewater treatment unit, as defined in 35 Ill. Adm. Code 720.110;

f) A transporter that stores manifested shipments of hazardous waste in containers that meet the requirements of 35 Ill. Adm. Code 722.130 at a transfer facility for a period of ten days or less;

g) A person that adds absorbent material to waste in a container (as defined in 35 Ill. Adm. Code 720.110) or a person that adds waste to absorbent material in a container, provided that these actions occur at the time waste is first placed in the container; and 35 Ill. Adm. Code 724.117(b), 724.271, and 724.272 are complied with; and

h) A universal waste handler or universal waste transporter (as defined in 35 Ill. Adm. Code 720.110) that manages the wastes listed in subsections (h) (1) through (h) (5) ~~of this Section.~~ Such a handler or transporter is subject to regulation pursuant to 35 Ill. Adm. Code 733.

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

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

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

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

BOARD NOTE: Derived from 40 CFR 270.1(c) (2) (2017) ~~(2005), as amended at 70 Fed. Reg. 59848 (Oct. 13, 2005).~~

(Source: Amended at 42 Ill. Reg. _____, effective _____)

SUBPART C: AUTHORIZATION BY RULE AND INTERIM STATUS

Section 703.150 Application by Existing HWM Facilities and Interim Status Qualifications

a) The owner or operator of an existing HWM facility or of an HWM facility in existence on the effective date of statutory or regulatory amendments that render the facility subject to the requirement to have a RCRA permit must submit Part A of the permit application to the Agency no later than the following times, whichever comes first:

1) Six months after the date of publication of regulations that first require the owner or operator to comply with standards in 35 Ill. Adm. Code 725 or 726; or

2) Thirty days after the date the owner or operator first becomes subject to the standards in 35 Ill. Adm. Code 725 or ~~726; or~~ 726.

1) It submits a Part B application for a RCRA permit for such facility before the date 12 months after the date on which the facility first becomes subject to such permit requirement; and

2) It certifies that such facility is in compliance with all applicable groundwater monitoring and financial responsibility requirements.

e) For an owner or operator of any land disposal unit that is granted authority to operate under Section 703.155(a)(1), (a)(2), or (a)(3), on the day 12 months after the effective date of such requirement, unless the owner or operator certifies that such unit is in compliance with all applicable groundwater monitoring and financial responsibility requirements (Subparts F and H of 35 Ill. Adm. Code 725).

~~f) For an owner or operator of each incinerator facility that achieved interim status prior to November 8, 1984, on November 8, 1989, unless the owner or operator of the facility submits a Part B application for a RCRA permit for an incinerator facility by November 8, 1986.~~

~~g) For an owner or operator of any facility (other than a land disposal or an incinerator facility) that achieved interim status prior to November 8, 1984, on November 8, 1992, unless the owner or operator of the facility submits a Part B application for a RCRA permit for the facility by November 8, 1988.~~

BOARD NOTE: Derived from 40 CFR 270.10(e)(5) ~~(2002)~~ and 270.73 (2017) ~~(2002)~~.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 703.161 Enforceable Document for Post-Closure Care

a) An owner or operator may obtain an enforceable document containing alternative requirements for post-closure care that imposes the requirements of 35 Ill. Adm. Code 725.221. "Enforceable document containing alternative requirements" or "other enforceable document₇", as used in this Part and in 35 Ill. Adm. Code 724 and 725, means an order of the Board, an Agency-approved plan, or an order of a court of competent jurisdiction that meets the requirements of subsection (b) ~~of this Section~~. An "enforceable document containing alternative requirements" or "other enforceable document₇", may also mean an order of USEPA (such as pursuant to section 3008(h) of RCRA, 42 USC 6928(h), or under section 106 of the federal Comprehensive Environmental Response, Compensation and Liability Act, 42 USC 9606).

BOARD NOTE: Derived from 40 CFR 270.1(c)(7) (2017) ~~(2002)~~.

b) Any alternative requirements issued under this Section or established to satisfy the requirements of 35 Ill. Adm. Code 724.190(f), 724.210(c), 724.240(d), 725.190(f), 725.210(c), or 725.240(d) must be

embodied in a document that is enforceable and subject to appropriate compliance orders and civil penalties under Titles VIII and XII of the Act ~~[415 ILCS 5]~~.

BOARD NOTE: Derived from 40 CFR 271.16(e) (2017) ~~(2002)~~.

(Source: Amended at 42 Ill. Reg. , effective)

SUBPART D: APPLICATIONS

Section 703.186 Exposure Information

Any Part B permit application submitted by an owner or operator of a facility that stores, treats, or disposes of hazardous waste in a surface impoundment or a landfill must be accompanied by information, reasonably ascertainable by the owner or operator, on the potential for the public to be exposed to hazardous wastes or hazardous constituents through releases related to the unit. At a minimum, such information must address the following:

- ~~a) Any Part B permit application submitted by an owner or operator of a facility that stores, treats, or disposes of hazardous waste in a surface impoundment or a landfill must be accompanied by information, reasonably ascertainable by the owner or operator, on the potential for the public to be exposed to hazardous wastes or hazardous constituents through releases related to the unit. At a minimum, such information must address the following:~~
- a1) Reasonably foreseeable potential releases from both normal operations and accidents at the unit, including releases associated with transportation to or from the unit;
- b2) The potential pathways of human exposure to hazardous wastes or constituents resulting from the releases described under subsection (a) (1) ~~of this Section~~; and
- c3) The potential magnitude and nature of the human exposure resulting from such releases.
- ~~b) By August 8, 1985, an owner or operator of a landfill or a surface impoundment that had already submitted a Part B application must have submitted the exposure information required in subsection (a) of this Section.~~

BOARD NOTE: Derived from 40 CFR 270.10(j) (2017) ~~(2002)~~.

(Source: Amended at 42 Ill. Reg. , effective)

Section 703.189 Additional Information Required to Assure Compliance with MACT Standards

If the Agency determines, based on one or more of the factors listed in subsection (a) ~~of this Section~~ that compliance with the standards of

subpart EEE of 40 CFR 63, incorporated by reference in 35 Ill. Adm. Code 720.111, alone may not adequately protect human health and the environment, the Agency must require the additional information or assessments necessary to determine whether additional controls are necessary to ensure adequate protection of human health and the environment. This includes information necessary to evaluate the potential risk to human health or the environment resulting from both direct and indirect exposure pathways. The Agency may also require a permittee or applicant to provide information necessary to determine whether such an assessment should be required.

a) The Agency must ~~shall~~ base the evaluation of whether compliance with the standards of subpart EEE of 40 CFR 63, incorporated by reference in 35 Ill. Adm. Code 720.111, alone adequately protects human health and the environment on factors relevant to the potential risk from a hazardous waste combustion unit, including, as appropriate, any of the following factors:

- 1) Particular site-specific considerations such as proximity to receptors (such as schools, hospitals, nursing homes, day care centers, parks, community activity centers, or other potentially sensitive receptors), unique dispersion patterns, etc.;
- 2) The identities and quantities of emissions of persistent, bioaccumulative or toxic pollutants considering enforceable controls in place to limit those pollutants;
- 3) The identities and quantities of non-dioxin products of incomplete combustion most likely to be emitted and to pose significant risk based on known toxicities (confirmation of which should be made through emissions testing);
- 4) The identities and quantities of other off-site sources of pollutants in proximity of the facility that significantly influence interpretation of a facility-specific risk assessment;
- 5) The presence of significant ecological considerations, such as the proximity of a particularly sensitive ecological area;
- 6) The volume and types of wastes, for example wastes containing highly toxic constituents;
- 7) Other on-site sources of hazardous air pollutants that significantly influence interpretation of the risk posed by the operation of the source in question;
- 8) Adequacy of any previously conducted risk assessment, given any subsequent changes in conditions likely to affect risk; and
- 9) Such other factors as may be appropriate.

b) This subsection (b) corresponds with 40 CFR 270.10(l)(b), which USEPA has marked "Reserved-". This statement maintains structural consistency with the corresponding federal rules.

BOARD NOTE: Derived from 40 CFR 270.10(~~11~~) (2017), ~~as added at 70 Fed. Reg. 59402 (Oct. 12, 2005).~~

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 703.205 Incinerators that Burn Hazardous Waste

For a facility that incinerates hazardous waste, except as 35 Ill. Adm. Code 724.440 and subsection (e) ~~of this Section~~ provide otherwise, the applicant must fulfill the requirements of subsection (a), (b), or (c) ~~of this Section~~ in completing the Part B application.

a) When seeking exemption pursuant to 35 Ill. Adm. Code 724.440(b) or (c) (ignitable, corrosive, or reactive wastes only), the applicant must fulfill the following requirements:

1) Documentation that the waste is listed as a hazardous waste in Subpart D of 35 Ill. Adm. Code 721 solely because it is ignitable (Hazard Code I), corrosive (Hazard Code C), or both;

2) Documentation that the waste is listed as a hazardous waste in Subpart D of 35 Ill. Adm. Code 721 solely because it is reactive (Hazard Code R) for characteristics other than those listed in 35 Ill. Adm. Code 721.123(a)(4) and (a)(5) and will not be burned when other hazardous wastes are present in the combustion zone;

3) Documentation that the waste is a hazardous waste solely because it possesses the characteristic of ignitability or corrosivity, or both, as determined by the tests for characteristics of hazardous wastes pursuant to Subpart C of 35 Ill. Adm. Code 721; or

4) Documentation that the waste is a hazardous waste solely because it possesses the reactivity characteristics listed in 35 Ill. Adm. Code 721.123 (a)(1) through (a)(3) or (a)(6) through (a)(8), and that it will not be burned when other hazardous wastes are present in the combustion zone.

b) Submit a trial burn plan or the results of a trial burn, including all required determinations, in accordance with Section 703.222 through 703.224.

c) In lieu of a trial burn, the applicant may submit the following information:

1) An analysis of each waste or mixture of wastes to be burned including the following:

A) Heat value of the waste in the form and composition in which it will be burned;

B) Viscosity (if applicable) or description of physical form of the waste;

C) An identification of any hazardous organic constituents listed in Appendix H to 35 Ill. Adm. Code 721 that are present in the waste to be burned, except that the applicant need not analyze for constituents listed in Appendix H to 35 Ill. Adm. Code 721 that would reasonably not be expected to be found in the waste. The constituents excluded from analysis must be identified and the basis for their exclusion stated. The waste analysis must rely on appropriate analytical methods;

D) An approximate quantification of the hazardous constituents identified in the waste, within the precision produced by the appropriate analytical methods; and

E) A quantification of those hazardous constituents in the waste that may be designated as POHCs based on data submitted from other trial or operational burns that demonstrate compliance with the performance standard in 35 Ill. Adm. Code 724.443;

BOARD NOTE: The federal regulations do not themselves define the phrase "appropriate analytical methods⁷", but USEPA did include a definition in its preamble discussion accompanying the rule. The Board directs attention to the following segment (at 70 Fed. Reg. 34538, 34541 (June 14, 2005)) for the purposes of subsections (b)(1)(C) and (b)(1)(D) ~~of this Section~~:

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

1. Appropriate methods are reliable and accepted as such in the scientific community.

2. Appropriate methods generate effective data.

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

2) A detailed engineering description of the incinerator, including the following:

A) Manufacturer's name and model number of incinerator;

B) Type of incinerator;

C) Linear dimension of incinerator unit including cross sectional area of combustion chamber;

- D) Description of auxiliary fuel system (type/feed);
 - E) Capacity of prime mover;
 - F) Description of automatic waste feed cutoff systems;
 - G) Stack gas monitoring and pollution control monitoring system;
 - H) Nozzle and burner design;
 - I) Construction materials; and
- J) Location and description of temperature, pressure and flow indicating devices and control devices;

3) A description and analysis of the waste to be burned compared with the waste for which data from operational or trial burns are provided to support the contention that a trial burn is not needed. The data should include those items listed in subsection (c) (1) ~~of this Section~~. This analysis should specify the POHCs that the applicant has identified in the waste for which a permit is sought, and any differences from the POHCs in the waste for which burn data are provided;

4) The design and operating conditions of the incinerator unit to be used, compared with that for which comparative burn data are available;

5) A description of the results submitted from any previously conducted trial burns, including the following:

A) Sampling and analysis techniques used to calculate performance standards in 35 Ill. Adm. Code 724.443;

B) Methods and results of monitoring temperatures, waste feed rates, carbon monoxide, and an appropriate indicator of combustion gas velocity (including a statement concerning the precision and accuracy of this measurement); and

C) The certification and results required by subsection (b) ~~of this Section~~;

6) The expected incinerator operation information to demonstrate compliance with 35 Ill. Adm. Code 724.443 and 724.445, including the following:

- A) Expected carbon monoxide (CO) level in the stack exhaust gas;
- B) Waste feed rate;
- C) Combustion zone temperature;
- D) Indication of combustion gas velocity;

- E) Expected stack gas volume, flow rate, and temperature;
- F) Computed residence time for waste in the combustion zone;
- G) Expected hydrochloric acid removal efficiency;
- H) Expected fugitive emissions and their control procedures; and
- I) Proposed waste feed cut-off limits based on the identified significant operating parameters;

7) The Agency may, pursuant to 35 Ill. Adm. Code 705.122, request such additional information as may be necessary for the Agency to determine whether the incinerator meets the requirements of Subpart O of 35 Ill. Adm. Code 724 and what conditions are required by that Subpart and Section 39(d) of the Environmental Protection Act ~~415 ILCS 5/39(d)~~; and

8) Waste analysis data, including that submitted in subsection (c)(1) ~~of this Section~~, sufficient to allow the Agency to specify as permit Principal Organic Hazardous Constituents (permit POHCs) those constituents for which destruction and removal efficiencies will be required.

d) The Agency must approve a permit application without a trial burn if it finds the following:

1) The wastes are sufficiently similar; and

2) The incinerator units are sufficiently similar, and the data from other trial burns are adequate to specify (pursuant to 35 Ill. Adm. Code 724.445) operating conditions that will ensure that the performance standards in 35 Ill. Adm. Code 724.443 will be met by the incinerator.

e) When the owner or operator of a hazardous waste incineration unit becomes subject to RCRA permit requirements ~~after October 12, 2005,~~ or when the owner or operator of an existing hazardous waste incineration unit demonstrates compliance with the air emission standards and limitations of the federal National Emission Standards for Hazardous Air Pollutants (NESHAPs) in subpart EEE of 40 CFR 63 (National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors), incorporated by reference in 35 Ill. Adm. Code 720.111(b) (i.e., by conducting a comprehensive performance test and submitting a Notification of Compliance pursuant to 40 CFR 63.1207(j) and 63.1210(d) documenting compliance with all applicable requirements of subpart EEE of 40 CFR 63), this Section does not apply, except those provisions that the Agency determines are necessary to ensure compliance with 35 Ill. Adm. Code 724.445(a) and (c) if the owner or operator elects to comply with Section 703.320(a)(1)(A) to minimize emissions of toxic compounds from startup, shutdown, and malfunction events. Nevertheless, the Agency may apply the provisions of this Section, on a case-by-case

basis, for purposes of information collection in accordance with Sections 703.188, 703.189, and 703.241(a)(2) and (a)(3).

BOARD NOTE: Operating conditions used to determine effective treatment of hazardous waste remain effective after the owner or operator demonstrates compliance with the standards of subpart EEE of 40 CFR 63.

BOARD NOTE: Derived from 40 CFR 270.19 (2017) ~~(2005), as amended at 70 Fed. Reg. 59402 (Oct. 12, 2005).~~

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 703.208 Boilers and Industrial Furnaces Burning Hazardous Waste

When the owner or operator of a cement or lightweight aggregate kiln, lightweight aggregate kiln, solid fuel boiler, liquid fuel boiler, or hydrochloric acid production furnace becomes subject to RCRA permit requirements ~~after October 12, 2005,~~ or when the owner or operator of an existing cement kiln, lightweight aggregate kiln, solid fuel boiler, liquid fuel boiler, or hydrochloric acid production furnace demonstrates compliance with the air emission standards and limitations of the federal National Emission Standards for Hazardous Air Pollutants (NESHAPs) in subpart EEE of 40 CFR 63 (National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors), incorporated by reference in 35 Ill. Adm. Code 720.111(b) (i.e., by conducting a comprehensive performance test and submitting a Notification of Compliance pursuant to 40 CFR 63.1207(j) and 63.1210(d) documenting compliance with all applicable requirements of subpart EEE of 40 CFR 63), this Section does not apply. This Section applies, however, if the Agency determines certain provisions are necessary to ensure compliance with 35 Ill. Adm. Code 726.202(e)(1) and (e)(2)(C) if the owner or operator elects to comply with Section 703.320(a)(1)(A) to minimize emissions of toxic compounds from startup, shutdown, and malfunction events; or if the facility is an area source and the owner or operator elects to comply with the Sections 726.205, 726.206, and 726.207 standards and associated requirements for particulate matter, hydrogen chloride and chlorine gas, and non-mercury metals; or if the Agency determines that certain provisions apply, on a case-by-case basis, for purposes of information collection in accordance with Sections 703.188, 703.189, and 703.241(a)(2) and (a)(3).

a) Trial burns.

1) General. Except as provided below, an owner or operator that is subject to the standards to control organic emissions provided by 35 Ill. Adm. Code 726.204, standards to control particulate matter provided by 35 Ill. Adm. Code 726.205, standards to control metals emissions provided by 35 Ill. Adm. Code 726.206, or standards to control hydrogen chloride (HCl) or chlorine gas emissions provided by 35 Ill. Adm. Code 726.207 must conduct a trial burn to demonstrate conformance with those standards and must submit a trial burn plan or the results of a trial

burn, including all required determinations, in accordance with Section 703.232.

A) Pursuant to subsections (a)(2) through (a)(5) ~~of this Section~~ and 35 Ill. Adm. Code 726.204 through 726.207, the Agency may waive a trial burn to demonstrate conformance with a particular emission standard; and

B) The owner or operator may submit data in lieu of a trial burn, as prescribed in subsection (a)(6) ~~of this Section~~.

2) Waiver of trial burn of DRE (destruction removal efficiency).

A) Boilers operated under special operating requirements. When seeking to be permitted pursuant to 35 Ill. Adm. Code 726.204(a)(4) and 726.210, which automatically waive the DRE trial burn, the owner or operator of a boiler must submit documentation that the boiler operates under the special operating requirements provided by 35 Ill. Adm. Code 726.210.

B) Boilers and industrial furnaces burning low risk waste. When seeking to be permitted under the provisions for low risk waste provided by 35 Ill. Adm. Code 726.204(a)(5) and 726.209(a), which waive the DRE trial burn, the owner or operator must submit the following:

i) Documentation that the device is operated in conformance with 35 Ill. Adm. Code 726.209(a)(1).

ii) Results of analyses of each waste to be burned, documenting the concentrations of nonmetal compounds listed in Appendix H to 35 Ill. Adm. Code 721, except for those constituents that would reasonably not be expected to be in the waste. The constituents excluded from analysis must be identified and the basis for their exclusion explained. The analysis must rely on appropriate analytical methods.

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

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

1. Appropriate methods are reliable and accepted as such in the scientific community.

2. Appropriate methods generate effective data.

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

iii) Documentation of hazardous waste firing rates and calculations of reasonable, worst-case emission rates of each constituent identified in subsection (a) (2) (B) (ii) ~~of this Section~~ using procedures provided by 35 Ill. Adm. Code 726.209(a) (2) (B).

iv) Results of emissions dispersion modeling for emissions identified in subsection (a) (2) (B) (iii) ~~of this Section~~ using modeling procedures prescribed by 35 Ill. Adm. Code 726.206(h). The Agency must review the emission modeling conducted by the applicant to determine conformance with these procedures. The Agency must either approve the modeling or determine that alternate or supplementary modeling is appropriate.

v) Documentation that the maximum annual average ground level concentration of each constituent identified in subsection (a) (2) (B) (ii) ~~of this Section~~ quantified in conformance with subsection (a) (2) (B) (iv) ~~of this Section~~ does not exceed the allowable ambient level established in Appendix D or E to 35 Ill. Adm. Code 726. The acceptable ambient concentration for emitted constituents for which a specific reference air concentration has not been established in Appendix D to 35 Ill. Adm. Code 726 or risk-specific doses has not been established in Appendix E to 35 Ill. Adm. Code 726 is 0.1 micrograms per cubic meter, as noted in the footnote to Appendix D to 35 Ill. Adm. Code 726.

3) Waiver of trial burn for metals. When seeking to be permitted under the Tier I (or adjusted Tier I) metals feed rate screening limits provided by 35 Ill. Adm. Code 726.206(b) and (e) that control metals emissions without requiring a trial burn, the owner or operator must submit the following:

A) Documentation of the feed rate of hazardous waste, other fuels, and industrial furnace feed stocks;

B) Documentation of the concentration of each metal controlled by 35 Ill. Adm. Code 726.206(b) or (c) in the hazardous waste, other fuels and industrial furnace feedstocks, and calculations of the total feed rate of each metal;

C) Documentation of how the applicant will ensure that the Tier I feed rate screening limits provided by 35 Ill. Adm. Code 726.206(b) or (e) will not be exceeded during the averaging period provided by that subsection;

D) Documentation to support the determination of the TESH (terrain-adjusted effective stack height), good engineering practice stack height, terrain type, and land use, as provided by 35 Ill. Adm. Code 726.206(b) (3) through (b) (5);

E) Documentation of compliance with the provisions of 35 Ill. Adm. Code 726.206(b) (6), if applicable, for facilities with multiple stacks;

F) Documentation that the facility does not fail the criteria provided by 35 Ill. Adm. Code 726.206(b)(7) for eligibility to comply with the screening limits; and

G) Proposed sampling and metals analysis plan for the hazardous waste, other fuels, and industrial furnace feed stocks.

4) Waiver of trial burn for PM (particulate matter). When seeking to be permitted under the low risk waste provisions of 35 Ill. Adm. Code 726.209(b), which waives the particulate standard (and trial burn to demonstrate conformance with the particulate standard), applicants must submit documentation supporting conformance with subsections (a)(2)(B) and (a)(3) ~~of this Section~~.

5) Waiver of trial burn for HCl and chlorine gas. When seeking to be permitted under the Tier I (or adjusted Tier I) feed rate screening limits for total chlorine and chloride provided by 35 Ill. Adm. Code 726.207(b)(1) and (e) that control emissions of HCl and chlorine gas without requiring a trial burn, the owner or operator must submit the following:

A) Documentation of the feed rate of hazardous waste, other fuels, and industrial furnace feed stocks;

B) Documentation of the levels of total chlorine and chloride in the hazardous waste, other fuels and industrial furnace feedstocks, and calculations of the total feed rate of total chlorine and chloride;

C) Documentation of how the applicant will ensure that the Tier I (or adjusted Tier I) feed rate screening limits provided by 35 Ill. Adm. Code 726.207(b)(1) or (e) will not be exceeded during the averaging period provided by that subsection;

D) Documentation to support the determination of the TESH, good engineering practice stack height, terrain type and land use as provided by 35 Ill. Adm. Code 726.207(b)(3);

E) Documentation of compliance with the provisions of 35 Ill. Adm. Code 726.207(b)(4), if applicable, for facilities with multiple stacks;

F) Documentation that the facility does not fail the criteria provided by 35 Ill. Adm. Code 726.207(b)(3) for eligibility to comply with the screening limits; and

G) Proposed sampling and analysis plan for total chlorine and chloride for the hazardous waste, other fuels, and industrial furnace feedstocks.

6) Data in lieu of trial burn. The owner or operator may seek an exemption from the trial burn requirements to demonstrate conformance with Section 703.232 and 35 Ill. Adm. Code 726.204 through 726.207 by providing the information required by Section 703.232 from previous

compliance testing of the device in conformance with 35 Ill. Adm. Code 726.203 or from compliance testing or trial or operational burns of similar boilers or industrial furnaces burning similar hazardous wastes under similar conditions. If data from a similar device is used to support a trial burn waiver, the design and operating information required by Section 703.232 must be provided for both the similar device and the device to which the data is to be applied, and a comparison of the design and operating information must be provided. The Agency must approve a permit application without a trial burn if the Agency finds that the hazardous wastes are sufficiently similar, the devices are sufficiently similar, the operating conditions are sufficiently similar, and the data from other compliance tests, trial burns, or operational burns are adequate to specify (pursuant to 35 Ill. Adm. Code 726.102) operating conditions that will ensure conformance with 35 Ill. Adm. Code 726.102(c). In addition, the following information must be submitted:

A) For a waiver from any trial burn, the following:

i) A description and analysis of the hazardous waste to be burned compared with the hazardous waste for which data from compliance testing or operational or trial burns are provided to support the contention that a trial burn is not needed;

ii) The design and operating conditions of the boiler or industrial furnace to be used, compared with that for which comparative burn data are available; and

iii) Such supplemental information as the Agency finds necessary to achieve the purposes of this subsection (a).

B) For a waiver of the DRE trial burn, the basis for selection of POHCs (principal organic hazardous constituents) used in the other trial or operational burns that demonstrate compliance with the DRE performance standard in 35 Ill. Adm. Code 726.204(a). This analysis should specify the constituents in Appendix H to 35 Ill. Adm. Code 721 that the applicant has identified in the hazardous waste for which a permit is sought and any differences from the POHCs in the hazardous waste for which burn data are provided.

b) Alternative HC limit for industrial furnaces with organic matter in raw materials. An owner or operator of industrial furnaces requesting an alternative HC limit pursuant to 35 Ill. Adm. Code 726.204(f) must submit the following information at a minimum:

1) Documentation that the furnace is designed and operated to minimize HC emissions from fuels and raw materials;

2) Documentation of the proposed baseline flue gas HC (and CO) concentration, including data on HC (and CO) levels during tests when the facility produced normal products under normal operating conditions from normal raw materials while burning normal fuels and when not burning hazardous waste;

- 3) Test burn protocol to confirm the baseline HC (and CO) level including information on the type and flow rate of all feedstreams, point of introduction of all feedstreams, total organic carbon content (or other appropriate measure of organic content) of all nonfuel feedstreams, and operating conditions that affect combustion of fuels and destruction of hydrocarbon emissions from nonfuel sources;
- 4) Trial burn plan to do the following:
 - A) To demonstrate when burning hazardous waste that flue gas HC (and CO) concentrations do not exceed the baseline HC (and CO) level; and
 - B) To identify, in conformance with Section 703.232(d), the types and concentrations of organic compounds listed in Appendix H to 35 Ill. Adm. Code 721 that are emitted when burning hazardous waste;
- 5) Implementation plan to monitor over time changes in the operation of the facility that could reduce the baseline HC level and procedures to periodically confirm the baseline HC level; and
- 6) Such other information as the Agency finds necessary to achieve the purposes of this subsection (b).
 - c) Alternative metals implementation approach. When seeking to be permitted under an alternative metals implementation approach pursuant to 35 Ill. Adm. Code 726.206(f), the owner or operator must submit documentation specifying how the approach ensures compliance with the metals emissions standards of 35 Ill. Adm. Code 726.106(c) or (d) and how the approach can be effectively implemented and monitored. Further, the owner or operator must provide such other information that the Agency finds necessary to achieve the purposes of this subsection (c).
 - d) Automatic waste feed cutoff system. An owner or operator must submit information describing the automatic waste feed cutoff system, including any pre-alarm systems that may be used.
 - e) Direct transfer. An owner or operator that uses direct transfer operations to feed hazardous waste from transport vehicles (containers, as defined in 35 Ill. Adm. Code 726.211) directly to the boiler or industrial furnace must submit information supporting conformance with the standards for direct transfer provided by 35 Ill. Adm. Code 726.211.
 - f) Residues. An owner or operator that claims that its residues are excluded from regulation pursuant to 35 Ill. Adm. Code 726.212 must submit information adequate to demonstrate conformance with those provisions.

BOARD NOTE: Derived from 40 CFR 270.22 (2017) ~~(2005), as amended at 70 Fed. Reg. 59402 (Oct. 12, 2005).~~

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 703.210 Process Vents

Except as otherwise provided in 35 Ill. Adm. Code 724.101, the owner or operator of a facility that has process vents to which Subpart AA of 35 Ill. Adm. Code 724 applies must provide the following additional information:

- a) For facilities that cannot install a closed-vent system and control device to comply with Subpart AA of 35 Ill. Adm. Code 724 on the effective date on which the facility becomes subject to that Subpart or Subpart AA of 35 Ill. Adm. Code 725, an implementation schedule, as specified in 35 Ill. Adm. Code 724.933(a)(2).
- b) Documentation of compliance with the process vent standards in 35 Ill. Adm. Code 724.932, including the following:
 - 1) Information and data identifying all affected process vents, annual throughput and operating hours of each affected unit, estimated emission rates for the affected vent and for the overall facility (i.e., the total emissions for all affected vents at the facility), and the approximate location within the facility of each affected unit (e.g., identify the hazardous waste management units on a facility plot plan);
 - 2) Information and data supporting estimates of vent emissions and emission reduction achieved by add-on control devices based on engineering calculations or source tests. For the purpose of determining compliance, estimates of vent emissions and emission reductions must be made using operating parameter values (e.g., temperatures, flow rates, or concentrations) that represent the conditions that exist when the waste management unit is operating at the highest load or capacity level reasonably expected to occur; and
 - 3) Information and data used to determine whether or not a process vent is subject to 35 Ill. Adm. Code 724.932.
- c) Where an owner or operator applies for permission to use a control device other than a thermal vapor incinerator, catalytic vapor incinerator, flare, boiler, process heater, condenser, or carbon adsorption system to comply with 35 Ill. Adm. Code 724.932, and chooses to use test data to determine the organic removal efficiency or the total organic compound concentration achieved by the control device, a performance test plan as specified in 35 Ill. Adm. Code 724.935(b)(3).
- d) Documentation of compliance with 35 Ill. Adm. Code 724.933, including the following:
 - 1) A list of all information references and sources used in preparing the documentation.

2) Records, including the dates of each compliance test required by 35 Ill. Adm. Code 724.933(k).

3) A design analysis, specifications, drawings, schematics, piping, and instrumentation diagrams based on the appropriate sections of "APTI Course 415: Control of Gaseous Emissions", USEPA publication number EPA-450/2-81-005, incorporated by reference in 35 Ill. Adm. Code 720.111(a), or other engineering texts approved by the Agency that present basic control device information. The design analysis must address the vent stream characteristics and control device parameters as specified in 35 Ill. Adm. Code 724.935(b)(4)(C).

4) A statement signed and dated by the owner or operator certifying that the operating parameters used in the design analysis reasonably represent the conditions that exist when the hazardous waste management unit is or would be operating at the highest load or capacity level reasonably expected to occur.

5) A statement signed and dated by the owner or operator certifying that the control device is designed to operate at an efficiency of 95 weight percent or greater, unless the total organic emission limits of 35 Ill. Adm. Code 724.932(a) for affected process vents at the facility can be attained by a control device involving vapor recovery at an efficiency less than 95 weight percent.

BOARD NOTE: Derived from 40 CFR 270.24 (2017) ~~(2005), as amended at 70 Fed. Reg. 59402 (Oct. 12, 2005).~~

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 703.211 Equipment

Except as otherwise provided in 35 Ill. Adm. Code 724.101, the owner or operator of a facility that has equipment to which Subpart BB of 35 Ill. Adm. Code 724 applies must provide the following additional information:

a) For each piece of equipment to which Subpart BB of 35 Ill. Adm. Code 724 applies, the following:

1) Equipment identification number and hazardous waste management unit identification;

2) Approximate locations within the facility (e.g., identify the hazardous waste management unit on a facility plot plan);

3) Type of equipment (e.g., a pump or pipeline valve);

4) Percent by weight total organics in the hazardous wastestream at the equipment;

5) Hazardous waste state at the equipment (e.g., gas/vapor or liquid); and

6) Method of compliance with the standard (e.g., "monthly leak detection and repair" or "equipped with dual mechanical seals").

b) For facilities that cannot install a closed-vent system and control device to comply with Subpart BB of 35 Ill. Adm. Code 724 on the effective date that facility becomes subject to this Subpart or Subpart BB of 35 Ill. Adm. Code 724, an implementation schedule as specified in 35 Ill. Adm. Code 724.933(a)(2).

c) Where an owner or operator applies for permission to use a control device other than a thermal vapor incinerator, catalytic vapor incinerator, flare, boiler, process heater, condenser, or carbon adsorption system and chooses to use test data to determine the organic removal efficiency or the total organic compound concentration achieved by the control device, a performance test plan as specified in 35 Ill. Adm. Code 724.935(b)(3).

d) Documentation that demonstrates compliance with the equipment standards in 35 Ill. Adm. Code 724.952 or 724.959. This documentation must contain the records required pursuant to 35 Ill. Adm. Code 724.964. The Agency must request further documentation if necessary to demonstrate compliance. Documentation to demonstrate compliance with 35 Ill. Adm. Code 724.960 must include the following information:

1) A list of all information references and sources used in preparing the documentation;

2) Records, including the dates of each compliance test required by 35 Ill. Adm. Code 724.933(j);

3) A design analysis, specifications, drawings, schematics, and piping and instrumentation diagrams based on the appropriate sections of "APTI Course 415: Control of Gaseous Emissions", USEPA publication number EPA-450/2-81-005, incorporated by reference in 35 Ill. Adm. Code 720.111(a), or other engineering texts approved by the Agency that present basic control device information. The design analysis must address the vent stream characteristics and control device parameters, as specified in 35 Ill. Adm. Code 724.935(b)(4)(C);

4) A statement signed and dated by the owner or operator certifying that the operating parameters used in the design analysis reasonably represent the conditions that exist when the hazardous waste management unit is or would be operating at the highest load or capacity level reasonably expected to occur; and

5) A statement signed and dated by the owner or operator certifying that the control device is designed to operate at an efficiency of 95 weight percent or greater.

BOARD NOTE: Derived from 40 CFR 270.25 (2017) ~~(2005), as amended at 70 Fed. Reg. 59402 (Oct. 12, 2005).~~

(Source: Amended at 42 Ill. Reg. _____, effective _____)

SUBPART E: SPECIAL FORMS OF PERMITS

Section 703.221 Alternative Compliance with the Federal NESHAPS

When an owner or operator of a hazardous waste incineration unit becomes subject to RCRA permit requirements ~~after October 12, 2005,~~ or when an owner or operator of an existing hazardous waste incineration unit demonstrates compliance with the air emission standards and limitations of the federal National Emission Standards for Hazardous Air Pollutants (NESHAPS) in subpart EEE of 40 CFR 63 (National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors), incorporated by reference in 35 Ill. Adm. Code 720.111(b) (i.e., by conducting a comprehensive performance test and submitting a Notification of Compliance pursuant to 40 CFR 63.1207(j) and 63.1210(d) documenting compliance with all applicable requirements of subpart EEE of 40 CFR 63), Sections 703.221 through 703.225 do not apply, except those provisions that the Agency determines are necessary to ensure compliance with 35 Ill. Adm. Code 724.445(a) and (c) if the owner or operator elects to comply with Section 703.320(a)(1)(A) to minimize emissions of toxic compounds from startup, shutdown, and malfunction events. Nevertheless, the Agency may apply the provisions of Sections 703.221 through 703.225, on a case-by-case basis, for purposes of information collection in accordance with Sections 703.188, 703.189, and 703.241(a)(2) and (a)(3).

BOARD NOTE: Derived from 40 CFR 270.62 preamble (2017) ~~(2005), as amended at 70 Fed. Reg. 59402 (Oct. 12, 2005).~~

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 703.223 Incinerator Conditions During Trial Burn

For the purposes of determining feasibility of compliance with the performance standards of 35 Ill. Adm. Code 724.443 and of determining adequate operating conditions under 35 Ill. Adm. Code 724.445, the Agency must establish conditions in the permit to a new hazardous waste incinerator to be effective during the trial burn.

- a) Applicants must propose a trial burn plan, prepared under subsection (b) ~~of this Section~~ with Part B of the permit application;
- b) The trial burn plan must include the following information:
 - 1) An analysis of each waste or mixture of wastes to be burned that includes the following:

A) Heat value of the waste in the form and composition in which it will be burned;

B) Viscosity (if applicable), or description of physical form of the waste;

C) An identification of any hazardous organic constituents listed in Appendix H to 35 Ill. Adm. Code 721, that are present in the waste to be burned, except that the applicant need not analyze for constituents listed in Appendix H to 35 Ill. Adm. Code 721 that would reasonably not be expected to be found in the waste. The constituents excluded from analysis must be identified, and the basis for their exclusion stated. The waste analysis must rely on appropriate analytical methods; and

D) An approximate quantification of the hazardous constituents identified in the waste, within the precision produced by the appropriate analytical methods;

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

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

1. Appropriate methods are reliable and accepted as such in the scientific community.

2. Appropriate methods generate effective data.

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

2) A detailed engineering description of the incinerator for which the permit is sought including the following:

A) Manufacturer's name and model number of incinerator (if available);

B) Type of incinerator;

C) Linear dimensions of the incinerator unit including the cross sectional area of combustion chamber;

D) Description of the auxiliary fuel system (type/feed);

E) Capacity of prime mover;

- F) Description of automatic waste feed cut-off systems;
 - G) Stack gas monitoring and pollution control equipment;
 - H) Nozzle and burner design;
 - I) Construction materials;
 - J) Location and description of temperature-, pressure-, and flow-indicating and control devices;
- 3) A detailed description of sampling and monitoring procedures, including sampling and monitoring locations in the system, the equipment to be used, sampling and monitoring frequency, and planned analytical procedures for sample analysis;
- 4) A detailed test schedule for each waste for which the trial burn is planned including dates, duration, quantity of waste to be burned, and other factors relevant to the Agency's decision under subsection (e) ~~of this Section~~;
- 5) A detailed test protocol, including, for each waste identified, the ranges of temperature, waste feed rate, combustion gas velocity, use of auxiliary fuel, and any other relevant parameters that will be varied to affect the destruction and removal efficiency of the incinerator;
- 6) A description of, and planned operating conditions for, any emission control equipment that will be used;
- 7) Procedures for rapidly stopping waste feed, shutting down the incinerator, and controlling emissions in the event of an equipment malfunction;
- 8) Such other information as the Agency reasonably finds necessary to determine whether to approve the trial burn plan in light of the purposes of this subsection (b) and the criteria in subsection (e) ~~of this Section.~~ Such information must be requested by the Agency pursuant to 35 Ill. Adm. Code 705.123;
- c) The Agency, in reviewing the trial burn plan, must evaluate the sufficiency of the information provided and must require the applicant, pursuant to 35 Ill. Adm. Code 705.123, to supplement this information, if necessary, to achieve the purposes of this Section;
- d) Based on the waste analysis data in the trial burn plan, the Agency must specify as trial Principal Organic Hazardous Constituents (POHCs), those constituents for which destruction and removal efficiencies must be calculated during the trial burn. These trial POHCs must be specified by the Agency based on its estimate of the difficulty of incineration of the constituents identified in the waste analysis, their concentration or mass in the waste feed, and, for wastes

listed in Subpart D of 35 Ill. Adm. Code 721, the hazardous waste organic constituent of constituents identified in Appendix G or H to 35 Ill. Adm. Code 721 as the basis for listing;

e) The Agency must approve a trial burn plan if it finds the following:

1) That the trial burn is likely to determine whether the incinerator performance standard required by 35 Ill. Adm. Code 724.443 can be met;

2) That the trial burn itself will not present an imminent hazard to human health or the environment;

3) That the trial burn will help the Agency to determine operating requirements to be specified under 35 Ill. Adm. Code 724.445; and

4) That the information sought in subsections (e)(1) and (e)(3) ~~of this Section~~ cannot reasonably be developed through other means;

f) The Agency must send a notice to all persons on the facility mailing list, as set forth in 35 Ill. Adm. Code 705.161(a), and to the appropriate units of State and local government, as set forth in 35 Ill. Adm. Code 705.163(a)(5), announcing the scheduled commencement and completion dates for the trial burn. The applicant may not commence the trial burn until after the Agency has issued such notice.

1) This notice must be mailed within a reasonable time period before the scheduled trial burn. An additional notice is not required if the trial burn is delayed due to circumstances beyond the control of the facility or the Agency.

2) This notice must contain the following:

A) The name and telephone number of the applicant's contact person;

B) The name and telephone number of the Agency regional office appropriate for the facility;

C) The location where the approved trial burn plan and any supporting documents can be reviewed and copied; and

D) An expected time period for commencement and completion of the trial burn;

g) During each approved trial burn (or as soon after the burn as is practicable), the applicant must make the following determinations:

1) A quantitative analysis of the trial POHCs, in the waste feed to the incinerator;

- 2) A quantitative analysis of the exhaust gas for the concentration and mass emissions of the trial POHCs, molecular oxygen, and hydrogen chloride (HCl);
- 3) A quantitative analysis of the scrubber water (if any), ash residues, and other residues, for the purpose of estimating the fate of the trial POHCs;
- 4) A computation of destruction and removal efficiency (DRE), in accordance with the DRE formula specified in 35 Ill. Adm. Code 724.443(a);
- 5) If the HCl (hydrogen chloride) emission rate exceeds 1.8 kilograms (4 pounds) of HCl per hour ~~(4 pounds per hour)~~, a computation of HCl removal efficiency, in accordance with 35 Ill. Adm. Code 724.443(b);
- 6) A computation of particulate emissions, in accordance with 35 Ill. Adm. Code 724.443(c);
- 7) An identification of sources of fugitive emissions and their means of control;
- 8) A measurement of average, maximum and minimum temperatures, and combustion gas velocity;
- 9) A continuous measurement of carbon monoxide (CO) in the exhaust gas;
- 10) Such other information as the Agency specifies as necessary to ensure that the trial burn will determine compliance with the performance standards in 35 Ill. Adm. Code 724.443 and to establish the operating conditions required by 35 Ill. Adm. Code 724.445 as necessary to meet that performance standard;
- h) The applicant must submit to the Agency a certification that the trial burn has been carried out in accordance with the approved trial burn plan, and must submit the results of all the determinations required in subsection (g) ~~of this Section~~. This submission must be made within 90 days after completion of the trial burn, or later, if approved by the Agency;
- i) All data collected during any trial burn must be submitted to the Agency following the completion of the trial burn;
- j) All submissions required by this Section must be certified on behalf of the applicant by the signature of a person authorized to sign a permit application or a report under 35 Ill. Adm. Code 702.126;
- k) Based on the results of the trial burn, the Agency must set the operating requirements in the final permit according to 35 Ill. Adm. Code 724.445. The permit modification must proceed as a minor modification according to Section 703.280.

BOARD NOTE: Derived from 40 CFR 270.62(b) (2017) ~~-(2005)~~.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 703.232 Permits for Boilers and Industrial Furnaces Burning Hazardous Waste

When the owner or operator of a cement kiln, lightweight aggregate kiln, solid fuel boiler, liquid fuel boiler, or hydrochloric acid production furnace becomes subject to RCRA permit requirements ~~after October 12, 2005~~ or when an owner or operator of an existing cement kiln, lightweight aggregate kiln, solid fuel boiler, liquid fuel boiler, or hydrochloric acid production furnace demonstrates compliance with the air emission standards and limitations of the federal National Emission Standards for Hazardous Air Pollutants (NESHAPs) in subpart EEE of 40 CFR 63 (National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors), incorporated by reference in 35 Ill. Adm. Code 720.111(b) (i.e., by conducting a comprehensive performance test and submitting a Notification of Compliance pursuant to 40 CFR 63.1207(j) and 63.1210(d) documenting compliance with all applicable requirements of subpart EEE of 40 CFR 63), this Section does not apply. This Section does apply, however, if the Agency determines certain provisions are necessary to ensure compliance with 35 Ill. Adm. Code 726.202(e) (1) and (e) (2) (C) if the owner or operator elects to comply with Section 703.320(a) (1) (A) to minimize emissions of toxic compounds from startup, shutdown, and malfunction events; or if the facility is an area source and the owner or operator elects to comply with the Sections 726.205, 726.206, and 726.207 standards and associated requirements for particulate matter, hydrogen chloride and chlorine gas, and non-mercury metals; or if the Agency determines certain provisions apply, on a case-by-case basis, for purposes of information collection in accordance with Sections 703.188, 703.189, and 703.241(a) (2) and (a) (3).

a) General. The owner or operator of a new boiler or industrial furnace (one not operating under the interim status standards of 35 Ill. Adm. Code 726.203) is subject to subsections (b) through (f) ~~of this Section~~. A boiler or industrial furnace operating under the interim status standards of 35 Ill. Adm. Code 726.203 is subject to subsection (g) ~~of this Section~~.

b) Permit operating periods for a new boiler or industrial furnace. A permit for a new boiler or industrial furnace must specify appropriate conditions for the following operating periods:

1) Pretrial burn period. For the period beginning with initial introduction of hazardous waste and ending with initiation of the trial burn, and only for the minimum time required to bring the boiler or industrial furnace to a point of operation readiness to conduct a trial burn, not to exceed 720 hours operating time when burning hazardous waste, the Agency must establish permit conditions in the pretrial burn

period, including but not limited to allowable hazardous waste feed rates and operating conditions. The Agency must extend the duration of this operational period once, for up to 720 additional hours, at the request of the applicant when good cause is shown. The permit must be modified to reflect the extension according to Sections 703.280 through 703.283.

A) Applicants must submit a statement, with Part B of the permit application, that suggests the conditions necessary to operate in compliance with the standards of 35 Ill. Adm. Code 726.204 through 726.207 during this period. This statement should include, at a minimum, restrictions on the applicable operating requirements identified in 35 Ill. Adm. Code 726.202(e) ~~726.202(e)~~.

B) The Agency must review this statement and any other relevant information submitted with Part B of the permit application and specify requirements for this period sufficient to meet the performance standards of 35 Ill. Adm. Code 726.204 through 726.207 based on the Agency's engineering judgment.

2) Trial burn period. For the duration of the trial burn, the Agency must establish conditions in the permit for the purposes of determining feasibility of compliance with the performance standards of 35 Ill. Adm. Code 726.204 through 726.207 and determining adequate operating conditions pursuant to 35 Ill. Adm. Code 726.202(e). Applicants must propose a trial burn plan, prepared pursuant to subsection (c) ~~of this Section~~, to be submitted with Part B of the permit application.

3) Post-trial burn period.

A) For the period immediately following completion of the trial burn, and only for the minimum period sufficient to allow sample analysis, data computation and submission of the trial burn results by the applicant, and review of the trial burn results and modification of the facility permit by the Agency to reflect the trial burn results, the Agency must establish the operating requirements most likely to ensure compliance with the performance standards of 35 Ill. Adm. Code 726.204 through 726.207 based on the Agency's engineering judgment.

B) Applicants must submit a statement, with Part B of the application, that identifies the conditions necessary to operate during this period in compliance with the performance standards of 35 Ill. Adm. Code 726.204 through 726.207. This statement should include, at a minimum, restrictions on the operating requirements provided by 35 Ill. Adm. Code 726.202 (e).

C) The Agency must review this statement and any other relevant information submitted with Part B of the permit application and specify requirements of this period sufficient to meet the performance standards of 35 Ill. Adm. Code 726.204 through 726.207 based on the Agency's engineering judgment.

4) Final permit period. For the final period of operation the Agency must develop operating requirements in conformance with 35 Ill. Adm. Code 726.202(e) that reflect conditions in the trial burn plan and are likely to ensure compliance with the performance standards of 35 Ill. Adm. Code 726.204 through 726.207. Based on the trial burn results, the Agency must make any necessary modifications to the operating requirements to ensure compliance with the performance standards. The permit modification must proceed according to Sections 703.280 through 703.283.

c) Requirements for trial burn plans. The trial burn plan must include the following information. The Agency, in reviewing the trial burn plan, must evaluate the sufficiency of the information provided and may require the applicant to supplement this information, if necessary, to achieve the purposes of this subsection (c).

1) An analysis of each feed stream, including hazardous waste, other fuels, and industrial furnace feed stocks, as fired, that includes the following:

A) Heating value, levels of antimony, arsenic, barium, beryllium, cadmium, chromium, lead, mercury, silver, thallium, total chlorine and chloride, and ash; and

B) Viscosity or description of the physical form of the feed stream.

2) An analysis of each hazardous waste, as fired, including the following:

A) An identification of any hazardous organic constituents listed in Appendix H to 35 Ill. Adm. Code 721 that are present in the feed stream, except that the applicant need not analyze for constituents listed in Appendix H that would reasonably not be expected to be found in the hazardous waste. The constituents excluded from analysis must be identified and the basis for this exclusion explained. The analysis must be conducted in accordance with appropriate analytical methods;

B) An approximate quantification of the hazardous constituents identified in the hazardous waste, within the precision produced by the appropriate analytical methods; and

C) A description of blending procedures, if applicable, prior to firing the hazardous waste, including a detailed analysis of the hazardous waste prior to blending, an analysis of the material with which the hazardous waste is blended, and blending ratios.

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

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

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

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

3) A detailed engineering description of the boiler or industrial furnace, including the following:

- A) Manufacturer's name and model number of the boiler or industrial furnace;
- B) Type of boiler or industrial furnace;
- C) Maximum design capacity in appropriate units;
- D) Description of the feed system for the hazardous waste and, as appropriate, other fuels and industrial furnace feedstocks;
- E) Capacity of hazardous waste feed system;
- F) Description of automatic hazardous waste feed cutoff systems;
- G) Description of any pollution control system; and
- H) Description of stack gas monitoring and any pollution control monitoring systems.

4) A detailed description of sampling and monitoring procedures, including sampling and monitoring locations in the system, the equipment to be used, sampling and monitoring frequency, and sample analysis.

5) A detailed test schedule for each hazardous waste for which the trial burn is planned, including dates, duration, quantity of hazardous waste to be burned, and other factors relevant to the Agency's decision pursuant to subsection (b) (2) ~~of this Section~~.

6) A detailed test protocol, including, for each hazardous waste identified, the ranges of hazardous waste feed rate, and, as appropriate, the feed rates of other fuels and industrial furnace feedstocks, and any other relevant parameters that may affect the ability of the boiler or industrial furnace to meet the performance standards in 35 Ill. Adm. Code 726.204 through 726.207.

7) A description of and planned operating conditions for any emission control equipment that will be used.

8) Procedures for rapidly stopping the hazardous waste feed and controlling emissions in the event of an equipment malfunction.

9) Such other information as the Agency finds necessary to determine whether to approve the trial burn plan in light of the purposes of this subsection (c) and the criteria in subsection (b) (2) ~~of this Section.~~

d) Trial burn procedures.

1) A trial burn must be conducted to demonstrate conformance with the standards of 35 Ill. Adm. Code 726.104 through 726.107.

2) The Agency must approve a trial burn plan if the Agency finds as follows:

A) That the trial burn is likely to determine whether the boiler or industrial furnace can meet the performance standards of 35 Ill. Adm. Code 726.104 through 726.107;

B) That the trial burn itself will not present an imminent hazard to human health and the environment;

C) That the trial burn will help the Agency to determine operating requirements to be specified pursuant to 35 Ill. Adm. Code 726.102(e); and

D) That the information sought in the trial burn cannot reasonably be developed through other means.

3) The Agency must send a notice to all persons on the facility mailing list, as set forth in 35 Ill. Adm. Code 705.161(a), and to the appropriate units of State and local government, as set forth in 35 Ill. Adm. Code 705.163(a) (5), announcing the scheduled commencement and completion dates for the trial burn. The applicant may not commence the trial burn until after the Agency has issued such notice.

A) This notice must be mailed within a reasonable time period before the trial burn. An additional notice is not required if the trial burn is delayed due to circumstances beyond the control of the facility or the Agency.

B) This notice must contain the following:

i) The name and telephone number of applicant's contact person;

ii) The name and telephone number of the Agency regional office appropriate for the facility;

iii) The location where the approved trial burn plan and any supporting documents can be reviewed and copied; and

iv) An expected time period for commencement and completion of the trial burn.

4) The applicant must submit to the Agency a certification that the trial burn has been carried out in accordance with the approved trial burn plan, and submit the results of all the determinations required in subsection (c) ~~of this Section~~. The Agency must, in the trial burn plan, require that the submission be made within 90 days after completion of the trial burn, or later if the Agency determines that a later date is acceptable.

5) All data collected during any trial burn must be submitted to the Agency following completion of the trial burn.

6) All submissions required by this subsection (d) must be certified on behalf of the applicant by the signature of a person authorized to sign a permit application or a report pursuant to 35 Ill. Adm. Code 702.126.

e) Special procedures for DRE trial burns. When a DRE trial burn is required pursuant to 35 Ill. Adm. Code 726.104, the Agency must specify (based on the hazardous waste analysis data and other information in the trial burn plan) as trial Principal Organic Hazardous Constituents (POHCs) those compounds for which destruction and removal efficiencies must be calculated during the trial burn. These trial POHCs will be specified by the Agency based on information including the Agency's estimate of the difficulty of destroying the constituents identified in the hazardous waste analysis, their concentrations or mass in the hazardous waste feed, and, for hazardous waste containing or derived from wastes listed in Subpart D of 35 Ill. Adm. Code 721, the hazardous waste organic constituents identified in Appendix G to 35 Ill. Adm. Code 721 as the basis for listing.

f) Determinations based on trial burn. During each approved trial burn (or as soon after the burn as is practicable), the applicant must make the following determinations:

1) A quantitative analysis of the levels of antimony, arsenic, barium, beryllium, cadmium, chromium, lead, mercury, thallium, silver, and chlorine/chloride in the feed streams (hazardous waste, other fuels, and industrial furnace feedstocks);

2) When a DRE trial burn is required pursuant to 35 Ill. Adm. Code 726.204(a), the following determinations:

A) A quantitative analysis of the trial POHCs in the hazardous waste feed;

- B) A quantitative analysis of the stack gas for the concentration and mass emissions of the trial POHCs; and
- C) A computation of destruction and removal efficiency (DRE), in accordance with the DRE formula specified in 35 Ill. Adm. Code 726.204(a);
- 3) When a trial burn for chlorinated dioxins and furans is required pursuant to 35 Ill. Adm. Code 726.204(e), a quantitative analysis of the stack gas for the concentration and mass emission rate of the 2,3,7,8-chlorinated tetra- through octa-congeners of chlorinated dibenzo-p-dioxins and furans, and a computation showing conformance with the emission standard;
- 4) When a trial burn for PM, metals, or HCl and chlorine gas is required pursuant to 35 Ill. Adm. Code 726.205, 726.206(c) or (d), or 726.207(b)(2) or (c), a quantitative analysis of the stack gas for the concentrations and mass emissions of PM, metals, or HCl and chlorine gas, and computations showing conformance with the applicable emission performance standards;
- 5) When a trial burn for DRE, metals, and HCl and chlorine gas is required pursuant to 35 Ill. Adm. Code 726.204(a), 726.206(c) or (d), or 726.207(b)(2) or (c), a quantitative analysis of the scrubber water (if any), ash residues, other residues, and products for the purpose of estimating the fate of the trial POHCs, metals, and chlorine and chloride;
- 6) An identification of sources of fugitive emissions and their means of control;
- 7) A continuous measurement of carbon monoxide (CO), oxygen, and, where required, hydrocarbons (HC) in the stack gas; and
- 8) Such other information as the Agency specifies as necessary to ensure that the trial burn will determine compliance with the performance standards 35 Ill. Adm. Code 726.204 through 726.207 and to establish the operating conditions required by 35 Ill. Adm. Code 726.204 through 726.207 and of determining adequate operating conditions pursuant to 35 Ill. Adm. Code 726.203, and to establish the operating conditions required by 35 Ill. Adm. Code 726.202(e) as necessary to meet those performance standards.
- g) Interim status boilers and industrial furnaces. For the purpose of determining feasibility of compliance with the performance standards of 35 Ill. Adm. Code 726.204 through 726.207 and of determining adequate operating conditions pursuant to 35 Ill. Adm. Code 726.203, an applicant that owns or operates an existing boiler or industrial furnace that is operated under the interim status standards of 35 Ill. Adm. Code 726.203 must either prepare and submit a trial burn plan and perform a trial burn in accordance with this Section or submit other information as specified in Section 703.208(a)(6). The Agency must announce its

intention to approve of the trial burn plan in accordance with the timing and distribution requirements of subsection (d) (3) ~~of this Section~~. The contents of the notice must include all of the following information: the name and telephone number of a contact person at the facility; the name and telephone number of the Agency regional office appropriate for the facility; the location where the trial burn plan and any supporting documents can be reviewed and copied; and a schedule of the activities that are required prior to permit issuance, including the anticipated time schedule for Agency approval of the plan, and the time periods during which the trial burn would be conducted. Applicants that submit a trial burn plan and receive approval before submission of the Part B permit application must complete the trial burn and submit the results specified in subsection (f) ~~of this Section~~ with the Part B permit application. If completion of this process conflicts with the date set for submission of the Part B application, the applicant must contact the Agency to establish a later date for submission of the Part B application or the trial burn results. If the applicant submits a trial burn plan with Part B of the permit application, the trial burn must be conducted and the results submitted within a time period prior to permit issuance to be specified by the Agency.

BOARD NOTE: Derived from 40 CFR 270.66 (2017) ~~(2005), as amended at 70 Fed. Reg. 59402 (Oct. 12, 2005)~~.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

SUBPART G: CHANGES TO PERMITS

Section 703.270 Modification or Reissuance

When the Agency receives any information (for example, inspects the facility, receives information submitted by the permittee, as required in the permit (see 35 Ill. Adm. Code 702.140 through 702.152 and Section 703.241 et seq.), receives a request for reissuance pursuant to 35 Ill. Adm. Code 705.128, or conducts a review of the permit file) it may determine whether or not one or more of the causes, listed in Sections 703.271 or 703.272, for modification, reissuance, or both, exist. If cause exists, the Agency must modify or reissue the permit accordingly, subject to the limitations of Section 703.273, and may request an updated application if necessary. When a permit is modified, only the conditions subject to modification are reopened. If a permit is reissued, the entire permit is reopened and subject to revision and the permit is reissued for a new term. (See 35 Ill. Adm. Code 705.128(c)(2).) If cause does not exist pursuant to Section 703.271 or 703.272, the Agency must not modify or reissue the permit, except on the request of the permittee. If a permit modification is requested by the permittee, the Agency must approve or deny the request according to the procedures of Section 703.280 through 703.283 or Section 703.353 and Subpart G of 35 Ill. Adm. Code 705. Otherwise, a draft permit must be prepared and other procedures in 35 Ill. Adm. Code 705 must be followed.

BOARD NOTE: Derived from the preamble to 40 CFR 270.41 (2017) ~~(2005), as amended at 70 Fed. Reg. 53420 (Sep. 8, 2005)~~. The Board has chosen to use "reissue" where the corresponding federal provisions use "revoke and reissue-". This was because permit revocation is a remedy in the context of an enforcement action that is reserved to the Board. See 415 ILCS 5/33(b) (2004); 35 Ill. Adm. Code 702.186 (2004). The Board intends that a reissued permit completely supercede the earlier version of that permit.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 703.280 Permit Modification at the Request of the Permittee

- a) Class 1 modifications. See Section 703.281.
 - b) Class 2 modifications. See Section 703.282.
 - c) Class 3 modifications. See Section 703.283.
 - d) Other modifications.
- 1) In the case of modifications not explicitly listed in Appendix A ~~of this Part~~, the permittee may submit a Class 3 modification request to the Agency, or the permittee may request a determination by the Agency that the modification be reviewed and approved as a Class 1 or Class 2 modification. If the permittee requests that the modification be classified as a Class 1 or 2 modification, the permittee must provide the Agency with the necessary information to support the requested classification.
 - 2) The Agency must make the determination described in subsection (d) (1) ~~of this Section~~ as promptly as practicable. In determining the appropriate class for a specific modification, the Agency must consider the similarity of the modification to other modifications codified in Appendix A ~~of this Part~~ and the following criteria:
 - A) Class 1 modifications apply to minor changes that keep the permit current with routine changes to the facility or its operation. These changes do not substantially alter the permit conditions or reduce the capacity of the facility to adequately protect human health or the environment. In the case of Class 1 modifications, the Agency may require prior approval.
 - B) Class 2 modifications apply to changes that are necessary to enable a permittee to respond, in a timely manner, to any of the following:
 - i) Common variations in the types and quantities of the wastes managed under the facility permit;
 - ii) Technological advances; and

iii) Changes necessary to comply with new regulations, where these changes can be implemented without substantially changing design specifications or management practices in the permit.

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

e) Temporary authorizations.

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

2) Procedures.

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

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

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

B) The temporary authorization request must include the following:

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

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

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

C) The permittee must send a notice about the temporary authorization request to all persons on the facility mailing list maintained by the Agency and to appropriate units of State and local governments, as specified in 35 Ill. Adm. Code 705.163(a)(5). This notification must be made within seven days after submission of the authorization request.

3) The Agency must approve or deny the temporary authorization as quickly as practical. To issue a temporary authorization, the Agency must find as follows:

A) That the authorized activities are in compliance with the standards of 35 Ill. Adm. Code 724.

B) That the temporary authorization is necessary to achieve one of the following objectives before action is likely to be taken on a modification request:

i) To facilitate timely implementation of closure or corrective action activities;

ii) To allow treatment or storage in tanks, containers, or containment buildings, in accordance with 35 Ill. Adm. Code 728;

iii) To prevent disruption of ongoing waste management activities;

iv) To enable the permittee to respond to sudden changes in the types or quantities of the wastes managed under the facility permit; or

v) To facilitate other changes to adequately protect human health and the environment.

4) A temporary authorization must be reissued for one additional term of up to 180 days, provided that the permittee has requested a Class 2 or 3 permit modification for the activity covered in the temporary authorization, and either of the following is true:

A) The reissued temporary authorization constitutes the Agency's decision on a Class 2 permit modification in accordance with Section 703.282(f)(1)(D) or (f)(2)(D); or

B) The Agency determines that the reissued temporary authorization involving a Class 3 permit modification request is warranted to allow the authorized activities to continue while the modification procedures of 35 Ill. Adm. Code 703.283 are conducted.

f) Public notice and appeals of permit modification decisions.

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

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

3) An automatic authorization that goes into effect pursuant to Section 703.282(f)(3) or (f)(5) may be appealed under the permit appeal procedures of 35 Ill. Adm. Code 705.212; however, the permittee may continue to conduct the activities pursuant to the automatic

authorization until the Board enters a final order on the appeal notwithstanding the provisions of 35 Ill. Adm. Code 705.204.

g) Newly regulated wastes and units.

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

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

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

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

D) The permittee also submits a complete class 2 or 3 modification request within 180 days after the effective date of the rule listing or identifying the waste, or subjecting the unit to management standards pursuant to 35 Ill. Adm. Code 724, 725, or 726; and

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

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

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

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

2) On or before the date when the waste military munitions become subject to hazardous waste regulatory requirements, the permittee

submits a Class 1 modification request to remove or amend the permit provision restricting the receipt of off-site waste munitions; and

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

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

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

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

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

k) Waiver of RCRA permit conditions in support of transition to the federal 40 CFR 63 MACT standards.

1) The facility owner or operator may request to have specific RCRA operating and emissions limits waived by submitting a Class 1 permit modification request under Appendix A ~~of this Part~~, paragraph L.10. The owner or operator must provide the information described in subsections (k) (1) (A) through (k) (1) (C) ~~of this Section~~, with Agency review subject to the conditions of subsection (k) (1) (D) ~~of this Section~~:

A) It must identify the specific RCRA permit operating and emissions limits that the owner or operator is requesting to waive;

4) Provides the applicable information required by Section 703.181 through 703.185, 703.201 through 703.207, 703.221 through 703.225, and 703.230.

b) The permittee must send a notice of the modification request to all persons on the facility mailing list maintained by the Agency and to the appropriate units of State and local government as specified in 35 Ill. Adm. Code 705.163(a)(5) and must, to the extent practicable, publish this notice in a newspaper of general circulation published in the County in which the facility is located. If no such newspaper exists, the permittee must publish the notice in a newspaper of general circulation in the vicinity of the facility. This notice must be mailed and published within seven days before or after the date of submission of the modification request, and the permittee must provide to the Agency evidence of the mailing and publication. The notice must include:

1) Announcement of a 60-day comment period, in accordance with subsection (e) ~~of this Section~~, and the name and address of an Agency contact to whom comments must be sent;

2) Announcement of the date, time and place for a public meeting held in accordance with subsection (d) ~~of this Section~~;

3) Name and telephone number of the permittee's contact person;

4) Name and telephone number of an Agency contact person;

5) Locations where copies of the modification request and any supporting documents can be viewed and copied; and

6) The following statement: "The permittee's compliance history during the life of the permit being modified is available from the Agency contact person-".

c) The permittee must place a copy of the permit modification request and supporting documents in a location accessible to the public in the vicinity of the permitted facility.

d) The permittee must hold a public meeting no earlier than 15 days after the publication of the notice required in subsection (b) ~~of this Section~~ and no later than 15 days before the close of the 60-day comment period. The meeting must be held in the County in which the permitted facility is located, unless it is impracticable to do so, in which case the hearing must be held in the vicinity of the facility.

e) The public must be provided 60 days to comment on the modification request. The comment period begins on the date that the permittee publishes the notice in the local newspaper. Comments must be submitted to the Agency contact identified in the public notice.

f) Agency decision.

1) No later than 90 days after receipt of the notification request, the Agency must:

A) Approve the modification request, with or without changes, and modify the permit accordingly;

B) Deny the request;

C) Determine that the modification request must follow the procedures in Section 703.283 for Class 3 modifications for either of the following reasons:

i) There is significant public concern about the proposed modification; or

ii) The complex nature of the change requires the more extensive procedures of Class 3;

D) Approve the request, with or without changes, as a temporary authorization having a term of up to 180 days; or

E) Notify the permittee that the Agency will decide on the request within the next 30 days.

2) If the Agency notifies the permittee of a 30-day extension for a decision, the Agency must, no later than 120 days after receipt of the modification request, do the following:

A) Approve the modification request, with or without changes, and modify the permit accordingly;

B) Deny the request;

C) Determine that the modification request must follow the procedures in Section 703.283 for Class 3 modifications for the following reasons:

i) There is significant public concern about the proposed modification; or

ii) The complex nature of the change requires the more extensive procedures of Class 3; or

D) Approve the request, with or without changes, as a temporary authorization having a term of up to 180 days.

3) If the Agency fails to make one of the decisions specified in subsection (f) (2) ~~of this Section~~ by the 120th day after receipt of the modification request, the permittee is automatically authorized to conduct the activities described in the modification request for up to 180 days, without formal Agency action. The authorized activities must

be conducted as described in the permit modification request and must be in compliance with all appropriate standards of 35 Ill. Adm. Code 725. If the Agency approves, with or without changes, or denies the modification request during the term of the temporary or automatic authorization provided for in subsections (f)(1), (f)(2), or (f)(3) ~~of this Section~~, such action cancels the temporary or automatic authorization.

4) Notification by permittee.

A) In the case of an automatic authorization under subsection (f)(3) ~~of this Section~~, or a temporary authorization under subsection (f)(1)(D) or (f)(2)(D) ~~of this Section~~, if the Agency has not made a final approval or denial of the modification request by the date 50 days prior to the end of the temporary or automatic authorization, the permittee must, within seven days after that time, send a notification to persons on the facility mailing list, and make a reasonable effort to notify other persons who submitted written comments on the modification request, that informs them as follows:

i) That the permittee has been authorized temporarily to conduct the activities described in the permit modification request; and

ii) That, unless the Agency acts to give final approval or denial of the request by the end of the authorization period, the permittee will receive authorization to conduct such activities for the life of the permit.

B) If the owner or operator fails to notify the public by the date specified in subsection (f)(4)(A) ~~of this Section~~, the effective date of the permanent authorization will be deferred until 50 days after the owner or operator notifies the public.

5) Except as provided in subsection (f)(7) ~~of this Section~~, if the Agency does not finally approve or deny a modification request before the end of the automatic or temporary authorization period or reclassify the modification as a Class 3 modification, the permittee is authorized to conduct the activities described in the permit modification request for the life of the permit unless modified later under Section 703.270 or Section 703.280. The activities authorized under this subsection must be conducted as described in the permit modification request and must be in compliance with all appropriate standards of 35 Ill. Adm. Code 725.

6) In making a decision to approve or deny a modification request, including a decision to issue a temporary authorization or to reclassify a modification as a Class 3, the Agency must consider all written comments submitted to the Agency during the public comment period and must respond in writing to all significant comments in the Agency's decision.

7) With the written consent of the permittee, the Agency may extend indefinitely or for a specified period the time periods for final approval or denial of a modification request or for reclassifying a modification as a Class 3.

g) The Agency must deny or change the terms of a Class 2 permit modification request under subsections (f)(1) through (f)(3) ~~of this Section~~ for the following reasons:

1) The modification request is incomplete;

2) The requested modification does not comply with the appropriate requirements of 35 Ill. Adm. Code 724 or other applicable requirements; or

3) The conditions of the modification fail to protect human health and the environment.

h) The permittee may perform any construction associated with a Class 2 permit modification request beginning 60 days after the submission of the request unless the Agency establishes a later date for commencing construction and informs the permittee in writing before day 60.

BOARD NOTE: Derived from 40 CFR 270.42(b) (2017) ~~(2002)~~.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 703.283 Class 3 Modifications

a) For Class 3 modifications, listed in Appendix A, the permittee must submit a modification request to the Agency that does the following:

1) Describes the exact change to be made to the permit conditions and supporting documents referenced by the permit;

2) Identifies that the modification is a Class 3 modification;

3) Explains why the modification is needed; and

4) Provides the applicable information required by Section 703.181 through 703.187, 703.201 through 703.209, 703.221 through 703.225, 703.230, and 703.232.

b) The permittee must send a notice of the modification request to all persons on the facility mailing list maintained by the Agency and to the appropriate units of State and local government, as specified in 35 Ill. Adm. Code 705.163(a)(5), and must publish this notice in a newspaper of general circulation in the county in which the facility is located. This notice must be mailed and published within seven days before or after the date of submission of the modification request, and

the permittee must provide to the Agency evidence of the mailing and publication. The notice must include the following:

- 1) Announcement of a 60-day comment period, in accordance with subsection (e) ~~of this Section~~, and the name and address of an Agency contact to whom comments must be sent;
 - 2) Announcement of the date, time, and place for a public meeting held in accordance with subsection (d) ~~of this Section~~;
 - 3) Name and telephone number of the permittee's contact person;
 - 4) Name and telephone number of an Agency contact person;
 - 5) Locations where copies of the modification request and any supporting documents can be viewed and copied; and
 - 6) The following statement: "The permittee's compliance history during the life of the permit being modified is available from the Agency contact person-".
- c) The permittee must place a copy of the permit modification request and supporting documents in a location accessible to the public in the vicinity of the permitted facility.
- d) The permittee must hold a public meeting no earlier than 15 days after the publication of the notice required in subsection (b) ~~of this Section~~ and no later than 15 days before the close of the 60-day comment period. The meeting must be held to the extent practicable in the vicinity of the permitted facility.
- e) The public must be provided 60 days to comment on the modification request. The comment period will begin on the date the permittee publishes the notice in the local newspaper. Comments must be submitted to the Agency contact identified in the public notice.
- f) After the conclusion of the 60-day comment period, the Agency must grant or deny the permit modification request, according to the permit modification procedures of 35 Ill. Adm. Code 705. In addition, the Agency must consider and respond to all significant written comments received during the 60-day comment period.

BOARD NOTE: Derived from 40 CFR 270.42(c) (2017) ~~(2002)~~.

(Source: Amended at 42 Ill. Reg. , effective)

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

a) Facilities with existing permits.

1) Revisions to permit conditions after documenting compliance with MACT. The owner or operator of a RCRA-permitted incinerator, cement kiln, lightweight aggregate kiln, solid fuel boiler, liquid fuel boiler, or hydrochloric acid production furnace, when requesting removal of permit conditions that are no longer applicable according to 35 Ill. Adm. Code 724.440(b) and 726.200(b), may request that the Agency address permit conditions that minimize emissions from startup, shutdown, and malfunction events under any of the following options:

A) Retain relevant permit conditions. Under this option, the Agency must do the following:

i) Retain permit conditions that address releases during startup, shutdown, and malfunction events, including releases from emergency safety vents, as these events are defined in the facility's startup, shutdown, and malfunction plan required pursuant to 40 CFR 63.1206(c)(2) (When and How Must You Comply with the Standards and Operating Requirements?), incorporated by reference in 35 Ill. Adm. Code 720.111(b); and

ii) Limit applicability of those permit conditions only to when the facility is operating under its startup, shutdown, and malfunction plan.

B) Revise relevant permit conditions. Under this option, the following must occur:

i) The Agency must identify a subset of relevant existing permit requirements, or develop alternative permit requirements, that ensure emissions of toxic compounds are minimized from startup, shutdown, and malfunction events, including releases from emergency safety vents, based on review of information including the source's startup, shutdown, and malfunction plan, design, and operating history;

ii) The Agency must retain or add these permit requirements to the permit to apply only when the facility is operating under its startup, shutdown, and malfunction plan; and

iii) The owner or operator must comply with subsection (a)(3) ~~of this Section~~.

BOARD NOTE: The Board found it necessary to deviate from the structure of corresponding 40 CFR 270.235(a)(1)(ii) in this subsection (a)(1)(B) in order to comport with Illinois Administrative Code codification requirements. The substance of 40 CFR 270.235(a)(1)(ii)(A), (a)(1)(ii)(A)(1), and (a)(1)(ii)(A)(2) appear as subsections (a)(1)(B), (a)(1)(B)(i), and (a)(1)(B)(ii). The substance of 40 CFR

270.235(a)(1)(ii)(B) has been codified as subsection (a)(3) ~~of this Section~~. The Board added subsection (a)(1)(B) ~~(iii) of this Section~~ to direct attention to subsection (a)(3).

C) Remove permit conditions. Under this option the following are required:

i) The owner or operator must document that the startup, shutdown, and malfunction plan required pursuant to 40 CFR 63.1206(c)(2) has been approved pursuant to 40 CFR 63.1206(c)(2)(ii)(B); and

ii) The Agency must remove permit conditions that are no longer applicable according to 35 Ill. Adm. Code 724.440(b) and 726.200(b).

2) Addressing permit conditions upon permit reissuance. The owner or operator of an incinerator, cement kiln, lightweight aggregate kiln, solid fuel boiler, liquid fuel boiler, or hydrochloric acid production furnace that has conducted a comprehensive performance test and submitted to the Agency a Notification of Compliance documenting compliance with the standards of subpart EEE of 40 CFR 63 (National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors), incorporated by reference in 35 Ill. Adm. Code 720.111(b), may request in the application to reissue the permit for the combustion unit that the Agency control emissions from startup, shutdown, and malfunction events under any of the following options:

A) RCRA option A. Under this option, the Agency must do the following:

i) Include, in the permit, conditions that ensure compliance with 35 Ill. Adm. Code 724.445(a) and (c) or 726.202(e)(1) and (e)(2)(C) to minimize emissions of toxic compounds from startup, shutdown, and malfunction events, including releases from emergency safety vents; and

ii) Specify that these permit requirements apply only when the facility is operating under its startup, shutdown, and malfunction plan; or

BOARD NOTE: The Board found it necessary to deviate from the structure of corresponding 40 CFR 270.235(a)(2)(i) in this subsection (a)(2)(A) in order to comport with Illinois Administrative Code codification requirements. The substance of 40 CFR 270.235(a)(2)(i)(A), (a)(2)(i)(A)(1), and (a)(2)(i)(A)(2) appear as subsections (a)(2)(A), (a)(2)(A)(i), and (a)(2)(A)(ii).

B) RCRA option B. Under this option, the following must occur:

i) The Agency must include, in the permit, conditions that ensure emissions of toxic compounds are minimized from startup, shutdown, and malfunction events, including releases from emergency safety vents, based on review of information including the source's startup, shutdown, and malfunction plan, design, and operating history;

ii) The Agency must specify that these permit requirements apply only when the facility is operating under its startup, shutdown, and malfunction plan; and

iii) The owner or operator must comply with subsection (a) (3) ~~of this Section~~; and

BOARD NOTE: The Board found it necessary to deviate from the structure of corresponding 40 CFR 270.235(a) (2) (ii) in this subsection (a) (2) (B) in order to comport with Illinois Administrative Code codification requirements. The substance of 40 CFR 270.235(a) (2) (ii) (A), (a) (2) (ii) (A) (1), and (a) (2) (ii) (A) (2) appear as subsections (a) (2) (B), (a) (2) (B) (i), and (a) (2) (B) (ii). The substance of 40 CFR 270.235(a) (2) (ii) (B) has been codified as subsection (a) (3) ~~of this Section~~. The Board added subsection (a) (2) (B) (iii) ~~of this Section~~ to direct attention to subsection (a) (3).

C) CAA option. Under this option the following are required:

i) The owner or operator must document that the startup, shutdown, and malfunction plan required pursuant to 40 CFR 63.1206(c) (2) has been approved pursuant to 40 CFR 63.1206(c) (2) (ii) (B); and

ii) The Agency must omit from the permit conditions that are not applicable pursuant to 35 Ill. Adm. Code 724.440(b) and 726.200(b).

3) Changes that may significantly increase emissions.

A) The owner or operator must notify the Agency in writing of changes to the startup, shutdown, and malfunction plan or changes to the design of the source that may significantly increase emissions of toxic compounds from startup, shutdown, or malfunction events, including releases from emergency safety vents. The owner or operator must notify the Agency of such changes within five days of making such changes. The owner or operator must identify in the notification recommended revisions to permit conditions necessary as a result of the changes to ensure that emissions of toxic compounds are minimized during these events.

B) The Agency may revise permit conditions as a result of these changes to ensure that emissions of toxic compounds are minimized during startup, shutdown, or malfunction events, including releases from emergency safety vents in either of the following ways:

i) Upon permit renewal; or

ii) If warranted, by modifying the permit pursuant to Section 703.270 or 703.280 through 703.283.

BOARD NOTE: The substance of 40 CFR 270.235(a) (1) (ii) (B) and (a) (2) (ii) (B) has been codified as this subsection (a) (3).

b) Interim status facilities.

1) Interim status operations. In compliance with 35 Ill. Adm. Code 725.440 and 726.200(b), the owner or operator of an incinerator, cement kiln, lightweight aggregate kiln, solid fuel boiler, liquid fuel boiler, or hydrochloric acid production furnace that is operating under the interim status standards of 35 Ill. Adm. Code 725 or 726 may control emissions of toxic compounds during startup, shutdown, and malfunction events under either of the following options after conducting a comprehensive performance test and submitting to the Agency a Notification of Compliance documenting compliance with the standards of subpart EEE of 40 CFR 63:

A) RCRA option. Under this option, the owner or operator must continue to comply with the interim status emission standards and operating requirements of 35 Ill. Adm. Code 725 or 726 relevant to control of emissions from startup, shutdown, and malfunction events. Those standards and requirements apply only during startup, shutdown, and malfunction events; or

B) CAA option. Under this option, the owner or operator is exempt from the interim status standards of 35 Ill. Adm. Code 725 or 726 relevant to control of emissions of toxic compounds during startup, shutdown, and malfunction events upon submission of written notification and documentation to the Agency that the startup, shutdown, and malfunction plan required pursuant to 40 CFR 63.1206(c)(2) has been approved pursuant to 40 CFR 63.1206(c)(2)(ii)(B).

2) Operations under a subsequent RCRA permit. When an owner or operator of an incinerator, cement kiln, lightweight aggregate kiln, solid fuel boiler, liquid fuel boiler, or hydrochloric acid production furnace that is operating under the interim status standards of 35 Ill. Adm. Code 725 or 726 submits a RCRA permit application, the owner or operator may request that the Agency control emissions from startup, shutdown, and malfunction events under any of the options provided by subsection (a)(2)(A), (a)(2)(B), or (a)(2)(C) of this Section.

c) New units. A hazardous waste incinerator, cement kiln, lightweight aggregate kiln, solid fuel boiler, liquid fuel boiler, or hydrochloric acid production furnace unit that becomes subject to RCRA permit requirements ~~after October 12, 2005~~ must control emissions of toxic compounds during startup, shutdown, and malfunction events under either of the following options:

1) It may comply with the requirements specified in 40 CFR 63.1206(c)(2), incorporated by reference in 35 Ill. Adm. Code 720.111(b); or

2) It may request to include in the RCRA permit, conditions that ensure emissions of toxic compounds are minimized from startup, shutdown, and malfunction events, including releases from emergency

safety vents, based on review of information, including the source's startup, shutdown, and malfunction plan and design. The Agency must specify that these permit conditions apply only when the facility is operating under its startup, shutdown, and malfunction plan.

BOARD NOTE: Derived from 40 CFR 270.235 (2017) ~~(2005), as amended at 70 Fed. Reg. 59402 (Oct. 12, 2005)~~. Operating conditions used to determine effective treatment of hazardous waste remain effective after the owner or operator demonstrates compliance with the standards of subpart EEE of 40 CFR 63.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

SUBPART J: RCRA STANDARDIZED PERMITS
FOR STORAGE AND TREATMENT UNITS

Section 703.350 General Information About RCRA Standardized Permits

a) RCRA standardized permit. A RCRA standardized permit (RCRA) is a special type of permit that authorizes the owner or operator of a facility to manage hazardous waste. A RCRA standardized permit is issued pursuant to Subpart G of 35 Ill. Adm. Code 705 and this Subpart J.

BOARD NOTE: Subsection (a) ~~of this Section~~ is derived from 40 CFR 270.250 (2017) ~~(2007)~~.

b) Eligibility for a RCRA standardized permit.

1) The facility owner or operator may be eligible for a RCRA standardized permit if the following conditions are fulfilled:

A) The facility generates hazardous waste and then stores or non-thermally treats the hazardous waste on-site in containers, tanks, or containment buildings; or

B) The facility receives hazardous waste generated off-site by a generator under the same ownership as the receiving facility, and the facility stores or non-thermally treats the hazardous waste in containers, tanks, or containment buildings.

C) The Agency must inform the facility owner or operator of its eligibility for a RCRA standardized permit when the Agency makes a decision on its permit application.

2) This subsection (b)(2) corresponds with 40 CFR 270.255(b), which USEPA has marked "Reserved."¹ This statement maintains structural consistency with the corresponding federal rules.

BOARD NOTE: Subsection (b) ~~of this Section~~ is derived from 40 CFR 270.255 (2017) ~~(2007)~~.

c) Permit requirements applicable to a RCRA standardized permit. The following provisions of this Part and 35 Ill. Adm. Code 702 apply to a RCRA standardized permit:

1) General Information: All provisions derived from subpart A of 40 CFR 270 apply: Sections 703.110, 703.121 through 703.124, 703.158 through 703.160, and 703.161(a) and 35 Ill. Adm. Code 702.104, 702.110, 702.181, and 720.111.

2) Permit Application: All provisions derived from 40 CFR 270.10, 270.11, 270.12, 270.13, and 270.29 in subpart B of 40 CFR 270 apply: Sections 703.125, 703.126, 703.150 through ~~though~~ 703.152, 703.157, 703.181, 703.186, 703.188, and 703.240 and 35 Ill. Adm. Code 702.103, 702.120 through 702.124, and 702.126.

3) Permit Conditions: All provisions derived from subpart C of 40 CFR 270 apply: Sections 703.241 through 703.248 and 35 Ill. Adm. Code 702.140 through 702.152, 702.160, and 702.162 through 702.164.

4) Changes to Permit: All provisions derived from 40 CFR 270.40, 270.41, and 270.43 in subpart D of 40 CFR 270 apply: Sections 703.260 and 703.270 through ~~though~~ 703.273 and 35 Ill. Adm. Code 702.186.

5) Expiration and Continuation of Permits: All provisions derived from subpart E of 40 CFR 270 apply: 35 Ill. Adm. Code 702.125 and 702.161.

6) Special Forms of Permits: The provision derived from 40 CFR 270.67 in subpart F of 40 CFR 270 apply: Section 703.238.

7) Interim Status: All provisions derived from subpart G of 40 CFR 270 apply: Sections 703.153 through 703.157.

8) Remedial Action Plans: No provisions derived from subpart H of 40 CFR 270 apply: no provisions of Subpart H of 35 Ill. Adm. Code 703 apply.

9) RCRA Standardized Permits: All provisions derived from subpart J of 40 CFR 270 apply: this Subpart J.

BOARD NOTE: Subsection (c) ~~of this Section~~ is derived from 40 CFR 270.260 (2017) ~~(2007)~~.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 703.352 Information That Must Be Kept at the Facility

a) General types of information to be maintained at the facility. The facility owner or operator must keep the following information at its facility:

- 1) A general description of the facility;
- 2) Results of chemical and physical analyses of the hazardous waste and hazardous debris handled at the facility. At a minimum, these results of analyses must contain all the information that the owner or operator must know to treat or store the wastes properly pursuant to 35 Ill. Adm. Code 727;
- 3) A copy of the waste analysis plan required by 35 Ill. Adm. Code 727.110(d)(2);
- 4) A description of the security procedures and equipment required by 35 Ill. Adm. Code 727.110(e);
- 5) A copy of the general inspection schedule required by 35 Ill. Adm. Code 727.110(f)(2). The owner or operator must include in the inspection schedule applicable requirements of 35 Ill. Adm. Code 724.933, 724.952, 724.953, 724.958, 724.988, 727.270(e), and 727.290(d) and (f);
- 6) A justification of any modification of the preparedness and prevention requirements of 35 Ill. Adm. Code 727.130(a) through (f);
- 7) A copy of the contingency plan required by 35 Ill. Adm. Code 727.150;
- 8) A description of procedures, structures, or equipment used at the facility to accomplish each of the following:
 - A) Prevent hazards in unloading operations (for example, use ramps, special forklifts);
 - B) Prevent runoff from hazardous waste handling areas to other areas of the facility or environment, or to prevent flooding (for example, with berms, dikes, trenches, etc.);
 - C) Prevent contamination of water supplies;
 - D) Mitigate effects of equipment failure and power outages;
 - E) Prevent undue exposure of personnel to hazardous waste (for example, requiring protective clothing); and
 - F) Prevent releases to atmosphere;
- 9) A description of precautions to prevent accidental ignition or reaction of ignitable, reactive, or incompatible wastes as required by 35 Ill. Adm. Code 727.110(h);
- 10) The traffic pattern, estimated volume (number, types of vehicles) and control (for example, show turns across traffic lanes, and stacking

lanes; describe access road surfacing and load bearing capacity; show traffic control signals, etc.);

11) This subsection (a)(11) corresponds with 40 CFR 270.290(k), which USEPA has marked "Reserved-". This statement maintains structural consistency with the corresponding federal rules;

12) An outline of both the introductory and continuing training programs that the owner or operator will use to prepare employees to operate or maintain its facility safely as required by 35 Ill. Adm. Code 727.110(g). A brief description of how training will be designed to meet actual job tasks pursuant to 35 Ill. Adm. Code 727.110(g)(1)(B) requirements;

13) A copy of the closure plan required by 35 Ill. Adm. Code 727.210(c). Include, where applicable, as part of the plans, specific requirements in 35 Ill. Adm. Code 727.270(g), 727.290(l), and 727.900(i);

14) This subsection (a)(14) corresponds with 40 CFR 270.290(n), which USEPA has marked "Reserved-". This statement maintains structural consistency with the corresponding federal rules;

15) The most recent closure cost estimate for the facility prepared pursuant to 35 Ill. Adm. Code 727.240(c) and a copy of the documentation required to demonstrate financial assurance pursuant to 35 Ill. Adm. Code 727.240(d). For a new facility, the owner or operator may gather the required documentation 60 days before the initial receipt of hazardous wastes;

16) This subsection (a)(16) corresponds with 40 CFR 270.290(p), which USEPA has marked "Reserved-". This statement maintains structural consistency with the corresponding federal rules;

17) Where applicable, a copy of the insurance policy or other documentation that complies with the liability requirements of 35 Ill. Adm. Code 727.240(h). For a new facility, documentation showing the amount of insurance meeting the specification of 35 Ill. Adm. Code 727.240(h)(1) that the owner or operator plans to have in effect before initial receipt of hazardous waste for treatment or storage;

18) Where appropriate, proof of coverage by a State financial mechanism, as required by 35 Ill. Adm. Code 727.240(j) or 727.240(k);

19) A topographic map showing a distance of 1,000 feet around the facility at a scale of 2.5 centimeters (1 inch) equal to not more than 61.0 meters (200 feet). The map must show elevation contours. The contour interval must show the pattern of surface water flow in the vicinity of and from each operational unit of the facility. For example, contours with an interval of 1.5 meters (5 feet), if relief is greater than 6.1 meters (20 feet), or an interval of 0.6 meters (2 feet), if relief is less than 6.1 meters (20 feet). If the facility is

in a mountainous area, the owner or operator should use large contour intervals to adequately show topographic profiles of the facility. The map must clearly show each of the following:

- A) The map scale and date;
- B) Any 100-year flood plain area;
- C) All surface waters including intermittent streams;
- D) The surrounding land uses (residential, commercial, agricultural, recreational, etc.);
- E) A wind rose (i.e., prevailing windspeed and direction);
- F) The orientation of the map (north arrow);
- G) Legal boundaries of the facility site;
- H) Facility access control (fences, gates);
- I) All injection and withdrawal wells both on-site and off-site;
- J) All buildings; treatment, storage, or disposal operations; and other structures (recreation areas, runoff control systems, access and internal roads, storm, sanitary, and process sewerage systems, loading and unloading areas, fire control facilities, etc.);
- K) Barriers for drainage or flood control; and
- L) The location of operational units within the facility where hazardous waste is (or will be) treated or stored (including equipment cleanup areas).

BOARD NOTE: Subsection (a) ~~of this Section~~ is derived from 40 CFR 270.290 (2017) ~~-(2007)~~.

- b) Container information to be maintained at the facility. If the facility owner or operator stores or treats hazardous waste in containers, it must keep the following information at its facility:
 - 1) A description of the containment system to demonstrate compliance with the container storage area provisions of 35 Ill. Adm. Code 727.270(d). This description must show the following information:
 - A) The basic design parameters, dimensions, and materials of construction;
 - B) How the design promotes drainage or how containers are kept from contact with standing liquids in the containment system;

- C) The capacity of the containment system relative to the number and volume of containers to be stored;
 - D) The provisions for preventing or managing run-on; and
 - E) How accumulated liquids can be analyzed and removed to prevent overflow;
- 2) For storage areas that store containers holding wastes that do not contain free liquids, a demonstration of compliance with 35 Ill. Adm. Code 727.270(d)(3), including the following:
 - A) Test procedures and results or other documentation or information to show that the wastes do not contain free liquids; and
 - B) A description of how the storage area is designed or operated to drain and remove liquids or how containers are kept from contact with standing liquids;
 - 3) Sketches, drawings, or data demonstrating compliance with 35 Ill. Adm. Code 727.270(e) (location of buffer zone (15m or 50ft) and containers holding ignitable or reactive wastes) and 35 Ill. Adm. Code 727.270(f)(3) (location of incompatible wastes in relation to each other), where applicable;
 - 4) Where incompatible wastes are stored or otherwise managed in containers, a description of the procedures used to ensure compliance with 35 Ill. Adm. Code 727.270(f)(1) and (f)(2), and 35 Ill. Adm. Code 727.110(h)(2) and (h)(3); and
 - 5) Information on air emission control equipment as required by Section 703.352(e).

BOARD NOTE: Subsection (b) ~~of this Section~~ is derived from 40 CFR 270.300 (2017) ~~-(2007)~~.

- c) Tank information to be maintained at the facility. If the facility owner or operator uses tanks to store or treat hazardous waste, it must keep the following information at its facility:
 - 1) A written assessment that is reviewed and certified by an independent, qualified, registered professional engineer on the structural integrity and suitability for handling hazardous waste of each tank system, as required pursuant to 35 Ill. Adm. Code 727.290(b) and (c);
 - 2) The dimensions and capacity of each tank;
 - 3) A description of feed systems, safety cutoff, bypass systems, and pressure controls (e.g., vents);

- 4) A diagram of piping, instrumentation, and process flow for each tank system;
- 5) A description of materials and equipment used to provide external corrosion protection, as required pursuant to 35 Ill. Adm. Code 727.290(b);
- 6) For new tank systems, a detailed description of how the tank systems will be installed in compliance with 35 Ill. Adm. Code 727.290(c) and (e);
- 7) Detailed plans and description of how the secondary containment system for each tank system is or will be designed, constructed, and operated to meet the requirements of 35 Ill. Adm. Code 727.290(f) and (g);
- 8) This subsection (c)(8) corresponds with 40 CFR 270.305(h), which USEPA has marked "Reserved-". This statement maintains structural consistency with the corresponding federal rules;
- 9) A description of controls and practices to prevent spills and overflows, as required pursuant to 35 Ill. Adm. Code 727.290(i);
- 10) For tank systems in which ignitable, reactive, or incompatible wastes are to be stored or treated, a description of how operating procedures and tank system and facility design will achieve compliance with 35 Ill. Adm. Code 727.290(m) and (n); and
- 11) Information on air emission control equipment, as required by Section 703.352(e).

BOARD NOTE: Subsection (c) ~~of this Section~~ is derived from 40 CFR 270.305 (2017) ~~-(2007)~~.

d) Equipment information to be maintained at the facility. If the facility has equipment to which Subpart BB of 35 Ill. Adm. Code 724 applies, the facility owner or operator must keep the following information at its facility:

- 1) For each piece of equipment to which Subpart BB of 35 Ill. Adm. Code 724 applies, the following:
 - A) The equipment identification number and hazardous waste management unit identification;
 - B) The approximate locations within the facility (e.g., identify the hazardous waste management unit on a facility plot plan);
 - C) The type of equipment (e.g., a pump or a pipeline valve);
 - D) The percent by weight of total organics in the hazardous waste stream at the equipment;

E) The phase of the hazardous waste at the equipment (e.g., gas or vapor or liquid); and

F) The method of compliance with the standard (e.g., monthly leak detection and repair, or equipped with dual mechanical seals);

2) For a facility that cannot install a closed-vent system and control device to comply with Subpart BB of 35 Ill. Adm. Code 724 on the effective date that the facility becomes subject to the Subpart BB provisions, an implementation schedule as specified in 35 Ill. Adm. Code 724.933(a)(2);

3) Documentation that demonstrates compliance with the equipment standards in 35 Ill. Adm. Code 724.952 and 724.959. This documentation must contain the records required pursuant to 35 Ill. Adm. Code 724.964; and

4) Documentation to demonstrate compliance with 35 Ill. Adm. Code 724.960, which must include the following information:

A) A list of all information references and sources used in preparing the documentation;

B) Records, including the dates, of each compliance test required by 35 Ill. Adm. Code 724.933(j);

C) A design analysis, specifications, drawings, schematics, and piping and instrumentation diagrams based on the appropriate sections of "APTI Course 415: Control of Gaseous Emissions₇", USEPA publication number EPA-450/2-81-005, incorporated by reference in 35 Ill. Adm. Code 720.111(a) or other engineering texts acceptable to the Agency that present basic control device design information. The design analysis must address the vent stream characteristics and control device operation parameters, as specified in 35 Ill. Adm. Code 724.935(b)(4)(iii);

D) A statement signed and dated by the facility owner or operator that certifies that the operating parameters used in the design analysis reasonably represent the conditions that exist when the hazardous waste management unit is operating at the highest load or capacity level reasonable expected to occur; and

E) A statement signed and dated by the facility owner or operator that certifies that the control device is designed to operate at an efficiency of 95 weight percent or greater.

BOARD NOTE: Subsection (d) ~~of this Section~~ is derived from 40 CFR 270.310 (2017) ~~-(2007)~~.

e) Air emissions control information to be maintained at the facility. If the facility owner or operator has air emission control

equipment subject to Subpart CC of 35 Ill. Adm. Code 724, it must keep the following information at its facility:

- 1) 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 that the owner or operator prepared or the cover manufacturer or vendor provided describing the cover design, and the owner's or operator's certification that the cover meets applicable design specifications listed in 35 Ill. Adm. Code 724.984(e)(1) or (f)(1);
- 2) Identification of each container area subject to Subpart CC of 35 Ill. Adm. Code 724 and the owner's or operator's certification that the requirements of this Subpart J are met;
- 3) Documentation for each enclosure used to control air pollutant emissions from tanks or containers pursuant to requirements of 35 Ill. Adm. Code 724.984(d)(5) or 724.986(e)(1)(B). The owner or operator must include records for the most recent set of calculations and measurements that it performed to verify that the enclosure meets the criteria of a permanent total enclosure as specified in appendix B to 40 CFR 52.741 (Procedure T - Criteria for and Verification of a Permanent or Temporary Total Enclosure), incorporated by reference in 35 Ill. Adm. Code 720.111(b);
- 4) This subsection (e)(4) corresponds with 40 CFR 270.315(d), which USEPA has marked "Reserved-". This statement maintains structural consistency with the corresponding federal rules;
- 5) Documentation for each closed-vent system and control device installed pursuant to 35 Ill. Adm. Code 724.987 that includes design and performance information, as specified in Section 703.210(c) and (d); and
- 6) An emission monitoring plan for both Method 21 in appendix A to 40 CFR 60 (Determination of Volatile Organic Compound Leaks), 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.

BOARD NOTE: Subsection (e) ~~of this Section~~ is derived from 40 CFR 270.315 (2017) ~~-(2007)~~.

(Source: Amended at 42 Ill. Reg. , effective)

Section 703.APPENDIX A Classification of Permit Modifications

ClassModificationsA. General Permit Provisions11. Administrative and informational changes.12. Correction of typographical errors.13. Equipment replacement or upgrading with functionally equivalent

components (e.g., pipes, valves, pumps, conveyors, controls).4.

Changes in the frequency of or procedures for monitoring, reporting, sampling, or maintenance activities by the permittee:1a. To provide for more frequent monitoring, reporting, or maintenance.2b.

Other changes.5. Schedule of compliance:1*a. Changes in interim compliance dates, with prior approval of the Agency.3b. Extension of final compliance date.1*6. Changes in expiration date of permit to allow earlier permit termination, with prior approval of the Agency.1*7.

Changes in ownership or operational control of a facility, provided the procedures of Section 703.260(b) are followed.1*8.

Changes to remove permit conditions that are no longer applicable (i.e., because the standards upon which they are based are no longer applicable to the facility).1*9. Changes to remove permit conditions applicable to a unit excluded pursuant to the provisions of 35 Ill. Adm. Code 721.104.1*10.

Changes in the expiration date of a permit issued to a facility at which all units are excluded pursuant to the provisions of 35 Ill. Adm. Code 721.104.B. General Facility Standards1. Changes to waste sampling or analysis methods:1a. To conform with Agency guidance or Board regulations.1*b. To incorporate changes associated with F039 (multi-source leachate) sampling or analysis methods.1*c. To incorporate changes associated with underlying hazardous constituents in ignitable or corrosive wastes.2d. Other changes.2. Changes to analytical quality assurance or quality control plan:1a. To conform with agency guidance or regulations.2b. Other changes.13. Changes in procedures for maintaining the operating record.24. Changes in frequency or content of inspection schedules.5. Changes in the training plan:2a.

That affect the type or decrease the amount of training given to employees.1b. Other changes.6. Contingency plan:2a. Changes in emergency procedures (i.e., spill or release response procedures).1b.

Replacement with functionally equivalent equipment, upgrade, or relocate emergency equipment listed.2c. Removal of equipment from emergency equipment list.1d. Changes in name, address, or phone number of coordinators or other persons or agencies identified in the plan. Note: When a permit modification (such as introduction of a new unit) requires a change in facility plans or other general facility standards, that change must be reviewed under the same procedures as the permit modification.7. CQA plan:1a. Changes that the CQA officer certifies in the operating record will provide equivalent or better certainty that the unit components meet the design specifications.2b. Other changes. Note: When a permit modification (such as introduction of a new unit) requires a change in facility plans or other general facility standards, that change must be reviewed under the same procedures as a permit modification.C. Groundwater Protection1. Changes to wells:2a.

Changes in the number, location, depth, or design of upgradient or downgradient wells of permitted groundwater monitoring system.1b. Replacement of an existing well that has been damaged or rendered inoperable, without change to location, design, or depth of the well.1*2. Changes in groundwater sampling or analysis procedures or monitoring schedule, with prior approval of the Agency.1*3. Changes in statistical procedure for determining whether a statistically significant change in groundwater quality between upgradient and downgradient wells has occurred, with prior approval of the Agency.24.

Changes in point of compliance.5. Changes in indicator parameters, hazardous constituents, or concentration limits (including ACLs (Alternate Concentration Limits)):3a. As specified in the groundwater protection standard.2b. As specified in the detection monitoring program.26. Changes to a detection monitoring program as required by 35 Ill. Adm. Code 724.198(h), unless otherwise specified in this Appendix.7. Compliance monitoring program:3a. Addition of compliance monitoring program as required by 35 Ill. Adm. Code 724.198(g)(4) and 724.199.2b. Changes to a compliance monitoring program as required by 35 Ill. Adm. Code 724.199(j), unless otherwise specified in this Appendix.8. Corrective action program:3a. Addition of a corrective action program as required by 35 Ill. Adm. Code 724.199(i)(2) and 724.200.2b. Changes to a corrective action program as required by 35 Ill. Adm. Code 724.200(h), unless otherwise specified in this Appendix.D.

Closure1. Changes to the closure plan:1*a. Changes in estimate of maximum extent of operations or maximum inventory of waste on-site at any time during the active life of the facility, with prior approval of the Agency.1*b. Changes in the closure schedule for any unit, changes in the final closure schedule for the facility or extension of the closure period, with prior approval of the Agency.1*c. Changes in the expected year of final closure, where other permit conditions are not changed, with prior approval of the Agency.1*d. Changes in procedures for decontamination of facility equipment or structures, with prior approval of the Agency.2e. Changes in approved closure plan resulting from unexpected events occurring during partial or final closure, unless otherwise specified in this Appendix.2f. Extension of the closure period to allow a landfill, surface impoundment, or land treatment unit to receive non-hazardous wastes after final receipt of hazardous wastes under 35 Ill. Adm. Code 724.213(d) or (e).32. Creation of a new landfill unit as part of closure.3. Addition of the following new units to be used temporarily for closure activities:3a. Surface impoundments.3b. Incinerators.3c. Waste piles that do not comply with 35 Ill. Adm. Code 724.350(c).2d. Waste piles that comply with 35 Ill. Adm. Code 724.350(c).2e. Tanks or containers (other than specified in paragraph D(3)(f) below).1*f. Tanks used for neutralization, dewatering, phase separation, or component separation, with prior approval of the Agency.2g. Staging piles.E. Post-Closure11. Changes in name, address, or phone number of contact in post-closure plan.22. Extension of post-closure care period.33. Reduction in the post-closure care period.14. Changes to the expected year of final closure, where other permit conditions are not changed.25. Changes in post-closure plan necessitated by events occurring during the active life of the facility, including partial and final closure.F. Containers1. Modification or addition of container units:3a. Resulting in greater than 25 percent increase in the facility's container storage capacity, except as provided in F(1)(c) and F(4)(a).2b. Resulting in up to 25 percent increase in the facility's container storage capacity, except as provided in F(1)(c) and F(4)(a).1c. Modification or addition of container units or treatment processes necessary to treat wastes that are restricted from land disposal to meet some or all of the applicable treatment standards, with prior approval of the Agency. This modification may also involve the addition of new USEPA hazardous waste

numbers—codes or narrative description of wastes. It is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027, and F028).2. Modification of container units without an increased capacity or alteration of the system:2a. Modification of a container unit without increasing the capacity of the unit.1b. Addition of a roof to a container unit without alteration of the containment system.3.

Storage of different wastes in containers, except as provided in F(4):3a. That require additional or different management practices from those authorized in the permit.2b. That do not require additional or different management practices from those authorized in the permit.Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.4.

Storage or treatment of different wastes in containers:2*a. That require addition of units or change in treatment process or management standards, provided that the wastes are restricted from land disposal and are to be treated to meet some or all of the applicable treatment standards. It is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027, and F028).1*b. That do not require the addition of units or a change in the treatment process or management standards, and provided that the units have previously received wastes of the same type (e.g., incinerator scrubber water). This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027, and F028).G. Tanks1. Modification of a tank unit, secondary containment system, or treatment process that increases tank capacity, adds a new tank, or alters treatment, specified as follows:3a.

Modification or addition of tank units resulting in greater than 25 percent increase in the facility's tank capacity, except as provided in paragraphs G(1)(c), G(1)(d), and G(1)(e).2b. Modification or addition of tank units resulting in up to 25 percent increase in the facility's tank capacity, except as provided in paragraphs G(1)(d) and G(1)(e).2c. Addition of a new tank that will operate for more than 90 days using any of the following physical or chemical treatment technologies: neutralization, dewatering, phase separation, or component separation.1*d. After prior approval of the Agency, addition of a new tank that will operate for up to 90 days using any of the following physical or chemical treatment technologies: neutralization, dewatering, phase separation, or component separation.1*e.

Modification or addition of tank units or treatment processes that are necessary to treat wastes that are restricted from land disposal to meet some or all of the applicable treatment standards, with prior approval of the Agency. This modification may also involve the addition of new USEPA hazardous waste numbers—codes. It is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027, and F028).22. Modification of a tank unit or secondary containment system without increasing the capacity of the unit.13. Replacement of a tank with a tank that meets the same design standards and has a capacity within ± 10 percent of the replaced tank provided:a. The capacity difference is no more than 1500 gallons (5680 l),b. The facility's permitted tank capacity is not increased, andc. The replacement tank meets the same conditions in the permit.24. Modification of a tank management practice.5. Management of different wastes in tanks:3a. That require additional or different management practices, tank design,

different fire protection specifications or significantly different tank treatment process from that authorized in the permit, except as provided in paragraph G(5)(c).2b. That do not require additional or different management practices or tank design, different fire protection specification, or significantly different tank treatment process than authorized in the permit, except as provided in paragraph G(5)(d).Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.1*c. That require addition of units or change in treatment processes or management standards, provided that the wastes are restricted from land disposal and are to be treated to meet some or all of the applicable treatment standards. The modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027, and F028).1d. That do not require the addition of units or a change in the treatment process or management standards, and provided that the units have previously received wastes of the same type (e.g., incinerator scrubber water). This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027, and F028).Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.H. Surface Impoundments31.

Modification or addition of surface impoundment units that result in increasing the facility's surface impoundment storage or treatment capacity.32. Replacement of a surface impoundment unit.23.

Modification of a surface impoundment unit without increasing the facility's surface impoundment storage or treatment capacity and without modifying the unit's liner, leak detection system, or leachate collection system.24. Modification of a surface impoundment management practice.5. Treatment, storage, or disposal of different wastes in surface impoundments:3a. That require additional or different management practices or different design of the liner or leak detection system than authorized in the permit.2b. That do not require additional or different management practices or different design of the liner or leak detection system than authorized in the permit.Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.1c. That are wastes restricted from land disposal that meet the applicable treatment standards. This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027, and F028).1d. That are residues from wastewater treatment or incineration, provided the disposal occurs in a unit that meets the minimum technological requirements stated in 40 CFR 268.5(h)(2) (Procedures for Case-by-Case Extensions to an Effective Date), incorporated by reference in 35 Ill. Adm. Code 720.111(b), and provided further that the surface impoundment has previously received wastes of the same type (for example, incinerator scrubber water). This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027, and F028).1*6. Modifications of unconstructed units to comply with 35 Ill. Adm. Code 724.321(c), 724.322, 724.323, and 724.326(d).7. Changes in response action plan:3a. Increase in action leakage rate.3b.

Change in a specific response reducing its frequency or effectiveness.2c. Other changes.Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or

identified wastes.I. Enclosed Waste Piles. For all waste piles, except those complying with 35 Ill. Adm. Code 724.350(c), modifications are treated the same as for a landfill. The following modifications are applicable only to waste piles complying with 35 Ill. Adm. Code 724.350(c).1. Modification or addition of waste pile units:3a.

Resulting in greater than 25 percent increase in the facility's waste pile storage or treatment capacity.2b. Resulting in up to 25 percent increase in the facility's waste pile storage or treatment capacity.22. Modification of waste pile unit without increasing the capacity of the unit.13. Replacement of a waste pile unit with another waste pile unit of the same design and capacity and meeting all waste pile conditions in the permit.24. Modification of a waste pile management practice.5. Storage or treatment of different wastes in waste piles:3a. That require additional or different management practices or different design of the unit.2b. That do not require additional or different management practices or different design of the unit.Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.26. Conversion of an enclosed waste pile to a containment building unit.Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.J. Landfills and Unenclosed Waste Piles31. Modification or addition of landfill units that result in increasing the facility's disposal capacity.32. Replacement of a landfill.33. Addition or modification of a liner, leachate collection system, leachate detection system, runoff control, or final cover system.24. Modification of a landfill unit without changing a liner, leachate collection system, leachate detection system, runoff control, or final cover system.25. Modification of a landfill management practice.6. Landfill different wastes:3a. That require additional or different management practices, different design of the liner, leachate collection system, or leachate detection system.2b. That do not require additional or different management practices, different design of the liner, leachate collection system, or leachate detection system.Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.1c. That are wastes restricted from land disposal that meet the applicable treatment standards. This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027, and F028).1d. That are residues from wastewater treatment or incineration, provided the disposal occurs in a landfill unit that meets the minimum technological requirements stated in 40 CFR 268.5(h)(2) (Procedures for Case-by-Case Extensions to an Effective Date), incorporated by reference in 35 Ill. Adm. Code 720.111(b), and provided further that the landfill has previously received wastes of the same type (for example, incinerator ash). This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027, and F028).1*7. Modification of unconstructed units to comply with 35 Ill. Adm. Code 724.351(c), 724.352, 724.353, 724.354(c), 724.401(c), 724.402, 724.403(c), and 724.404.8. Changes in response action plan:3a.

Increase in action leakage rate.3b. Change in a specific response reducing its frequency or effectiveness.2c. Other changes.Note: See Section 703.280(g) for modification procedures to be

used for the management of newly listed or identified wastes.K. Land Treatment31. Lateral expansion of or other modification of a land treatment unit to increase area extent.22. Modification of runoff control system.33. Modify runoff control system.24. Other modification of land treatment unit component specifications or standards required in permit.5. Management of different wastes in land treatment units:3a. That require a change in permit operating conditions or unit design specifications.2b. That do not require a change in permit operating conditions or unit design specifications.Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.6.

Modification of a land treatment unit management practice to:3a. Increase rate or change method of waste application.1b. Decrease rate of waste application.27. Modification of a land treatment unit management practice to change measures of pH or moisture content or to enhance microbial or chemical reactions.38. Modification of a land treatment unit management practice to grow food chain crops, to add to or replace existing permitted crops with different food chain crops or to modify operating plans for distribution of animal feeds resulting from such crops.39. Modification of operating practice due to detection of releases from the land treatment unit pursuant to 35 Ill. Adm. Code 724.378(g)(2).310. Changes in the unsaturated zone monitoring system that result in a change to the location, depth, or number of sampling points or which replace unsaturated zone monitoring devices or components of devices with devices or components that have specifications different from permit requirements.211. Changes in the unsaturated zone monitoring system that do not result in a change to the location, depth, or number of sampling points or which replace unsaturated zone monitoring devices or components of devices with devices or components having specifications different from permit requirements.212. Changes in background values for hazardous constituents in soil and soil-pore liquid.213. Changes in sampling, analysis, or statistical procedure.214. Changes in land treatment demonstration program prior to or during the demonstration.1*15.

Changes in any condition specified in the permit for a land treatment unit to reflect results of the land treatment demonstration, provided performance standards are met, and the Agency's prior approval has been received.1*16. Changes to allow a second land treatment demonstration to be conducted when the results of the first demonstration have not shown the conditions under which the wastes can be treated completely, provided the conditions for the second demonstration are substantially the same as the conditions for the first demonstration and have received the prior approval of the Agency.317.

Changes to allow a second land treatment demonstration to be conducted when the results of the first demonstration have not shown the conditions under which the wastes can be treated completely, where the conditions for the second demonstration are not substantially the same as the conditions for the first demonstration.218. Changes in vegetative cover requirements for closure.L. Incinerators, Boilers and Industrial Furnaces31. Changes to increase by more than 25 percent any of the following limits authorized in the permit: A thermal feed rate limit, a feedstream feed rate limit, a chlorine/chloride feed rate limit, a metal

feed rate limit, or an ash feed rate limit. The Agency must require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means.22. Changes to increase by up to 25 percent any of the following limits authorized in the permit: A thermal feed rate limit, a feedstream feed rate limit, a chlorine/chloride feed rate limit, a metal feed rate limit, or an ash feed rate limit. The Agency must require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means.33. Modification of an incinerator, boiler, or industrial furnace unit by changing the internal size or geometry of the primary or secondary combustion units; by adding a primary or secondary combustion unit; by substantially changing the design of any component used to remove HCl/Cl₂, metals, or particulate from the combustion gases; or by changing other features of the incinerator, boiler, or industrial furnace that could affect its capability to meet the regulatory performance standards. The Agency must require a new trial burn to substantiate compliance with the regulatory performance standards, unless this demonstration can be made through other means.24.

Modification of an incinerator, boiler, or industrial furnace unit in a manner that will not likely affect the capability of the unit to meet the regulatory performance standards but which will change the operating conditions or monitoring requirements specified in the permit. The Agency may require a new trial burn to demonstrate compliance with the regulatory performance standards.5. Operating requirements:3a.

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

Modification of any stack gas emission limits specified in the permit, or modification of any conditions in the permit concerning emergency shutdown or automatic waste feed cutoff procedures or controls.2c. Modification of any other operating condition or any inspection or recordkeeping requirement specified in the permit.6.

Burning different wastes:3a. If the waste contains a POHC that is more difficult to burn than authorized by the permit or if burning of the waste requires compliance with different regulatory performance standards than specified in the permit, the Agency must require a new trial burn to substantiate compliance with the regulatory performance standards, unless this demonstration can be made through other means.2b.

If the waste does not contain a POHC that is more difficult to burn than authorized by the permit and if burning of the waste does not require compliance with different regulatory performance standards than specified in the permit.Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.7. Shakedown and trial burn:2a.Modification of the trial burn plan or any of the permit conditions applicable during the shakedown period for determining operational readiness after construction, the

trial burn period or the period immediately following the trial burn.1*b. Authorization of up to an additional 720 hours of waste burning during the shakedown period for determining operational readiness after construction, with the prior approval of the Agency.1*c.

Changes in the operating requirements set in the permit for conducting a trial burn, provided the change is minor and has received the prior approval of the Agency.1*d. Changes in the ranges of the operating requirements set in the permit to reflect the results of the trial burn, provided the change is minor and has received the prior approval of the Agency.18. Substitution of an alternative type of non-hazardous waste fuel that is not specified in the permit.1*9.

Technology changes needed to meet standards under federal subpart EEE of 40 CFR 63 (National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors), incorporated by reference in 35 Ill. Adm. Code 720.111(b), provided the procedures of Section 703.280(j) are followed.1*10. Changes to RCRA Permit provisions needed to support transition to federal subpart EEE of 40 CFR 63 (National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors), incorporated by reference in 35 Ill. Adm. Code 720.111(b), provided the procedures of Section 703.280(k) are followed.M. Containment Buildings1. Modification or addition of containment building units:3a. Resulting in greater than 25 percent increase in the facility's containment building storage or treatment capacity.2b. Resulting in up to 25 percent increase in the facility's containment building storage or treatment capacity.22.

Modification of a containment building unit or secondary containment system without increasing the capacity of the unit.3.

Replacement of a containment building with a containment building that meets the same design standards provided:1a. The unit capacity is not increased.1b. The replacement containment building meets the same conditions in the permit.24. Modification of a containment building management practice.5. Storage or treatment of different wastes in containment buildings:3a. That require additional or different management practices.2b. That do not require additional or different management practices.N. Corrective Action31. Approval of a corrective action management unit pursuant to 35 Ill. Adm. Code 724.652.22. Approval of a temporary unit or time extension pursuant to 35 Ill. Adm. Code 724.653.23. Approval of a staging pile or staging pile operating term extension pursuant to 35 Ill. Adm. Code 724.654.0-

~~Burden Reduction1. This paragraph 0.1. corresponds with paragraph 0.1. in appendix I to 40 CFR 270.42, which became obsolete when USEPA terminated the Performance Track Program at 74 Fed. Reg. 22741 (May 14, 2009). USEPA has recognized that program related rules are no longer effective at 75 Fed. Reg. 12989, 92, note 1 (Mar. 18, 2010). This statement maintains structural consistency with the corresponding federal requirements.12. Development of one contingency plan based on Integrated Contingency Plan Guidance pursuant to 35 Ill. Adm. Code 724.152(b).13. A change to recordkeeping and reporting requirements pursuant to any of the following: 35 Ill. Adm. Code 724.156(i), 724.443(a)(2), 724.961(b)(1) and (d), 724.962(a)(2), 724.296(f), 724.200(g), or 724.213(e)(5).14. A change to inspection frequency for a tank system pursuant to 35 Ill. Adm. Code 724.295(b).15.~~

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